

# OTTERPOOL PARK

## Environmental Statement Appendix 7.2 – Consultation and EIA Scoping

MARCH 2022



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# 1 Introduction

## 1.1 Overview

1.1.1 Arcadis Consulting (UK) Limited ('Arcadis') has been commissioned on behalf of Otterpool Park LLP ('the applicant') to compile an Environmental Statement (ES) and conduct an Environmental Impact Assessment (EIA) for the proposed 'Otterpool Park' located within Kent. Otterpool Park is a proposed new garden settlement (the proposed Development).

## 1.2 Consultees

### General consultation

- 1.2.1 In relation to biodiversity, general consultation was conducted with the following consultees:
- Kent County Council (KCC) Biodiversity Officers, who were providing biodiversity advice on behalf of the local Planning Authority (FHDC);
  - Natural England;
  - The Environment Agency; and
  - The Kent Wildlife Trust (KWT).

### EIA scoping responses

- 1.2.2 From the EIA scoping report, responses with regards to biodiversity were received from:
- Natural England;
  - Temple Group Ltd who were providing biodiversity advice on behalf of the local Planning Authority (F&HDC); and
  - The Environment Agency.

## 2 Summary of Consultation

### 2.1 Introduction

2.1.1 This section of the report outlines the consultation with stakeholders conducted by Arcadis between 2016 and 2021. This section of the report is split into general consultation and consultation related to the formal EIA scoping.

### 2.2 General Consultation

2.2.1 This section of the report outlines the key aspects of the consultation conducted in relation to the ecology and biodiversity of the site. A summary of the consultation conducted is presented in Table 1, with consultation documentation presented in Appendix C to Appendix K.

Table 1 Summary of consultation responses

Consultee/Contact/Date	Location of consultation / minutes
Environment Agency (EA) <b>10 October 2016</b> Consultation between: Fisheries Officer (EA) Ecology lead (Arcadis) Telephone conversation	N/A – telephone conversation only
EA <b>14 November 2016</b> Consultation Between Team Leader (EA) Ecology lead (Arcadis) Technical Director (water)(Arcadis) In person	Internal meeting notes presented in Appendix A
Natural England <b>7 December 2016</b> Attendees included: Associate Technical Director (landscape)(Arcadis) Senior advisor (NE) Ecology lead (Arcadis) In person	Appendix B
Natural England <b>10 May 2017</b> Consultation between: Senior advisor (NE) Ecology lead (Arcadis) In person	Email sent presented in Appendix G

Consultee/Contact/Date	Location of consultation / minutes
<p>Kent County Council (KCC)  <b>April / May 2017</b>            Consultation between            Ecology Officer (KCC)            Ecology lead (Arcadis)            Brief discussion of key concepts undertaken on 21 April 2017            Informal outline scoping sent to KCC by email on 9 May 2017.            Site meeting undertaken to discuss specific details 24 May 2017            In person</p>	<p>Informal scoping letter Appendix D.</p>
<p>Kent County Council (KCC)  <b>June 2017</b>            Consultation between:            Ecology Officer (KCC)            Ecology lead (Arcadis)            Formal scoping email sent 22 June 2017            Response Received 30 June 2017            In person</p>	<p>Formal Scoping letter in Appendix H            Response from KCC is presented in Appendix I.</p>
<p>Natural England (NE)  <b>31st July 2017</b>            Consultation Between            Senior advisor (NE)            Technical Director (Arcadis)            Telephone conversation</p>	<p>N/A</p>
<p>EA  <b>15 September 2017</b>            Consultation between            Planning specialist (EA)            Ecology lead (Arcadis)            Email outlining proposed surveys for EIA sent to the EA. A response was received on 6 October 2017.            In person</p>	<p>Email sent to EA presented in Appendix J.            Response from EA presented in Appendix K.</p>
<p>Kent Wildlife Trust (KWT), F&amp;HDC  <b>17 November 2017</b>            Attendees:            Project Manager (F&amp;HDC);            Ecology lead (Arcadis);            Officer (Kent Wildlife Trust);            Planning and Conservation Officer (Kent Wildlife Trust)</p>	<p>N/A</p>

Consultee/Contact/Date	Location of consultation / minutes
In person	
Natural England (NE) <b>1 December 2017</b> Attendees: Senior advisor (NE) Advisor (NE) Advisor (NE) Ecology lead (Arcadis) In person	Appendix C
Natural England <b>25 May 2018</b> Attendees: Senior advisor (NE) Ecology lead (Arcadis) Telephone conversation	HRA scoping email presented in Appendix E. Telephone meeting minutes presented in Appendix F.
KCC (providing biodiversity input on behalf of F&HDC as the competent authority) PPA Meeting (Planning Performance Agreement) <b>21 June 2018</b> Multiple attendees including Landscape Designer (Arcadis) Ecology lead (Arcadis) Kent County Ecologist (KCC) In person	N/A – presentation.
NE DAS (design and Access Statement) Meeting <b>24 October 2018</b> Multiple Attendees, including: Senior advisor (NE) Ecology lead (Arcadis) In person <b>Minutes received 7 November 2018</b>	Meeting minutes presented as Appendix U
Planning query to (PTES) (Peoples Trust for Endangered Species) Orchard Biodiversity Officer <b>Email received 22 November 2018</b> Email to Senior Planning Officer at F&HDC (Folkestone & Hythe District Council) Via Email	Email presented in Appendix T.
9 January 2019  Otterpool Park Local Planning Authority (LPA) Workshop	N/A

Consultee/Contact/Date	Location of consultation / minutes
Civic Centre, Folkestone PARTICIPANTS Local Planning Authority F&HDC Chief Planning Officer F&HDC Case Officer KCC Infrastructure Lead Officer Kent County Ecologist (KCC) Landscape Consultants for F&HDC GI Strategy Otterpool Park Project Manager F&HDC Otterpool Park Director F&HDC, Otterpool Park Director Quod Associate Director, Quod Master planner, Farrells Technical Director, Arcadis Associate Technical Director, Arcadis Ecology lead Arcadis	
F&HDC (Report compiled by Temple on Behalf of F&HDC) Dated: 05/04/2019	Appendix V
Case Officer report Dated: 11/07/2019	Appendix W
KCC comment on the OPA Dated: 11/07/2019	Appendix X
KCC 2020 Survey Scope (Telephone Meeting) 24/10/2019	Minutes Appendix Y
KCC 2020 Survey Scope (Email) 29/11/2019	Appendix Z
EA 2020 Survey Scope (Email) 03/12/2019	Appendix AA
NE 2020 Survey Scope	Appendix BB

Consultee/Contact/Date	Location of consultation / minutes
(Email) 03/12/2019	
KCC 2020 Survey Scope UPDATE in relation to COVID 19 (Email) 09/06/2020	Appendix CC
Kent County Council (KCC) 2021 Survey Scope (Meeting) 16/12/2020 Arcadis Ecology lead (Arcadis) Ecologist (Arcadis) Kent County Ecologist (KCC)	N/A
Kent County Council (KCC) 2021 Survey Scope (Email) 18/01/2021 Ecology lead (Arcadis) Kent County Ecologist (KCC)	Appendix DD
Otterpool Meeting (Online Meeting) F&HDC & KCC 27/05/2021 Case officer (F&HDC LPA) Kent County Ecologist (KCC) Graduate Biodiversity Officer (KCC) Ecology lead (Arcadis)	N/A
28/05/2021 Telephone meeting with: Community Engagement Officer (White Cliffs Countryside Partnership) Project Manager short-haired bumblebee reintroduction (Bumblebee Conservation Trust) Folkestone Ranger, White Cliffs Countryside Partnership Scheme Manager White Cliffs Countryside Partnership Subsequently, information received from Project Manager, Bumblebee Conservation Trust, Email received 21 June 2021, Email to Ecology lead, Arcadis	N/A

Consultee/Contact/Date	Location of consultation / minutes
Natural England 2021 Discussion 06/05/2021	Appendix EE
Natural England Email regarding HRA approach to Air Quality 14/07/2021	FF

### 2.3 EIA Scoping

- 2.3.1 This section of the report outlines the consultee responses to the EIA scoping exercise for biodiversity.
- 2.3.2 Table 2 below outlines the EIA scoping responses and Arcadis clarification requests. Further information relating to the biodiversity EIA scoping responses is presented in Appendix L to Appendix S.

Table 2 Summary of EIA scoping responses

N.B. Only responses which are related to biodiversity / ecology are included within this section.

Consultee/Contact	Location of correspondence
Temple on behalf of Folkestone and Hythe District Council Received via James Farrar	Covering letter from LPA shown in Appendix L. KCC scoping response compiled by Temple Group is presented in Appendix M. Clarifications requested by Arcadis are presented in Appendix N. A response from KCC is presented in Appendix O
Environment Agency Planning Specialist	The letter from the EA is presented in Appendix S
Natural England	The letter from Natural England is presented in Appendix P. Arcadis request for clarification is presented in Appendix Q. The response from NE is presented in Appendix R.
Natural England	ES Appendix 2.2
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	ES Appendix 2.2
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	

Consultee/Contact	Location of correspondence
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	
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Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	
Scoping Opinion F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	
Scoping Opinion	



<b>Consultee/Contact</b>	<b>Location of correspondence</b>
F&HDC (Report compiled by Temple as LPA advisor) Dated 29/07/2021	

## **APPENDIX A: Meeting Minutes 14 November 2016 (EA)**

**SUBJECT**  
Otterpool Park EA Introductory Meeting Notes (internal circulation)

**START 14:30**

**DATE 14/11/16**

**LOCATION**

Shepway District Council  
Civic Centre,  
Castle Hill Avenue,  
Folkestone,  
Kent  
CT20 2QY

**ORGANISER**

██████████

**PARTICIPANTS**

██████████ – Environment Agency  
██████████ (JW) – Kent County Council (KCC)  
██████████ (BM) – Arcadis Ecology  
██████████ (RG) – Arcadis Water

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### Communication Setup and Charging

All communications with the Environment Agency are to be handled by Ghada Mitri (GM). Everything should go through her, she will forward to the correct department / individual.

The EA break down their input into two sections:

- Statutory input (which is free)
- Planning advice (for which there is a charge).

Once GM has a request for input from us, she will sort the requests into statutory responses and planning advice, and arrange a fee with Shepway, if required.

For all queries which are for DATA or DATA SETS, this information is free. Requests for data should be emailed to: [kslenquiries@environment-agency.com](mailto:kslenquiries@environment-agency.com). Please CC Ghada Mitri [ghada.mitri@environment-agency.gov.uk](mailto:ghada.mitri@environment-agency.gov.uk) into these emails so that there is no duplication of effort and she is aware what has been requested.

Currently, correspondence with KCC is not chargeable (other than for input which is deferred from Shepway, the fees for which they determine). This is likely to change.

### Responsibilities

GM confirmed that the EA are responsible for the main rivers on site – The East Stour (and any buffers, inputs modifications etc.) and KCC are responsible for all other water courses (ditches etc). There is obviously some overlap, this will be determined between them. If in doubt please ask or send requests / queries to both GM and KCC ( [joseph.williamson@kent.gov.uk](mailto:joseph.williamson@kent.gov.uk) , [suds@kent.gov.uk](mailto:suds@kent.gov.uk) ).

### Design Rules

#### Drainage / water

The EA and KCC outlined a number of key design rules.

With regards to drainage, the following apply:

- The off-site flood attenuation area, Adlington (to the East) is at maximum capacity already.
- No approvals will be given for a scheme which increases the output of the East Stour River in any way. There must not be:
  - o An increase in volume;

- An increase in flow;
  - A deterioration in water quality;
  - Run-off rates must be the same as greenfield;
  - Any outflow from any WWTP must be included within the flow calculations and mitigated / controlled.
- Infiltration of as much water is preferred, however we must demonstrate what is in the ground (landfill etc) and historic land use to show that an increase / change in infiltration will not pollute any aquifers. The contamination likelihood of the **entire site** must be quantified and addressed.
  - Recharging of aquifers is recommended as Kent has a water shortage.
  - If any existing culverts are to remain these must be assessed for condition and capacity to determine if they are sufficient for the predicted flow (i.e. will not increase flood risk).
  - SuDs design should meet the KCC parameters and Standards for Ashford Borough Council SPD (supplementary planning document) – both available on line.
  - Arcadis / the client need to provide all of the information required to prove what Arcadis are asserting, the EA will have no lead on outlining what we need to provide.
  - Water companies need to be contacted to determine how water is to be provided and how waste will be dealt with. This was only touched on in the meeting.

### General

The following general design rules apply across the master plan and are a key concern for KCC and the EA.

- Main rivers must have a MINIMUM (but likely to be much larger) 8m buffer from the bank top on all main rivers. This must be traversable by large machinery if required. i.e. no benches, pathways etc. in this zone. Anything in this zone must be approved and permitted.
- All other drainage features require a 4m buffer from the bank top, but again is likely to be much larger dependent upon the habitats and species present.
- NO CULVERTING will be permitted. BM asked whether de-culverting of other areas could be used to offset any new culverts but KCC and the EA would not comment on this.
- All river crossings of the main river must be via clear span bridges.
- All impacts to riparian margin vegetation and habitat must be justified and mitigated.
- New watercourses and features are to be approved by KCC but they will not adopt or maintain them. There may be some scope for them to adopt SuDs which drain highways but this will need to be discussed.

### Ecology

- Otter are recorded in the Great Stour and any scheme must allow for the potential for this species to be present in the area and/or use the East Stour in the future. Future proofing of the design will be expected.
- All minimum buffer widths from water courses must be justified with survey data.
- All invasive species must be addressed (and replaced with natives where possible). Use of non-native species within any planting schemes will be discouraged by KCC and the EA.
- Any relevant data on the biodiversity of the East Stour which is not available through the EA direct (fish, plants, macroinvertebrates etc.) must be provided by Arcadis / the client if required.

### **Consent and Permitting**

GM and JW asked that it was reiterated that permitting is entirely separate from planning. Anything which requires permitting will need to be addressed separately with the permitting team (works within the watercourse buffer areas, waste issues etc.). Planning does not supersede the permitting requirements.

For all consent and permitting queries please contact the EA general permitting contacts.

**Data Requests**

Many of the teams requested data from the environment agency. Some of the data requested is not held by the EA. Contact details for requesting data are as above.

**Other Information**

In discussions with KCC it was revealed that the M20 lorry park falls under permitted development. The drainage of this scheme is not going to have any infiltration (all water to be stored in tanks and slowly discharged).

ALL TEAMS - We should probably assess how the lorry park is going to affect our application for all receptors in detail as this will not be being assessed at the planning stage for the Lorry Park.

## **APPENDIX B: Meeting Minutes 7 December 2016 (Natural England)**

Date: 15 December 2016  
Our ref: DAS/11529/202390



██████████ Landscape Architect, Arcadis  
██████████ Principal Ecologist, Arcadis

cc ██████████ Project Manager, Shepway DC  
██████████ Development Manager, Arcadis  
██████████ Head of Planning, Shepway DC  
██████████ Planning officer, Shepway DC

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

0300 060 3900

Dear ██████████,

**Discretionary Advice Service (Charged Advice)**

**DAS 2158**

**Development proposal and location:** Otterpool Park garden town

Thank you for meeting with us on the above on 07 December 2016, at our Ashford office.

This advice is being provided as part of Natural England's Discretionary Advice Service (DAS). Arcadis, on behalf of Shepway DC, has asked Natural England to provide advice upon:

- Designated sites including:
  - Sites of Special Scientific Interest (SSSIs)
  - European sites including Special Protection Areas (SPAs), Special Areas of Conservation (SAC) and Ramsar sites
- Habitat Regulations Assessment (HRA) approach
- Green infrastructure
- Scope for future detailed advice

This advice is provided in accordance with the Quotation and Agreement dated 02 December 2016.

The following advice is based upon the discussion that took place during the meeting including various draft maps and plans available only at the meeting.

**Summary**

The location, scale and complexity of the Otterpool Park proposed development mean there are significant environmental implications, both in terms of impact and opportunity.

The site is surrounded to the north, east and south by the Kent Downs Area of Outstanding Natural Beauty (AONB). Otterpool Park will be clearly visible from the escarpment to the north, along which runs the North Downs Way National Trail. The setting of the AONB is a special quality for which it is designated, the impacts on which will require detailed assessment. In particular, Otterpool Park will need to be assessed in combination with other permitted or proposed development including Operation Stack and the eastern extension to Sellindge, as together, these developments present widespread and significant urbanisation in the immediate setting of the AONB.

The proposals also present significant opportunity, in the form of green infrastructure and making use of its multiple ecosystem services and benefits for people. Given the early stage of planning, GI should form a fundamental part of it, with the aim of achieving a high quality GI network which forms the fabric of the new community. There is the chance to make Otterpool Park an exemplar case in

sustainable development and green planning.

We have welcomed the opportunity to discuss the proposals at this very early stage, and are keen to engage further with Arcadis and Shepway DC on the following issues as the project progresses:

- Protected landscape – Landscape and Visual Impact Assessment (LVIA)
- Designated sites – Otterpool Quarry SSSI and Habitat Regulations Assessment (HRA)
- Protected species
- Green infrastructure
- Soils and Agricultural Land Classification (ALC)

Please see our further detailed comment on these below.

### **Protected sites**

#### ***Habitat Regulations Assessment (HRA)***

We briefly discussed key impact pathways which will need consideration in the HRA for the Otterpool Park proposals. These include:

- *Air quality* – European sites within 10km of Otterpool Park which are located at least partly within 200m of strategic roads which are likely to be used by traffic generated by the proposals. In particular this should include the nearby Folkestone to Etchinghill Escarpment SAC to the east, much of which lies close to the M20 (near J13), A20 and A259. Modelling will be required on traffic flows and air quality likely to arise from the Otterpool Park development for the course of its lifetime, including construction.
- *Recreational pressure* – potential impacts will need to be considered on a number of sites including several SACs notified for calcareous grassland (eg Folkestone to Etchinghill Escarpment SAC, Parkgate SAC, Dover to Kingsdown Cliffs SAC and Lydden and Temple Downs SAC) and the Blean Complex SAC notified for woodland habitats.

The Dungeness designated sites (Dungeness SAC and Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site) will also need consideration, in particular for impacts of trampling on vegetated shingle and disturbance to SPA birds. We suggest you refer to Shepway DC's ongoing work on the Sustainable Access Strategy (SAS). Visitor survey data obtained as part of the project has established most visitors to Dungeness originate from outside Shepway District. It will be necessary to consider key travel routes that will connect Otterpool Park to Dungeness and the likelihood of residents visiting the sites.

We are also pleased to note wintering bird surveys have commenced on the site, which will include establishing whether the site contains important habitat for waders and wildfowl. Given the distance between the proposed site and coastal SPAs/ Ramsar sites, it may be difficult to link birds to specific designated sites. However, the information will be useful in feeding into an overarching green infrastructure strategy for the site.

We would be happy to advise in further detail on the HRA scope, impact assessment and mitigation measures as necessary.

### ***SSSI***

#### **Otterpool Quarry SSSI**

The proposed site includes Otterpool Quarry SSSI. This site is notified for its geological importance, containing an exposure of the Cretaceous Hythe Beds and Sandgate Beds above. It is important for the exposure to remain available for scientific research (for further details please see the [site citation](#)).

Any development or activities which may affect the SSSI should avoid undermining the stability of



the exposure. The exposure needs to be maintained and enhanced where possible should researchers want to examine more of the stratigraphy.

In terms of site management, the site is currently maintained by sheep grazing, and there is no public access. Any changes to management practices and/ or access by the public will need to be discussed and agreed with Natural England, and embedded into a long term management plan.

This will need to include how the site will be protected from unauthorised or reckless fossil collecting, which could become an issue as the site becomes more widely known by the public. There could also be opportunities for the SSSI arising from the proposals, through enhancement measures and improved, well-managed access.

Natural England's Responsible Officer for Otterpool Quarry SSSI site is Abbi Bamping. We would be happy to provide further detailed advice on the SSSI through DAS as necessary.

### **Protected landscape**

The proposed site lies immediately within the setting of the Kent Downs AONB, surrounded by it to the north, east and south.

A Landscape and Visual Impact Assessment (LVIA) will be required in order to assess the impacts of the proposals on the special qualities for which the Kent Downs AONB is designated. This includes the setting of the AONB (Dramatic landform and views). It will be important for a representative sample of viewpoints to be assessed from within the AONB, particularly from prominent locations along the escarpment to the north, including along the North Downs Way National Trail.

The assessment should relate to relevant planning policy including paragraph 115 of the National Planning Policy Framework (NPPF) which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs. Relevant Shepway DC Local Plan policies in the adopted Core Strategy (2014-2026) and emerging Places and Policies Local Plan (PPLP) should also be referred to, including CSD4 *Green Infrastructure of Natural Networks, Open Spaces and Recreation* and NE3 *To protect the District's landscapes and countryside*, respectively.

It will also be crucial for the LVIA to consider cumulative impacts resulting from the Otterpool Park proposals in conjunction with other proposed/ permitted development. In particular this should include the nearby Operation Stack just to the north of the M20, and the potential significant extension of Sellindge on its eastern boundary of approximately 160 homes (current planning application reference Y16/1122/SH). Together, these three developments could result in significant, widespread urbanisation within the immediate setting of the AONB.

Natural England can provide further detailed advice on LVIA methodology including selection of viewpoints, assessment of impacts and proposed mitigation. In order to do this, it will be necessary to visit the site and surrounding AONB. We are pleased to note Arcadis is also engaging with the Kent Downs AONB Unit, which will be crucial given their local expertise of the AONB and its setting.

### **Protected species**

We understand initial surveys and review of existing data indicate a number of European Protected Species may be affected by the proposals including dormice, great crested newt and bats, as well as some nationally protected species such as water vole, common reptiles and badgers.

Natural England would be pleased to offer pre-application detailed advice on protected species, including scoping of surveys, assessment of impacts and proposed mitigation. Susie Moore is our main contact on this aspect at Natural England. This will also include the possibility of applying the new Kent strategic Great Crested Newt licencing process to this development. This is a new landscape scale approach to great crested newt licencing which was first trialled in Woking and has just started to be implemented in Kent.

## **Biodiversity/ green infrastructure enhancements**

The Otterpool Park proposals present a considerable opportunity to plan and deliver an extensive green infrastructure (GI) network, which should form the fabric of the community and achieve the development's status as a garden town.

The multi-functional benefits of GI to the local environment and community are substantial and becoming more widely acknowledged. To name but a few, these range from countering climate change, supporting habitats and wildlife and providing flood storage, to improving landscape character, sense of place, and benefitting people's health and wellbeing.

The drive for integrating GI into planning and development is underpinned in national planning policy (NPPF paragraph 114 requiring local authorities to positively plan for green infrastructure at the strategic level), and Shepway DC's adopted Core Strategy policy *CSD4 – Green infrastructure of Natural Networks, Open Spaces and Recreation*. We understand the council is also developing a district-wide GI Plan in parallel with the Local Plan, of which Otterpool Park would form an important part.

Further evidence and advice on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#). In addition, examples of incorporating GI into building design can be found here:

- Green walls examples:  
<http://www.staffs.ac.uk/research/greenwall/case-studies/>
- Green roofs examples:  
<https://www.cityoflondon.gov.uk/services/environment-and-planning/planning/heritage-and-design/Documents/Green-roof-case-studies-28Nov11.pdf>  
[http://www.thegreenroofcentre.co.uk/green\\_roofs/case\\_studies](http://www.thegreenroofcentre.co.uk/green_roofs/case_studies)

Effective GI will be pivotal in addressing potential impacts of the proposals on landscape, biodiversity and flood risk, as well as making a successful and sustainable new community. It is therefore crucial that GI forms a fundamental part of planning Otterpool Park, from the beginning. It will require bold, inventive and forward-thinking planning and design, collectively with partners and stakeholders, including the Environment Agency. The aim should be high, to achieve an outstanding green and sustainable community that can be regarded as an exemplar case in the country.

Natural England is very keen to engage further on this aspect as the masterplanning develops, and potential impacts and opportunities transpire.

## **Soils**

We are pleased to note Arcadis is undertaking soil classification work across the site. We hold records for existing Agricultural Land Classification (ALC) surveys for the north-eastern part of the site. It will be important to establish what proportion of best and most versatile (BMV) land is contained as a whole on the site, and what proportion could potentially be damaged or lost.

We would be pleased to provide existing ALC reports and specialist advice on soil survey methodology, results and best practice construction measures, as necessary.

For clarification of any points in this letter, please contact Julia Coneybeer on 0208 0268033.

This letter concludes Natural England's Advice within the Quotation and Agreement dated 02 December 2016.

[commercialservices@naturalengland.org.uk](mailto:commercialservices@naturalengland.org.uk)

We would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

The advice provided in this letter has been through Natural England's Quality Assurance process

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,



Lead Advisor  
Sustainable Development, Sussex and Kent

cc [commercialservices@naturalengland.org.uk](mailto:commercialservices@naturalengland.org.uk)

## **APPENDIX C: Meeting Minutes 1 December 2016 (NE)**

**From:** [Coneybeer, Julia \(NE\)](#)  
**To:** [Brandon Murray](#)  
**Subject:** Otterpool - protected species meeting 1st December 2017 - draft summary  
**Date:** 12 January 2018 15:32:10

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Hi Brandon,

Happy new year, I hope you had a good break.

I've summarised our meeting from 1<sup>st</sup> December below – grateful if you can have a read through and confirm if you're happy with this as a record? I will then send it to you in the form of a letter and copy in Rebecca Kearney and Julia Wallace.

Many thanks for now.

Julia

Senior Advisor  
Sustainable Development team  
Sussex & Kent team  
Natural England  
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07778023889

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In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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### **Summary**

Brandon helpfully set out the current ecological value of the proposed site, based on Arcadis' latest survey findings and collated historical data, as well as broad plans for ecological mitigation, compensation and enhancement.

Broadly, the site supports relatively low biodiversity levels, predominantly due to the current intensively managed/ cropped agricultural land. There was evidence of great crested newt, common reptiles, water vole, badgers and some farmland birds (summarised in more detail below).

Key proposed areas for ecological mitigation, compensation and enhancement were highlighted as follows:

- The north-west corner, approx 200-400m wide site across the East Stour river, which we

understand will remain undeveloped due to the flood risk zone but will primarily be enhanced and managed for ecological value. This will include being a receptor site for a number of protected species eg reptiles, great crested newt and water vole.

- Western buffer along Harringe Brook Woods
- East Stour – central part of watercourse with buffer of 100-180m, will also include some access eg cycle/ footpaths; principle of one edge used for access, the other left for ecological value
- Otterpool Quarry SSSI
- Watercourse retained through east of site (runs south-west to north-east including under the A20) with 25m buffer either side, to include rough grassland and tree screening
- Retained ponds eg in Phase 5, and racecourse lake including southern margin of reeds and scrub
- North-east- use of woodland screening along the road next to Sandling Park
- Woodland cemetery, fields buffering Lympne village, community allotments and orchards
- Woodland buffers to be used for screening, swales, ponds, storage
- The south-east part of the site may be used for infiltration (taking pumped water from the developed, north-eastern part of the site)
- Broad principle of tree retention as far as possible (though more detailed arboricultural survey detail will be required for each development phase)

Brandon explained Shepway DC has ownership or options for all land contained within the current redline boundary. Build-out of the development will likely take place over 35 years, with development phases staggered geographically to minimise pinchpoints of pressure in one place, and the infrastructure phase planned in detail and undertaken at an early stage.

Julia made the point the green infrastructure (GI) scheme for the site as a whole will also need to be planned in detail and established as far in advance as possible, which should be clearly set out in the EIA. This should combine protected species measures, flood risk and infiltration management, landscape mitigation, community wellbeing and other ecosystem service measures. In particular, ecological receptor sites and structural planting will need to be established in advance of construction.

The EIA will also need to set out measures for the long-term management of the green infrastructure estate, including options such as council-led management or by another capable organisation eg the Parks Trust (such as in Milton Keynes).

In terms of protected species, Dan and Sarah also highlighted the need for the EIA to make clear what further protected species survey work will be required for each development phase, and how many licences may be required.

### ***Great crested newt – including new licensing approach; Otterpool Park pilot?***

Brandon described how the site supports eight great crested newt ponds, all of which are low quality in terms of habitat suitability. Some will be lost to development eg no 27 (ephemeral pond), and others will be retained eg pond 22 in the Westernhanger Castle grounds, 17 and 15.

The peak GCN pond (peak count of 11) is in the western part of Phase 4 of the Masterplan, which

will be retained within the river corridor (currently ephemeral and in a grazed field).

Dan suggested potential enhancement measures for GCN on upgrading existing roads including dropped curbs and SuDS to replace gully pots.

Dan went on to explain Natural England's new approach for great crested newt licensing, the transition for which is currently underway, from site by site licensing to District level licensing. This new approach involves district wide survey of the distribution of GCN and assessment of the impacts on GCN from all planned development in the district over the whole local plan period. Modelling then predicts opportunities for joining up GCN habitat across a landscape, and highlighting strategic opportunity areas for GCN in order to maintain the species' Favourable Conservation Status (FCS). The strategic delivery is guided by a County wide GCN Conservation Strategy.

Developer participation is voluntary and participating development projects would be expected to make a contribution to the compensatory habitat according to the Risk Zone the development occurs within. This tariff will allow the license holder (The District level license is held by the local planning authority who can grant the license at the same time as planning permission) to deliver compensation ahead of development impact. Compensation habitat would be created in a strategic opportunity area, which could be anywhere within the County of Kent. This habitat will need to be functioning for GCN and secured for 25 years through conservation covenants before development can begin.

Developers who participate in the pilot will be able to avoid the normal requirement for carrying out GCN surveys on their sites. Furthermore, as the compensatory habitat will itself ensure a net benefit to GCN and will be populated by natural dispersal, it is intended that developers who participate in the scheme will not be required to trap and translocated GCN from their sites.

The Otterpool Park proposals could be a pioneer use of the new licensing scheme. Overlaid with current modelling for the Ashford/ Low Weald area, the proposed site compares well regarding current GCN value and potential for enhancement.

The scheme could use the modelling to inform its own compensation, with no need for trapping/ fencing for GCN (though this may still be needed for reptiles). The scale of the site means it could potentially also provide compensation for other development elsewhere in the Shepway district, which could effectively get 'banked' in advance.

Various options could be discussed on how the licensing approach could work at Otterpool Park. For instance, the Otterpool Park developers could pay the GCN licence-owner (ie Shepway DC) for all the compensation needed for this proposal alone (which is compensated elsewhere in the district), or create compensation for the scheme wholly within the proposed site, and potentially provide additional compensation for other development in Shepway. Or there could be a mixture of the two. The way the licence is administered could also be staggered during the phasing of the development.

**ACTION** – Julia/ Dan to set up meeting with Ben Geering (Head of Planning at Shepway DC) and Kent County Council re GCN licensing for Otterpool Park. Meeting should include Brandon, Nathan Caughlin (KCC ecologist) and Liz Millner; potentially at NE office in Ashford in January. JC

to update Natural England Area management.

### **Bats**

Brandon described how bat activity transect surveys and static detector surveys were conducted to determine bat usage across the proposed site and the species assemblage. The survey requirement was reduced by designing the scheme to retain high value areas for bats. Transect surveys were designed to include areas where crossing points may be required over commuting routes. Surveys of buildings focused on structures likely to be demolished or surrounded by development, using transects where access to buildings was difficult. Bat survey results are currently in the process of being analysed.

In general bat activity was low across the proposed site, with no Annex II species found. However, there was a good number of noctules, with the highest density within ancient woodland and along river corridors. A brown long-eared bat maternity roost (5-9 bats) in one of the houses was the most significant roost found.

In terms of mitigation, Brandon explained the whole river corridor will be retained, all the woodland within the proposed site will be retained, and almost all the hedgerows will be retained. Dark corridors including river corridors and woodland edges will have wide buffers with no lighting. A precautionary approach will be taken for bat roosts not yet quantified or subsequently discovered, with bat barns and bat boxes installed as part of the GI strategy. Dan mentioned utility structures could also be made 'bat-friendly.'

Some road crossings will be required over bat commuting corridors. Clear span bridges will be required over the East Stour with vegetation retained beneath (to meet EA requirements re flooding) and an 8m buffer either side of the bank. **ACTION** Sarah to provide further advice on bat crossings over roads, including best practice / preferred approaches.

Bat connectivity will be incorporated within the GI design, and connectivity can be improved in some areas e.g. in the western part of the proposed site, from existing ancient woodland just outside the boundary to the East Stour river corridor. However, it would be difficult to improve connectivity to the woodland in the east near to Sandling Park (this is already severed by the A20), but there will be buffer planting, providing new north-south connections.

In the northern central part of the proposed site, there will be dense development but with over 50m buffer either side of the East Stour. The first 30m will not contain any built development or access; further out, there will be access eg cycle/ footpaths. Brandon mentioned the dark corridor here will be 180m at widest point. Julia noted that consideration may need to be given to ecologically-sensitive lighting, particularly along key footpath/ cycle routes which may need lighting for safety reasons.

### **Dormice**

No evidence of dormice was found within the proposed site, with survey effort of approximately 400 tubes undertaken. There is a historical record of a dormouse nest next to Harringe Brooks Wood in the western part of the site; however, this area will not be impacted by the proposed development, and connectivity here will be improved. The general ecological principles of the scheme should mean there will be some enhancement of suitable habitat for dormice.



### ***Water voles***

Brandon indicated that a high mink population in the area is likely to be the cause of low water vole numbers within the site. Where they occur, they tend to be where the habitat is more complex. The mitigation strategy is likely to be two-pronged, with retention of water voles in some areas and translocation in other areas. Some of the ditches will be surrounded by housing (e.g. in the north-east of the site) and will therefore likely be lost to the development. Likely receptor area will be in the north-west of the site and East Stour river corridor. Habitat creation could include a complex structure of ponds, ditches and river islands, to be established in advance of translocation and construction.

### ***Badgers***

Badger activity and setts are present across the site, and a main sett and some outliers will need to be closed. Mitigation will include maintaining connectivity for badgers. Sarah said it is also important to leave sufficient green space for badger setts and foraging areas to avoid future problems with badgers encroaching upon housing and causing damage to properties.

### ***Other protected species***

Otters – there are no records on the East Stour for up to 2km away; though the Arcadis surveys over winter have found one spraint and one anal jelly. The river is unlikely to support sufficient fish for otter, but some overall habitat enhancement can be undertaken in line with the scheme's general ecological principles.

Birds – not many raptors recorded, but some species including linnet, breeding goldcrest, one black redstart (at Westernhanger Castle), and two kingfisher (Sch 1) territories in the north-west of the site and the racecourse lake. Some enhancements for kingfisher can be made to the bank structure of the central part of the East Stour. Low numbers of turtle doves were recorded around pond 4 (to be retained), perhaps visiting for a drink.

Barn owl pellets were recorded in the north-east corner of the site, with breeding potential in some buildings and near Otterpool Manor. There is a presumption of loss of breeding habitat where buildings are lost as well as foraging habitat; mitigation including barn owl boxes will be proposed.

There will be an overall impact on farmland birds through loss of fields, which will be difficult to mitigate. Rough grassland edges will form part of the overall ecological mitigation and enhancement measures, and possibly the field at the southern end of the site could be managed for farmland birds eg with a winter bird mix.

### ***EIA timescale***

It was understood the EIA Scoping consultation may come out in early 2018, and the outline application planned for mid-late 2018.

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## **APPENDIX D: Informal scoping email to KCC 9 May 2017**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Bcc:** [Otterpool Park Design Team Site](#)  
**Subject:** Otterpool Park  
**Date:** 09 May 2017 11:35:00  
**Attachments:** [image003.jpg](#)  
[Figure 1025 Example bat transects v0.1.pdf](#)

---

[REDACTED]  
Thanks for your time after the consultee meeting, sorry for the delay in getting back to you sooner, it has been very busy as you can imagine.

In summary of our conversation, we are proposing / conducting the following approach to the ecological surveying within the Otterpool search area for the outline planning submission. The surveys are considered proportional for the likely extended build out timeframe for the works (i.e likely to take multiple decades to complete). If you could have a look through the below broad scope of surveys, then we can discuss and agree this in detail after a meeting (pending approval of the service level agreement).

Brief Description of Surveys proposed:

Habitat / Phase 1:

- Full Phase 1 habitat mapping across the site. Detailed species assessment using DAFOR method of certain habitat areas.

Great Crested Newts:

- Population surveys on all accessible and suitable ponds on / adjacent to the site are being conducted in Spring 2017.

For birds, we are conducting / have completed:

- Wintering bird surveys across the site (completed winter 2016 / 2017);
- Breeding bird surveys across the site focussing on key habitat areas, twice monthly visits March – June.

Badger surveys:

- Survey of entire site with mapping, completed March April 2017, being updated throughout the 2017 spring and summer;

Dormouse tube surveys:

- within all suitable hedgerows and woodlands across the site, tubes in place April – September. Tubes to be checked circa every 6 weeks.

For Bats:

- Static detectors to be placed on site – 15 static positions across the site, with data to be collected monthly between April and September. See attached map. Static positions have been selected to sample all habitat types on site but are placed in locations considered likely to be of high value to bats. This will allow the assemblage of bats across the site to be determined.
- Activity transects to be completed monthly along 5 transect routes across the site. Transects to be completed April – September. A mixture of dusk and predawn surveys are to be conducted. The results of these surveys will guide further survey if required. These surveys will allow important foraging areas and commuting routes to be determined and will guide the identification of roosts.
- Once buildings likely to be impacted by the proposals are known, roost assessments will be undertaken.
- Full emergence re-entry surveys are not proposed to be conducted on the site at this stage in support of outline planning. Future targeted emergence / re-entry surveys will be conducted based on:
  - Buildings to be removed;

Buildings identified in the activity transects as likely to support roosts;

- Buildings most likely to support notable roosts (from a ground based assessment).
- No tree roost assessments would be conducted at this stage due to the uncertainty of which trees are likely to be impacted by the works. These would need to be conducted to inform the detailed planning permission or as a component of each phase of the works as appropriate.

Reptile survey:

- Survey of all suitable habitat areas through artificial refugia survey. Refugia are currently on site and have been placed at a density of >10 refugia per hectare.

Arboricultural Assessment:

- A high level arboricultural scoping assessment including a broad overview of the hedgerows and trees has been conducted. A full arboriculture assessment will not likely be conducted for the outline planning permission as the exact trees to be removed will not be known at this stage and the full topographical assessment may be prohibitively expensive. A high level AIA will be undertaken as part of the Biodiversity EIA Chapter but from a general removal, retention and enhancement masterplanning perspective and mitigation will be included in the Biodiversity Chapter. A full tree survey will be undertaken once the details of the development are fully known after the determination of the outline planning permission.

Water Voles and Otter

- Surveys on all suitable water courses and water bodies to be conducted in spring 2017.

If you could have a look through our proposals and then let us know when would be a good time for a meeting it would be much appreciated.

Any queries please let me know,

Kind regards,

[REDACTED] BSc (Hons), MCIEEM | Principal Ecological Consultant – Ecology

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## **APPENDIX E: HRA Scoping email sent to NE 4 May 2018**

Our ref: 10011914  
Date: 4 May 2018  
By email only

Dear [REDACTED]

We are writing in regards to our proposed Habitat Regulations Assessment (HRA) Screening Report for the proposed new Garden Town development in relation to European Sites within the zone of influence of Otterpool Park.

### **Overview**

Arcadis Consulting (UK) Limited was commissioned on behalf of key landowners and promoters of Otterpool Park (namely Folkstone & Hythe District Council (FHDC) and Cozumel Estates) with regards to a suite of consultancy services required to submit an outline masterplan and associated Environmental Impact Assessment for the development of the site.

### **Proposed Development**

The site is located within the authority of Folkstone & Hythe District Council (FHDC), in Kent and spans an area located south-west of Junction 11 of the M20 motorway, and railway line with Westenhanger Station to the north and south of the Channel Tunnel Rail Link (CTRL). The site is approximately 713 hectares in area, much of the site is greenfield in nature and is predominantly occupied by agricultural uses and associated farm holdings. The agricultural uses comprise both arable and pasture fields. There is also a now disused horse racing course with a small artificial lake ('Folkestone Racecourse Lake'), areas modified from historical use (airfields), existing historic settlements as well as some residential and light commercial uses.

The villages around the site sit within a largely rural setting including the Kent Downs AONB (Area of Outstanding Natural Beauty). This AONB extends to the east beyond which lies the town of Hythe and to the south which includes Lympe village, and lies to the north beyond the M20 and the village of Stanford. The site also includes Barrow Hill, Sellindge, Westenhanger, Newingreen and Lympe Industrial Park, and some areas of woodland. The site is centred on Ordnance Survey Grid Reference TR 111 363. Image 1 presents the outline planning application boundary (in red) and the framework masterplan boundary (in black).

The development proposals are to be submitted in outline, comprising up to 8,500 dwellings and other uses including commercial, retail, education, health, community and leisure facilities, parking, landscaping, and public open space.

A suite of ecological surveys has been undertaken as part of the EIA and initial results of these are reported upon in the Otterpool Park EIA Scoping Report submitted 30 April 2018. These also inform extensive and ongoing ecological mitigation design across the site.





Image 1 Outline planning application and framework masterplan boundary

### Consultation to Date

Arcadis have consulted with NE on several occasions with regards to this proposed development, the summary of which are indicated in the table below. Following these discussions and prior to drafting the HRA Screening Report, we would like formal confirmation from NE as to agreement on the scope of that assessment.

Consultee	Contact/ Date	Summary of Issues Raised/Agreed
Natural England	<b>Julia Coneybeer</b> 7 December 2016	An initial meeting was undertaken between Arcadis Landscape and Biodiversity team members on 7 December 2016. During this meeting key issues were discussed, including potential impacts to Natura 2000 and Ramsar sites.  This consultation was formalised by Julia Coneybeer in a letter dated 15/12/2016 Reference DAS/11529/202390.
Natural England	<b>Julia Coneybeer</b> 10 May 2017	Due to the scale of the project and assumed build-out, strict application of the standard NE survey guidance was considered to be inappropriate to apply to the scheme in some respects. NE was contacted to discuss an appropriate survey scope and programme and its responses is awaited. An appropriate scope has been devised based upon professional judgement.
Natural England (NE)	<b>1 December 2017</b> Attendees: <ul style="list-style-type: none"> <li>• Julia Coneybeer (NE)</li> <li>• Daniel Fagan (NE)</li> <li>• Sarah Holman (NE)</li> <li>• Brandon Murray (Arcadis)</li> </ul>	General overview of findings to date was provided, along with outline of design, potential / proposed mitigation and phasing of subsequent surveys was discussed.  Inclusion of the scheme within the roll out of District Level Licensing for Great Crested Newt was discussed.



## Habitat Regulations Assessment (HRA) Screening Report Outline

### Sites for Screening

Initially a 'long-list' of European Sites with the potential to be impacted by the proposed development was drawn up, this included: European Sites up to 30km from the site (See Appendix A). We will include these sites in the HRA Screening Report. From this list a short list of sites with the potential to be impacted by the proposed development were identified, these are presented in the table below and continued overleaf.

European Site (Designation) / Distance	Citation Summary
Dungeness (SAC) / 9.96km south at closest point	<p>Annex I habitats that are a primary reason for selection of this site</p> <p>1210 Annual vegetation of drift lines</p> <p>The Dungeness foreland has a very extensive and well-developed shoreline, although with sparse vegetation and in places some human disturbance. It is one of two representatives of Annual vegetation of drift lines on the south coast of England. The strandline community on this site comprises Babington's orache <i>Atriplex glabriuscula</i>, which occurs mostly on the accreting eastern shoreline, although it is also present on the eroding southern shoreline.</p> <p>1220 Perennial vegetation of stony banks</p> <p>Dungeness is the UK's largest shingle structure and represents the habitat type on the south-east coast of England. The total area of exposed shingle covers some 1,600 ha, though the extent of the buried shingle ridges is much greater. Despite considerable disturbance and destruction of the surface shingle, the site retains very large areas of intact parallel ridges with characteristic zonation of vegetation. It still has the most diverse and most extensive examples of stable vegetated shingle in Europe, including the best representation of scrub on shingle, notably prostrate forms of broom <i>Cytisus scoparius</i> and blackthorn <i>Prunus spinosa</i>. A feature of the site, thought to be unique in the UK, is the small depressions formed within the shingle structure, which support fen and open-water communities.</p> <p>Annex II species that are a primary reason for selection of this site</p> <p>1166 Great crested newt <i>Triturus cristatus</i></p> <p>Dungeness in south-east England has the largest shingle expanse in Europe and contains a large number of waterbodies within its 2,000 ha. This extensive site hosts a large and viable great crested newt <i>Triturus cristatus</i> population in a range of natural and anthropogenic habitats. These include natural pools and those resulting from gravel extraction and other activities. Terrestrial habitat of importance for feeding and shelter is provided by a range of open shingle vegetation with scrub in the vicinity of some of the waterbodies.</p>
Dungeness, Romney Marsh and Rye Bay (SPA) / 8.7km (with marine extension / 2.9km) south at closest point	For the SPA citation details, i.e. breeding, wintering and migratory bird assemblage see Appendix B for details. Please note our site has no habitats relating to the marine extension.
Dungeness, Romney Marsh and Rye Bay (Ramsar) / 8.7km south at closest point	For the Ramsar citation the site qualifies under Criterion 1 because it contains representative, rare, or unique examples of natural or near-natural wetland types: Annual vegetation of drift lines and the coastal fringes of

European Site (Designation) / Distance	Citation Summary
	<p>perennial vegetation of stony banks (Ramsar wetland type E – sand, shingle or pebble shores).</p> <p>The site also qualifies under Criterion 2 because it supports threatened ecological communities: a complex network of wetland habitats including saltmarsh, natural freshwater pits, fens, ponds, gravel pits, and grazing marsh and ditches. Also under Criterion 2 it supports vulnerable, endangered or critically endangered species including important vascular plants, bryophytes and invertebrates among other protected and endangered species including great crested newt and water vole <i>Arvicola amphibius</i>.</p> <p>The site qualifies under Criterion 5 because it regularly supports 20,000 or more waterbirds: In the non-breeding season, the site regularly supports 34,957 individual waterbirds (5 year peak mean 2002/3 – 2006/7).</p> <p>The site qualifies under Criterion 6 because it regularly supports 1% of the individuals in the populations of the following species or subspecies of waterbird in any season: Mute swan <i>Cygnus olor</i> and Shoveler <i>Anas clypeata</i></p>
Folkestone to Etchinghill Escarpment (SAC) / 4.2km north-east	<p>Annex I habitats that are a primary reason for selection of this site 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>This site hosts the priority habitat type "orchid rich sites". This site consists of extensive G4 <i>Brachypodium pinnatum</i> and CG5 <i>Bromus erectus</i> – <i>Brachypodium pinnatum</i> calcareous grasslands, together with smaller areas of short-turf CG2 <i>Festuca ovina</i> – <i>Avenula pratensis</i> grassland. The site contains an important assemblage of rare and scarce species, including early spider-orchid <i>Ophrys sphegodes</i>, late spider-orchid <i>O. fuciflora</i> and burnt orchid <i>Orchis ustulata</i>.</p>
Parkgate Down (SAC) / 9.1km north	<p>Annex I habitats that are a primary reason for selection of this site 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>This site hosts the priority habitat type "orchid rich sites". Parkgate Down is situated on the chalk of the North Downs and consists largely of NVC type CG4 <i>Brachypodium pinnatum</i> grassland. The site contains an outstanding assemblage of orchids including the nationally rare monkey orchid <i>Orchis simia</i> and late spider orchid <i>Ophrys fuciflora</i> together with the nationally scarce musk orchid <i>Herminium monorchis</i> and lady orchid <i>Orchis purpurea</i></p>
Wye and Crundale Downs (SAC) / 5.8km north	<p>Annex I habitats that are a primary reason for selection of this site 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>This site hosts the priority habitat type "orchid rich sites". Wye and Crundale Downs consists mostly of NVC types CG4 <i>Brachypodium pinnatum</i> and CG5 <i>Bromus erectus</i>–<i>Brachypodium pinnatum</i> grasslands, although small areas of CG2 <i>Festuca ovina</i>–<i>Avenula pratensis</i> grassland also occur. It has an important assemblage of rare, scarce and uncommon orchids, including early spider-orchid <i>Ophrys sphegodes</i>, late spider-orchid <i>O. fuciflora</i>, burnt orchid <i>Orchis ustulata</i> and lady orchid <i>Orchis purpurea</i>. The site contains the largest UK colony of <i>O. fuciflora</i>, representing about 50% of the national population.</p>

European Site (Designation) / Distance	Citation Summary
Dover to Kingsdown Cliffs (SAC) / 20.1km north-east	<p>Annex I habitats that are a primary reason for selection of this site 1230 Vegetated sea cliffs of the Atlantic and Baltic Coasts</p> <p>Dover to Kingsdown cliffs support a full zonation of maritime cliff communities found on chalk substrates, reflecting different levels of exposure to wind and salt spray. The most exposed, lowest parts of the cliff face support rock-crevice communities with rock samphire <i>Crithmum maritimum</i>, rock sea-lavender <i>Limonium binervosum</i> and thrift <i>Armeria maritima</i>, with the rare hoary stock <i>Matthiola incana</i> in places. On more sheltered slopes there is a community restricted to south-facing chalk cliffs characterised by wild cabbage <i>Brassica oleracea</i>. There are good paramaritime grassland transitions to chalk grassland. The endangered oxtongue broomrape <i>Orobanche artemisiae-campestris</i>, confined in the UK to unstable coastal chalk cliffs of southern England, has a stronghold on this site. The cliffs are internationally important as a stratigraphic reference site for chalk cliff exposures.</p> <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p>
Lydden and Temple Ewell Downs (SAC) / 15km north-east	<p>Annex I habitats that are a primary reason for selection of this site 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites)</p> <p>This site hosts the priority habitat type "orchid rich sites". This site consists largely of CG4 <i>Brachypodium pinnatum</i> and CG5 <i>Bromus erectus</i> – <i>Brachypodium</i></p>
Blean Complex (SAC) / 21.6km north	<p>Annex I habitats that are a primary reason for selection of this site 9160 Sub-Atlantic and medio-European oak or oak-hornbeam forests of the Carpinion betuli.</p> <p>At Blean in south-east England, hornbeam <i>Carpinus betulus</i> coppice occurs interspersed with pedunculate oak <i>Quercus robur</i> stands and introduced sweet chestnut <i>Castanea sativa</i>. Great wood-rush <i>Luzula sylvatica</i> is locally dominant in the woodland, and the characteristic greater stitchwort <i>Stellaria holostea</i> is found in more open patches. The stands have traditionally been managed as coppice, and are one of the British strongholds for the heath fritillary butterfly <i>Mellicta athalea</i>.</p>

### **Proposed Impacts**

At the meeting with NE on the 7 December 2016 we briefly discussed key impact pathways which will need consideration in the HRA Screening Report for the Otterpool Park proposals. These include:

- **Air quality** – European sites within 10km of Otterpool Park which are located at least partly within 200m of strategic roads which are likely to be used by traffic generated by the proposals. In particular will include the nearby Folkestone to Etchinghill Escarpment SAC to the east, much of which lies close to the M20 (near J13), A20 and A259. Modelling will be required on traffic flows and air quality likely to arise from the Otterpool Park development for the course of its lifetime, including construction.

- **Recreational pressure** – potential impacts will need to be considered on a number of sites including several SACs notified for calcareous grassland (e.g. Folkestone to Etchingill Escarpment SAC, Parkgate SAC, Dover to Kingsdown Cliffs SAC and Lydden and Temple Downs SAC) and the Blean Complex SAC notified for woodland habitats. The Dungeness designated sites (Dungeness SAC and Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site) will also need consideration, in particular for impacts of trampling on vegetated shingle and disturbance to SPA birds. The 'Sustainable Access Strategy' (SAS) is an ongoing project with Rother District Council in partnership with Shepway District Council (now FHDC) Natural England and other environmental bodies. It is not yet complete but data obtained as part of the project has established most visitors to Dungeness originate from outside FHDC. It will be necessary to consider key travel routes that will connect Otterpool Park to Dungeness and the likelihood of residents visiting the sites.

### **Survey data to date**

Breeding and wintering bird surveys have been undertaken on the site. We believe that they confirm that the site is not functionally linked to the qualifying features of the SPA and this has been scoped out of the HRA Screening Report. We agree with NE that the results have and will feed into the overarching green infrastructure strategy for the site.

- **Breeding and Wintering Bird Survey summaries** –. Of the six breeding bird species that form qualifying features of this SPA, only one (Mediterranean gull) was recorded during breeding bird surveys (17 in early April and 1 in late June) and the site does not feature suitable breeding habitat for this species, therefore it is not considered likely that they breed within the site. For the five wintering birds for SPA qualification only golden plover was recorded, three individuals on one occasion. In terms of the wintering water fowl assemblage only gadwall and golden plover, were recorded on site and they were present in low numbers. For Ramsar Criterion 6, mute swan was only observed as one individual on one occasion during the breeding season. These data will be reported in more detail in the HRA Screening Report

We would be extremely grateful if there are any additional issues that you would like to be addressed in the HRA Screening Report or consultees we should approach, we would be very grateful if you would respond by email at your earliest convenience.

Many thanks

Yours Sincerely



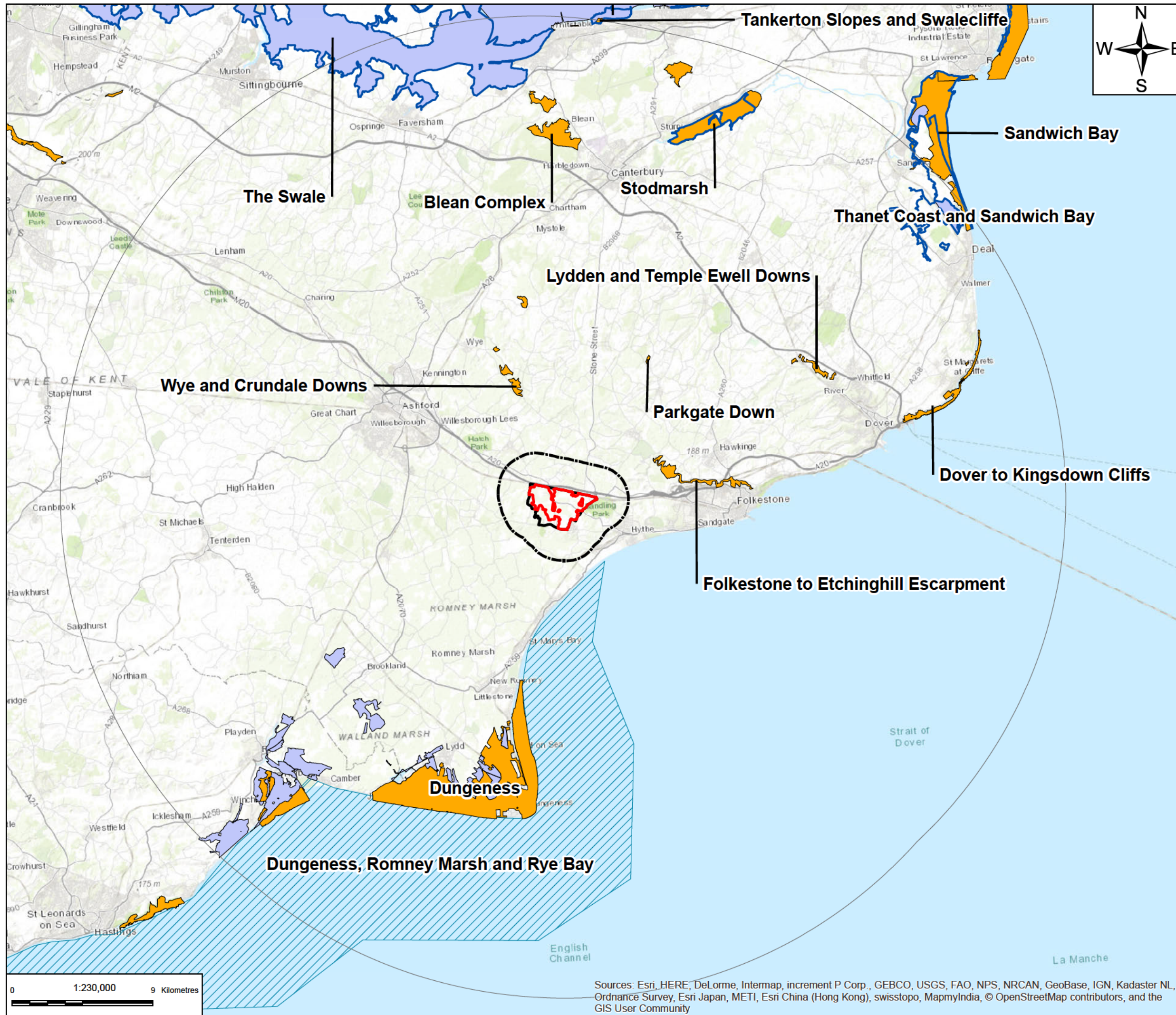
**Dr Martina Girvan** MSc, BSc(Hons), CEcol, MCIEEM | Technical Director – Ecology and Arboriculture

E. [Martina.girvan@arcadis.com](mailto:Martina.girvan@arcadis.com) | M. +44 (0)773 8140144

- Enc. Appendix A International designated sites within 30km of the site and Appendix B Dungeness, Romney Marsh and Rye Bay SPA Citation Summary
- CC. Brandon Murray Principal Ecologist

## **Appendix A: International designated sites within 30km of the site**





**Legend**

- Outline Planning Application (OPA) boundary
- Framework Masterplan (FM) boundary
- 2km buffer from OPA
- 30km buffer from OPA
- Ramsar Site
- Special Area of Conservation
- Special Protected Area
- Special Protection Area (Marine Component GB)

01	03/05/2018	FOR INFORMATION	EP	BM	MG
REV	Date	Description	Drawn	Check	Approv

**ARCADIS** Design & Consultancy for natural and built assets

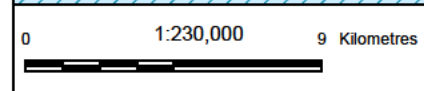
Arcadis House  
34 York Way  
London  
N1 9AB

**Folkestone & Hythe**  
District Council

**OTTERPOOL PARK**

**International Statutory Sites within 30km of the Study Area**

scale	original size	datum	grid
1: 230,000	A3	Sx	OSGB



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



## Appendix B Dungeness, Romney Marsh and Rye Bay SPA Citation Summary

### Qualifying species

The site qualifies under **article 4.1** of the Directive (2009/147/EC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

#### **Annex 1 species Count and season Period % GB population**

- Bewick's swan *Cygnus columbianus bewickii* 155 individuals – wintering 5 year peak mean 2002/3 – 2006/7 **1.9%**
- Bittern *Botaurus stellaris* 5 individuals – wintering 5 year peak mean 2002/3 – 2006/7 **5.0%**
- Hen harrier *Circus cyaneus* 11 individuals – wintering 5 year peak mean 2002/3 – 2006/7 **1.5%**
- Golden plover *Pluvialis apricaria* 4,050 individuals – wintering 5 year peak mean 2002/3 – 2006/7 **1.6%**
- Ruff *Philomachus pugnax* 51 individuals – wintering 5 year peak mean 2000/01 – 2004/5 **7.3%**
- Aquatic warbler *Acrocephalus paludicola* 2 individuals – passage 5 year mean 2004 – 2008 **6.1%**
- Marsh harrier *Circus aeruginosus* 4 females – breeding 5 year mean 2004 – 2008 **2.0%**
- Avocet *Recurvirostra avosetta* 31 pairs – breeding 5 year mean 2004 – 2008 **3.5%**
- Mediterranean gull *Larus melanocephalus* 56 pairs – breeding 5 year mean 2004 – 2008 **52.2%**
- Sandwich tern *Sterna albifrons* 420 pairs - breeding (5 year mean 2011-2015) **3.8 %**
- Common tern *Sterna hirundo* 188 pairs – breeding (5 year mean 2011-2015) **1.9%**
- Little tern *Sterna albifrons* 35 pairs – breeding 5 year mean 1992 – 19961 **1.5%**

### Migratory species

The site qualifies under **article 4.2** of the Directive (2009/147/EC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:

- **Migratory species Count and season Period % of population** Shoveler *Anas clypeata* 485 individuals – wintering 5 year peak mean 2002/3 – 2006/7 **1.2%** NW & C Europe (nonbreeding)

### Assemblage

- The site qualifies under **article 4.2** of the Directive (2009/147/EC) as it is used regularly by over 20,000 waterbirds (waterbirds as defined by the Ramsar Convention) in any season: During the period 2002/03 – 2006/07, Dungeness, Romney Marsh and Rye Bay SPA (including proposed extensions) supported an average peak of 34,625 individual waterbirds in the non-breeding season, comprised of almost 16,000 wildfowl and over 19,000 waders. This assemblage is of both European and international importance. In the context of SPA qualification the assemblage includes the wintering and passage species of European importance described above (i.e. Bewick's swan, bittern, hen harrier, golden plover, ruff, aquatic warbler and shoveler), as well as species whose numbers exceed 1% of the GB wintering or passage populations i.e.: European white-fronted goose *Anser albifrons albifrons*, wigeon *Anas penelope*, gadwall *A. strepera*, pochard *Aythya ferina*, little grebe *Tachybaptus ruficollis*, great crested grebe *Podiceps cristatus*, cormorant *Phalacrocorax carbo*, coot *Fulica atra*, sanderling *Calidris alba*, whimbrel *Numenius phaeopus* and common sandpiper *Actitis hypoleucos*. Lapwings *Vanellus vanellus* are also present in sufficient numbers to warrant their being listed as a major component species of the assemblage, since their numbers exceed 2,000 individuals (10% of the minimum qualifying assemblage of 20,000 individuals).

## **APPENDIX F: Telephone Meeting Minutes 25 May 2018 (Brandon Murray and Julia Coneybeer)**



**SUBJECT**  
HRA Telephone Discussion with Julia Coneybeer

**TO**  
[REDACTED]

**DATE**  
25/05/2018

**DEPARTMENT**  
Environment

**PROJECT NUMBER**  
10011914

**FROM**  
[REDACTED]

Meeting notes from telephone conversation between principal ecologist Brandon Murray and Julia Coneybeer.

Issue discussed	Outcome / Recommendation
<b>Consultation</b>	Julia suggested that we should add to consultation log conversations between Julia Coneybeer and Alison Powell regarding recreational pressure surveys. Conducted on 31 <sup>st</sup> July 2017.
<b>Sites chosen for screening</b>	Agrees with sites chosen, would like more commentary on why other sites were ruled out in the HRA document but stated 'a couple of sentences max'.
<b>HRA – Air Quality</b>	<p>Julia recommended utilising the HRA from the core strategy review compiled by LUC including sections by AECOM (LUC 2018). NE agreed with the core strategy conclusion that impacts from 6000 – 8000 houses on the air quality and impacts upon Folkestone to Etchingill escarpment would not be significant.</p> <p>She recommended that information from this was combined with the Plans and Projects HRA to complete the HRA.</p> <p>NE have no significant worries about the air quality impacts, extra monitoring would likely be required of the escarpment.</p>
<b>Recreational Pressure</b>	<p>Natural England did not have any significant concerns about recreational pressure in the local plan core strategy review HRA. However, this needs to be combined with the Places and policies local plan HRA (LUC 2018) so that in combination effects with other proposals can be quantified.</p> <p>Both core strategy and PPLP would need to be combined.</p> <p>Also, Otterpool GI should be sufficient to reduce dog walking pressure on surrounding sites – good design will be important – will need to demonstrate this for the HRA.</p>
<b>Birds – impacts on SPA</b>	Overall NE were not too worried, Julia was happy with the level of detail in the bird surveys and the assessment.
<b>GCN survey proposals</b>	<p>Could not confirm that eDNA would be sufficient for additional ponds (for licensing) but agreed with the principal for EIA.</p> <p>Suggested that GCN mitigation was discussed with Kate Bull and Dan Fagan with regards to district licencing rollout – can be covered at a future meeting.</p>
<b>Mitigation Discussion</b>	Agreed that a discussion to confirm outline proposals for mitigation

	would be useful.
<b>Biodiversity Net Gain</b>	<p>Julia stated that NE are going to become more vocal on requiring development to demonstrate biodiversity net gain. It is expected that this will be included in local plans from the near future.</p> <p>She was pleased that we had proposed net gain calculations with the client and confirmed that NE would expect the DEFRA metric to be utilised.</p>

**References:**

LUC (2018) Shepway Places and Policies Plan 2017; Habitats Regulations Assessment, January 2018

LUC (2018) Shepway Draft Core Strategy Review; Habitats Regulations Assessment, March 2018

## **APPENDIX G: Email sent to Natural England 9 May 2017**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Bcc:** [Otterpool Park Design Team Site](#)  
**Subject:** Otterpool Ecological Surveys  
**Date:** 09 May 2017 14:53:00  
**Attachments:** [image001.jpg](#)  
[Figure 1025 Example bat transects v0.1.pdf](#)  
[Figure 1011 Areas for dormice survey.pdf](#)  
[Figure 1009 - draft reptile survey areas v0.1.pdf](#)  
[Figure 1012 Areas for water vole survey v0.1.pdf](#)

---

[REDACTED],  
It was good to meet with you again at the stakeholder event.

In line with the agreement discussed Ben Hilder, I propose that we provide a brief description of the surveys we are proposing below, and then discuss through a call once you have had time to review this. I attach some rough DRAFT sketch maps of the areas we are proposing to survey (these are evolving as we gain access to additional areas of the site).

Brief Description of Surveys proposed:

Habitat / Phase 1:

- Full Phase 1 habitat mapping across the site. Detailed species assessment using DAFOR method of certain habitat areas.

Great Crested Newts:

- Population surveys on all accessible and suitable ponds on / adjacent to the site are being conducted in Spring 2017.

For birds, we are conducting / have completed:

- Wintering bird surveys across the site (completed winter 2016 / 2017);
- Breeding bird surveys across the site focussing on key habitat areas, twice monthly visits March – June.

Badger surveys:

- Survey of entire site with mapping, completed March April 2017, being updated throughout the 2017 spring and summer;

Dormouse tube surveys:

- within all suitable hedgerows and woodlands across the site, tubes in place April – September. Tubes to be checked circa every 6 weeks.

For Bats:

- Static detectors to be placed on site – 15 static positions across the site, with data to be collected monthly between April and September. See attached map. Static positions have been selected to sample all habitat types on site but are placed in locations considered likely to be of high value to bats. This will allow the assemblage of bats across the site to be determined.
- Activity transects to be completed monthly along 5 transect routes across the site. Transects to be completed April – September. A mixture of dusk and predawn surveys are to be conducted. The results of these surveys will guide further survey if required. These surveys will allow important foraging areas and commuting routes to be determined and will guide the identification of roosts.
- Once buildings likely to be impacted by the proposals are known, roost assessments will be undertaken.
- Full emergence re-entry surveys are not proposed to be conducted on the site at this stage in support of outline planning. Future targeted emergence / re-entry surveys will be conducted based on:
  - Buildings to be removed;

Buildings identified in the activity transects as likely to support roosts;

- Buildings most likely to support notable roosts (from a ground based assessment).
- No tree roost assessments would be conducted at this stage due to the uncertainty of which trees are likely to be impacted by the works. These would need to be conducted to inform the detailed planning permission or as a component of each phase of the works as appropriate.

Reptile survey:

- Survey of all suitable habitat areas through artificial refugia survey. Refugia are currently on site and have been placed at a density of >10 refugia per hectare.

Arboricultural Assessment:

- A high level arboricultural scoping assessment including a broad overview of the hedgerows and trees has been conducted. A full arboriculture assessment will not likely be conducted for the outline planning permission as the exact trees to be removed will not be known at this stage and the full topographical assessment may be prohibitively expensive. A high level AIA will be undertaken as part of the Biodiversity EIA Chapter but from a general removal, retention and enhancement masterplanning perspective and mitigation will be included in the Biodiversity Chapter. A full tree survey will be undertaken once the details of the development are fully known after the determination of the outline planning permission.

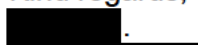
Water Voles and Otter

- Surveys on all suitable water courses and water bodies to be conducted in spring 2017.

If you could have a look through our proposals and then let us know when would be a good time for a discussion it would be much appreciated.

Any queries please let me know,

Kind regards,

 BSc (Hons), MCIEEM | Principal Ecological Consultant – Ecology  
D. +44 (0) 20 3014 9153 M. +44 (0)7809 230662  
**Arcadis Consulting (UK) Ltd** | Arcadis House, 34 York Way, London | N1 9AB | UK  
T. +44 (0)20 7812 2000  
[www.arcadis.com](http://www.arcadis.com)



**Be green, leave it on the screen.**

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## **APPENDIX H: Formal survey scoping letter sent to KCC 22 June 2017**

**For the attention of:** [REDACTED]  
[REDACTED]  
Biodiversity Officer  
Environment, Planning and Enforcement  
Kent County Council  
1st Floor, Invicta House  
Maidstone  
ME14 1XX

ARCADIS (UK) LIMITED  
Arcadis House  
34 York Way  
London N1 9AB  
United Kingdom  
Tel +44 (0)20 7812 2000  
Fax +44 (0)20 7812 2001  
arcadis.com

Date: 22 June 2017

By email

Dear [REDACTED]

**Subject: Otterpool EIA Survey Scope**

Further to our previous discussions and our meeting on site on 24<sup>th</sup> May 2017, please find on the table overleaf the existing and proposed scope for the surveys for the EIA for the Otterpool Park development.

We have formulated a robust, proportionate scope which will allow significant impacts to receptors to be assessed and mitigation to be designed both in terms of outline masterplanning, habitat design and construction and operational mitigation. As discussed, there are a number of additional and further surveys that would be required to inform detailed design and construction and components of the operational works mitigation. These are proposed to be programmed once the broad detail of each phase of the development is known (subsequent to the EIA). Where this is the case, this is identified on the table overleaf. The ongoing survey results are continually contributing to the outline masterplan and mitigation evolution.

Should you wish to discuss any aspect of this scoping or proposal, please let me know.

If you agree that the surveys outlined are suitably scoped, please let us know so that we can complete with the surveys and compile the EIA.

Yours sincerely,

[REDACTED]

[REDACTED]  
Principal Ecological Consultant

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Otterpool Park KCC scoping letter

Incorporating

**EC HARRIS**  
BUILT ASSET  
CONSULTANCY

**Hyder**

[REDACTED]  
[REDACTED]  
[REDACTED] [REDACTED]

CC [REDACTED] (Technical Director of Ecology)

Enclosed Plans:

Figure 1008 – Draft reptile survey areas;

Figure 1011 - Draft areas for dormouse surveys,

Figure 1025 – Draft bat activity transects and staics plan;

Masterplan 16034(sk)150H 08-06-17 Indicative Siteplan Concepts C4; Masterplan

16034(sk)145D 08-06-17 Indicative Siteplan Phasing C4.



Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
Protected and notable flora and fauna (data search)	Yes	Wealth of existing data available. Collation of baseline data from previous planning applications, public sources and records centres required.	Baseline data will be collated and analysed from a range of sources.	Data to be obtained from sources including: - magic mapping: <a href="http://www.magic.gov.uk/MagicMap.aspx">http://www.magic.gov.uk/MagicMap.aspx</a> ; - NBN Atlas <a href="https://nbnatlas.org/">https://nbnatlas.org/</a> ; - The Environment Agency; - Biological records centre data from Kent and Medway Biological Records Centre obtained 24th May 2016; - M20 Lorry Area Stanford West Interim Environmental Assessment Report (Highways England) August 2016; - Planning reporting for the Harringe Brooks Wind Park (Ecotricity) April 2012; - Planning reporting for Link Park Phase 2 (Peter Brett Associates) August 2015; - Ecology Report – Lympne, Former Lympne Airfield – Proposed Housing Development (CSa) January 2013; and - Ecological Appraisal, Folkestone Racecourse, Kent, Waterman Energy, Environment & Design Limited, September 2010.	CIEEM, 2016: Guidelines for Ecological Impact Assessment in the UK and Ireland.
Habitats / flora	Yes	Range of habitats on site	Phase 1 habitat survey. Detailed botanical surveys not proposed (as the areas identified as having potential to support notable botanical assemblages are to be retained under the masterplan).	Phase 1 walkover initially conducted in October 2016 and being updated with multiple site visits between March and September 2017 (within the optimum season for botanical identification).	JNCC, Handbook for Phase 1 habitat survey. <a href="http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf">http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf</a> .
Arboriculture / hedgerows	Yes	Arboricultural features with value present around the site.	Arboricultural scoping survey conducted. For the EIA a full BS5837:2012 is not proposed. This will be required once detailed topographical surveys have been undertaken and are subject to the outline masterplan being determined. The masterplan is being evolved to avoid impacts to significant trees and valuable arboricultural features including woodlands. A broad hedgerow assessment has been undertaken as part of the Phase 1 habitat survey. Detailed Hedgerow Regulations assessments are proposed once the broad outline masterplan has been determined, the masterplan is being evolved to retain and enhance hedgerows.	The arboricultural scoping survey and Phase 1 habitat survey identifies valuable arboricultural features for retention within the masterplan. A full BS 5837:2012 survey and Hedgerow Regulation assessment will be required once full topographical information has been received to inform the detailed design of each parcel to be developed.	Bespoke arboricultural scoping methodology informed by BS 5837:2012 Trees in relation to design, demolition and construction and JNCC, Handbook for Phase 1 habitat survey.
Badger	Yes	Badger known to be present on the site.	Badger survey (walkover).	Full badger walkover survey undertaken in Spring 2017 by experienced surveyors and is updated via incidental records found during other site surveys. No bait marking, camera trapping etc. will be undertaken for the outline EIA. Should this subsequently be recommended to inform licenced mitigation, this will be conducted following outline planning determination and once detailed phasing information is known. Current results are informing the design and permeability of the masterplan, the retention of greenspaces and the outline mitigation required.	Badgers: surveys and mitigation for development projects. <a href="https://www.gov.uk/guidance/badgers-surveys-and-mitigation-for-development-projects">https://www.gov.uk/guidance/badgers-surveys-and-mitigation-for-development-projects</a>
Bats	Yes	Bat roosts known to be on and adjacent to the site, habitats of value for	Surveys to inform EIA to consist of: <ul style="list-style-type: none"> <li>• Bat activity transects;</li> <li>• Bat static surveys;</li> </ul>	<b>Bat activity Transects</b> Five transects have been defined which cross the site, covering key habitat areas (see enclosed plan 1025).	Collins, J. (ed) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3 <sup>rd</sup> Edition). The Bat Conservation Trust, London. ISBN- 13 987-1-872745-96-1

Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
		foraging and commuting bats on the site.	<ul style="list-style-type: none"> <li>External ground assessments for buildings; and</li> <li>Bat emergence/re-entry surveys on buildings.</li> </ul>	<p>These transects are conducted at either dusk or dawn once a month for the months April – September inclusive. Transect routes have been based upon habitat assessments and they will collect information on the assemblage of bats species that used the site and how they use the site . Results from the surveys are being used to inform the masterplanning.</p> <p><b>Bat static surveys</b> Fifteen static positions were identified on site, three per transect (see attached plan 1025). Statics will be in each of these positions for a minimum of five nights a month between April and September (and in October if swarming potential identified). Five static detectors are being utilised and being moved between positions to ensure coverage of the site and to reduce the risk of vandalism. Data from the statics is being analysed in 'sonochiro'. These data, combined with the transect data will provide a realistic estimation of the community assemblage and bat use of the site.</p> <p><b>External ground assessments for buildings</b> Any buildings which will be removed or have a large proportion of the surrounding GI to be removed (hedgerows etc.) as part of the preferred outline masterplan will be scoped into the assessment. These buildings will be assessed for bat roosting potential and classified as negligible, low, moderate or high roosting potential. All buildings which are negligible or with low bat roosting potential will be scoped out of further assessment to inform the EIA.</p> <p>Internal surveys of buildings are not proposed due to health and safety considerations (asbestos, structural condition).</p> <p><b>Bat emergence surveys on buildings</b> Buildings with moderate or high potential for bat roosting will be surveyed using dusk / dawn emergence surveys where access is permitted. Where buildings are in distinct groups, we will treat these as 'woodlands' and use a woodland backtracking approach whereby multiple buildings can be covered in a single visit. These surveys will be conducted between June and September (weather permitting).</p> <p>Following outline planning determination and as part of the recommended mitigation within the EIA, when phasing is confirmed detailed surveys of all buildings that may be affected by the scheme and with the potential to support bats will be subject to further assessment to inform detailed design and licencing applications.</p>	



Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
				<p>Tree roost assessment will not be undertaken at this time but will be recommended as mitigation for trees with potential to be impacted to facilitate detailed design. The masterplan is being designed to retain trees where possible</p> <p>All collected bat species data and the habitat assessments data will be used to determine the level and location of mitigation including the retention of key commuting corridors. Key corridors identified to date such as the East Stour River corridor are being retained within the proposed masterplan.</p>	
Great Crested Newts	Yes	Great Crested Newts known to be present within and around the survey area.	<p>HSI Assessment</p> <p>Full population surveys using physical techniques (egg searching, bottle trapping, torching, netting).</p>	<p>All ponds on or within 500m of the site (other than those isolated from the site by significant barriers) were assessed using the HSI scoring system.</p> <p>Full population surveys in line with the GCN mitigation guidelines were completed on all suitable ponds in Spring 2017 where access was possible / permitted.</p>	<p>NARRS HSI Guidance based on Oldham R.S., Keeble J., Swan M.J.S. &amp; Jeffcote M. (2000). Evaluating the suitability of habitat for the Great Crested Newt (<i>Triturus cristatus</i>). Herpetological Journal 10 (4), 143-155.</p> <p>GCN Mitigation Guidelines, Natural England (2001)</p>
Birds (wintering and breeding including barn owls)	Yes	Site has habitats of value for these species.	<p>Wintering bird surveys</p> <p>Breeding Bird Surveys</p> <p>Building assessments for barn owls.</p>	<p><b>Wintering bird surveys</b> Eight visits between November and February 2016 / 2017 have been conducted. These were conducted twice monthly, covering either dusk or dawn taking 5 – 8 hours in total. A transect route which covers the key habitats on site was walked, the start point varied between the visits to obtain a representative survey of the site.</p> <p><b>Breeding Bird Surveys</b> Eight visits are being undertaken between March and June 2017 at two-weekly intervals. The surveys commenced one hour before dawn and continued for up to 6 hours. The start point and route of the surveys was varied to give a representative survey of the site.</p> <p><b>Barn Owl Assessment</b> Buildings on site with the potential to be impacted by the works are to be assessed for potential to support nesting barn owls. Where access was possible, the inside of these structures will be examined for the presence of this species.</p>	<p>Wintering Bird Surveys custom protocol based on the Common Standards Monitoring Guidance For Birds (JNCC 2004) and WeBs <a href="https://www.bto.org/volunteer-surveys/webs">https://www.bto.org/volunteer-surveys/webs</a></p> <p>Breeding Bird surveys based on Based on BTO BBS methodology Customised due to size of site. <a href="https://www.bto.org/volunteer-surveys/bbs/research-conservation/methodology">https://www.bto.org/volunteer-surveys/bbs/research-conservation/methodology</a></p> <p>Barn Owl survey Methodology is based on Shawyer, C. R. (2011). Barn Owl (<i>Tyto alba</i>) Survey Methodology and Techniques for use in Ecological Assessment: Developing Best Practice in Survey and Reporting. CIEEM, Winchester.</p> <p><a href="https://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/SoSM/TGSSoSM-Barn_Owl_Survey_Methodologyrevised2012.pdf">https://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/SoSM/TGSSoSM-Barn_Owl_Survey_Methodologyrevised2012.pdf</a>.</p>
Reptiles ('common' species)	Yes	Common species of reptiles known to be present in the area (from surveys undertaken for previous developments and data searches).	Population surveys utilising artificial refugia.	<p>Artificial refugia sized 500mm X 1000mm and 500 X 500mm have been placed in suitable habitats across the site. A total of c.700 tiles have been placed at a density of greater than 10 per hectare of suitable habitat. A total of 10 survey visits are proposed to examine the refugia in suitable weather conditions (when temperatures are between c.8 – c.18°C)</p> <p>Some suitable habitat areas were not possible to survey due to access restrictions or the land use of the area (these areas were</p>	<p>Sewell et al (2013) Survey protocols for the British herpetofauna.</p> <p>Froglife (1999) Reptile Survey: an Introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.</p>

Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
				to be utilised for hay cutting or are impacted by farming practices). In these areas, the population will be extrapolated from the results of the surrounding areas with a similar habitat condition. Location of reptile survey areas are shown on attached plan 1008.	
Water voles	Yes	Water voles are known to be present within the area and records were returned within the records search.	Field survey of all suitable ditches and water bodies.	A dedicated survey of all water bodies within the site with suitability to support water voles was undertaken in May 2017. Latrines, burrows, feeding signs, runs etc. were noted and mapped and a population estimate undertaken. No further surveys are deemed necessary at this stage, although update surveys may be required for the subsequent detailed planning applications.	Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance series). Eds Fiona Mathews and Paul Chanin. The Mammal Society London.
Otter	Yes	Presence considered unlikely but suitable habitats are present on site. There may be scope to enhance the site for otter to encourage a return in the future.	Search for field signs made within all suitable habitats on site.	During the water vole surveys, signs of otter were also looked for. No signs of otters were recorded otter are still rare in Kent. No further surveys are deemed necessary at this stage, although update surveys may be required for the subsequent detailed planning applications.	Otters: surveys and mitigation for development projects <a href="https://www.gov.uk/guidance/otters-protection-surveys-and-licences">https://www.gov.uk/guidance/otters-protection-surveys-and-licences</a>
Dormice	Yes	Dormice recorded within Harringe Brooks Woods	Presence absence surveys utilising dormouse tubes.	<b>Dormouse Nest Tube Surveys</b> Dormouse nest tubes are being utilised to determine the distribution of dormice across the site. A total of 400 dormouse tubes have been installed within habitats suitable for this species, on and adjacent to the site (excluding areas isolated by roads etc.). Tubes have been installed at approximately every 20-25m in suitable habitats across the site. Areas to be surveyed are outlined on plan 1011 (attached).  These tubes are to be examined every 6 weeks between April and September to determine the usage of the site by dormice. Due to the size of the site, six-weekly visits are considered proportional. If evidence of birds / wood mice utilising the tubes extensively is observed, this may be increased to monthly visits.	The dormouse conservation handbook Second edition by Paul Bright, Pat Morris and Tony Mitchell-Jones, Illustrated by Sarah Wroot (2006)  WML- G37 (12/11) Interim Natural England Advice Note
Invertebrates (Terrestrial)	No	The majority of habitats on site are of limited value for anything other than common and widespread invertebrates (agricultural land). Those areas which are likely to be of value to notable invertebrates will largely be retained within the masterplan or these habitat types will be increased in area as a	No further surveys proposed to inform the EIA. The proposed masterplan has been evolved to avoid the habitats likely to support notable assemblages of terrestrial invertebrates.	N/A	N/A

Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
		result of the development.			
Invertebrates (Aquatic)	No	Notable aquatic habitats (East Stour River and surrounds, Racecourse Lake) to be retained and buffered within the development.	No aquatic invertebrate surveys proposed to inform the EIA. The proposed masterplan has been evolved to avoid the habitats likely to support notable assemblages of aquatic invertebrates. Design and construction mitigation will ensure no deterioration of water quality.	N/A	N/A
White clawed crayfish	No	Telephone communication with the EA confirmed that Signal crayfish are present within the East Stour and NBN data returned records of signal crayfish. White clawed crayfish are thought to be absent from this catchment.	No, the species are likely to be absent, the East Stour River corridor is to be retained. Design and construction mitigation will ensure no deterioration of water quality.	Surveys are not considered to be required.	N/A
Fish (within East Stour)	No	Notable aquatic habitats (East Stour River and surrounds, Racecourse Lake) to be retained and buffered within the development.	No, the East Stour River corridor is to be retained. Design and construction mitigation will ensure no deterioration of water quality.	No surveys proposed at this time. Surveys may be required as a component of the detailed planning applications.	N/A
Designated Sites	Yes	Located within the vicinity of the site	Other than the wintering bird surveys undertaken, no further surveys are proposed to support the designated sites assessment.  HRA scoping has been discussed with NE. Potential issues scoped in include air quality and recreational pressure. Further impact assessment may be requested by other stakeholders or through further discussion with NE.	Impacts to the following designated sites are to be considered: <ul style="list-style-type: none"> <li>Folkestone to Etchinghill Escarpment (SAC);</li> <li>Dover to Kingsdown Cliffs (SAC);</li> <li>Lydden and Temple Ewell Downs (SAC);</li> <li>Wye and Crundale Downs (SAC);</li> <li>Parkgate Down (SAC);</li> <li>Dungeness, Romney Marsh and Rye Bay (SAC, SPA, Ramsar);</li> <li>Otterpool Quarry (SSSI – designated for geology);</li> <li>Lympne Escarpment (SSSI);</li> <li>Gibbin's Brook (SSSI);</li> <li>Hatch Park (SSSI);</li> <li>Seabrook Stream (SSSI);</li> <li>Folkestone to Etchinghill Escarpment (SSSI);</li> <li>Great Shuttlesfield Down (SSSI);</li> <li>Poulton wood Adlington (LNR);</li> <li>Harringe Brooks Wood (LWS);</li> <li>Pasture and Woods Below Court-at-Street, Lympne (LWS);</li> </ul>	CIEEM, 2016: Guidelines for Ecological Impact Assessment in the UK and Ireland.



Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
				<ul style="list-style-type: none"> <li>• Folks Wood, Pedlinge (LWS);</li> <li>• Royal Military Canal (LWS);</li> <li>• Chesterfield Wood, Sandling Park (LWS);</li> <li>• Postling Wents Woods (LWS);</li> <li>• Brockhill Country Park, Saltwood (LWS).</li> </ul>	

## **APPENDIX I: Response from KCC to survey scoping letter 30 June 2017**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Otterpool Park Survey Protocol  
**Date:** 30 June 2017 16:21:03  
**Attachments:** [image002.png](#)  
[image003.jpg](#)

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Hi [REDACTED],

Thanks for sending the information through. In terms of survey effort, the range is quite extensive and we are of the view that it will provide a good robust assessment of the potential ecological impacts.

The only minor comments we have are:

- Their doesn't appear to be any consideration of any impacts of habitats/species of principal importance. It would be useful to also include data from the Kent Habitat Survey 2012 provided by ARCH which is freely available at <http://webapps.kent.gov.uk/KCC.KLIS.Web.Sites.Public/Default.aspx> - This would provide any indication of habitat change along with any areas designated as BAP habitats (however I have checked and there doesn't appear to be any noted within the 2012 survey).
- There is no mention of Ancient Woodlands – There are a few areas classified as AW that aren't Local Wildlife sites so would expect to see any potential impacts in the ES – especially in regards to recreational impacts/air quality.
- We would expect to see detailed habitat classifications in lieu of botanical/invertebrate surveys to enable a sufficient baseline for which future monitoring efforts can be based. Basically just to demonstrate that there has been improvements in future years during any monitoring.
- Whilst we are satisfied with the scope of the breeding birds surveys, we would expect to see particular attention upon any necessary mitigation for farmland birds. As the development will include the loss of large areas of arable land, we would expect to see appropriate mitigation to address this, and if necessary the use of off-site mitigation measures.

If you require any clarification on the points, please let me know.

Kind regard,

Nathan.

**Nathan Coughlan** | Biodiversity Officer | Environment, Planning and Enforcement | Kent County Council | 1st Floor, Invicta House, Maidstone, ME14 1XX | Internal: 419442 | External: 03000 419442 | [Nathan.Coughlan@Kent.gov.uk](mailto:Nathan.Coughlan@Kent.gov.uk) | [www.kent.gov.uk](http://www.kent.gov.uk) |  @kent\_cc

---

**From:** Brandon Murray [mailto:Brandon.Murray@arcadis.com]

**Sent:** 22 June 2017 19:47

**To:** Coughlan, Nathan - GT EPE

**Cc:** Martina Girvan

**Subject:** Otterpool Park Survey Protocol

Dear Nathan,

Please find attached a letter regarding the survey scoping for the Otterpool Park EIA and outline planning submission and associated plans.

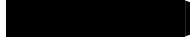

Please be aware that the masterplan is in draft and is for consultation with stakeholders only, please do not disseminate.

Any comments or queries please let me know at you earliest convenience.



Kind regards,



 BSc (Hons), MCIEEM | Principal Ecological Consultant – Ecology 

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**Be green, leave it on the screen.**

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## **APPENDIX J: Survey scoping email provided to EA 22 June 2017**

**For the attention of: Nathan Coughlan**  
Nathan Coughlan  
Biodiversity Officer  
Environment, Planning and Enforcement  
Kent County Council  
1st Floor, Invicta House  
Maidstone  
ME14 1XX

ARCADIS (UK) LIMITED  
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34 York Way  
London N1 9AB  
United Kingdom  
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Fax +44 (0)20 7812 2001  
arcadis.com

Date: 22 June 2017

By email

Dear Nathan,

**Subject: Otterpool EIA Survey Scope**

Further to our previous discussions and our meeting on site on 24<sup>th</sup> May 2017, please find on the table overleaf the existing and proposed scope for the surveys for the EIA for the Otterpool Park development.

We have formulated a robust, proportionate scope which will allow significant impacts to receptors to be assessed and mitigation to be designed both in terms of outline masterplanning, habitat design and construction and operational mitigation. As discussed, there are a number of additional and further surveys that would be required to inform detailed design and construction and components of the operational works mitigation. These are proposed to be programmed once the broad detail of each phase of the development is known (subsequent to the EIA). Where this is the case, this is identified on the table overleaf. The ongoing survey results are continually contributing to the outline masterplan and mitigation evolution.

Should you wish to discuss any aspect of this scoping or proposal, please let me know.

If you agree that the surveys outlined are suitably scoped, please let us know so that we can complete with the surveys and compile the EIA.

Yours sincerely,



Brandon Murray  
Principal Ecological Consultant

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Otterpool Park KCC scoping letter

Incorporating

**EC HARRIS**  
BUILT ASSET  
CONSULTANCY

**Hyder**

Email: brandon.murray@arcadis.co.uk  
Direct line: 020 3014 9153  
Mobile: 07809 230662

CC Martina Girvan (Technical Director of Ecology)

Enclosed Plans:

Figure 1008 – Draft reptile survey areas;

Figure 1011 - Draft areas for dormouse surveys,

Figure 1025 – Draft bat activity transects and staics plan;

Masterplan 16034(sk)150H 08-06-17 Indicative Siteplan Concepts C4; Masterplan

16034(sk)145D 08-06-17 Indicative Siteplan Phasing C4.

Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
Protected and notable flora and fauna (data search)	Yes	Wealth of existing data available. Collation of baseline data from previous planning applications, public sources and records centres required.	Baseline data will be collated and analysed from a range of sources.	Data to be obtained from sources including: - magic mapping: <a href="http://www.magic.gov.uk/MagicMap.aspx">http://www.magic.gov.uk/MagicMap.aspx</a> ; - NBN Atlas <a href="https://nbnatlas.org/">https://nbnatlas.org/</a> ; - The Environment Agency; - Biological records centre data from Kent and Medway Biological Records Centre obtained 24th May 2016; - M20 Lorry Area Stanford West Interim Environmental Assessment Report (Highways England) August 2016; - Planning reporting for the Harringe Brooks Wind Park (Ecotricity) April 2012; - Planning reporting for Link Park Phase 2 (Peter Brett Associates) August 2015; - Ecology Report – Lympe, Former Lympe Airfield – Proposed Housing Development (CSa) January 2013; and - Ecological Appraisal, Folkestone Racecourse, Kent, Waterman Energy, Environment & Design Limited, September 2010.	CIEEM, 2016: Guidelines for Ecological Impact Assessment in the UK and Ireland.
Habitats / flora	Yes	Range of habitats on site	Phase 1 habitat survey. Detailed botanical surveys not proposed (as the areas identified as having potential to support notable botanical assemblages are to be retained under the masterplan).	Phase 1 walkover initially conducted in October 2016 and being updated with multiple site visits between March and September 2017 (within the optimum season for botanical identification).	JNCC, Handbook for Phase 1 habitat survey. <a href="http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf">http://jncc.defra.gov.uk/PDF/pub10_handbookforphase1habitatsurvey.pdf</a> .
Arboriculture / hedgerows	Yes	Arboricultural features with value present around the site.	Arboricultural scoping survey conducted. For the EIA a full BS5837:2012 is not proposed. This will be required once detailed topographical surveys have been undertaken and are subject to the outline masterplan being determined. The masterplan is being evolved to avoid impacts to significant trees and valuable arboricultural features including woodlands. A broad hedgerow assessment has been undertaken as part of the Phase 1 habitat survey. Detailed Hedgerow Regulations assessments are proposed once the broad outline masterplan has been determined, the masterplan is being evolved to retain and enhance hedgerows.	The arboricultural scoping survey and Phase 1 habitat survey identifies valuable arboricultural features for retention within the masterplan. A full BS 5837:2012 survey and Hedgerow Regulation assessment will be required once full topographical information has been received to inform the detailed design of each parcel to be developed.	Bespoke arboricultural scoping methodology informed by BS 5837:2012 Trees in relation to design, demolition and construction and JNCC, Handbook for Phase 1 habitat survey.
Badger	Yes	Badger known to be present on the site.	Badger survey (walkover).	Full badger walkover survey undertaken in Spring 2017 by experienced surveyors and is updated via incidental records found during other site surveys. No bait marking, camera trapping etc. will be undertaken for the outline EIA. Should this subsequently be recommended to inform licenced mitigation, this will be conducted following outline planning determination and once detailed phasing information is known. Current results are informing the design and permeability of the masterplan, the retention of greenspaces and the outline mitigation required.	Badgers: surveys and mitigation for development projects. <a href="https://www.gov.uk/guidance/badgers-surveys-and-mitigation-for-development-projects">https://www.gov.uk/guidance/badgers-surveys-and-mitigation-for-development-projects</a>
Bats	Yes	Bat roosts known to be on and adjacent to the site, habitats of value for	Surveys to inform EIA to consist of: <ul style="list-style-type: none"> <li>• Bat activity transects;</li> <li>• Bat static surveys;</li> </ul>	<b>Bat activity Transects</b> Five transects have been defined which cross the site, covering key habitat areas (see enclosed plan 1025).	Collins, J. (ed) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3 <sup>rd</sup> Edition). The Bat Conservation Trust, London. ISBN- 13 987-1-872745-96-1

Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
		foraging and commuting bats on the site.	<ul style="list-style-type: none"> <li>External ground assessments for buildings; and</li> <li>Bat emergence/re-entry surveys on buildings.</li> </ul>	<p>These transects are conducted at either dusk or dawn once a month for the months April – September inclusive. Transect routes have been based upon habitat assessments and they will collect information on the assemblage of bats species that used the site and how they use the site . Results from the surveys are being used to inform the masterplanning.</p> <p><b>Bat static surveys</b> Fifteen static positions were identified on site, three per transect (see attached plan 1025). Statics will be in each of these positions for a minimum of five nights a month between April and September (and in October if swarming potential identified). Five static detectors are being utilised and being moved between positions to ensure coverage of the site and to reduce the risk of vandalism. Data from the statics is being analysed in 'sonochiro'. These data, combined with the transect data will provide a realistic estimation of the community assemblage and bat use of the site.</p> <p><b>External ground assessments for buildings</b> Any buildings which will be removed or have a large proportion of the surrounding GI to be removed (hedgerows etc.) as part of the preferred outline masterplan will be scoped into the assessment. These buildings will be assessed for bat roosting potential and classified as negligible, low, moderate or high roosting potential. All buildings which are negligible or with low bat roosting potential will be scoped out of further assessment to inform the EIA.</p> <p>Internal surveys of buildings are not proposed due to health and safety considerations (asbestos, structural condition).</p> <p><b>Bat emergence surveys on buildings</b> Buildings with moderate or high potential for bat roosting will be surveyed using dusk / dawn emergence surveys where access is permitted. Where buildings are in distinct groups, we will treat these as 'woodlands' and use a woodland backtracking approach whereby multiple buildings can be covered in a single visit. These surveys will be conducted between June and September (weather permitting).</p> <p>Following outline planning determination and as part of the recommended mitigation within the EIA, when phasing is confirmed detailed surveys of all buildings that may be affected by the scheme and with the potential to support bats will be subject to further assessment to inform detailed design and licencing applications.</p>	



Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
				<p>Tree roost assessment will not be undertaken at this time but will be recommended as mitigation for trees with potential to be impacted to facilitate detailed design. The masterplan is being designed to retain trees where possible</p> <p>All collected bat species data and the habitat assessments data will be used to determine the level and location of mitigation including the retention of key commuting corridors. Key corridors identified to date such as the East Stour River corridor are being retained within the proposed masterplan.</p>	
Great Crested Newts	Yes	Great Crested Newts known to be present within and around the survey area.	<p>HSI Assessment</p> <p>Full population surveys using physical techniques (egg searching, bottle trapping, torching, netting).</p>	<p>All ponds on or within 500m of the site (other than those isolated from the site by significant barriers) were assessed using the HSI scoring system.</p> <p>Full population surveys in line with the GCN mitigation guidelines were completed on all suitable ponds in Spring 2017 where access was possible / permitted.</p>	<p>NARRS HSI Guidance based on Oldham R.S., Keeble J., Swan M.J.S. &amp; Jeffcote M. (2000). Evaluating the suitability of habitat for the Great Crested Newt (<i>Triturus cristatus</i>). Herpetological Journal 10 (4), 143-155.</p> <p>GCN Mitigation Guidelines, Natural England (2001)</p>
Birds (wintering and breeding including barn owls)	Yes	Site has habitats of value for these species.	<p>Wintering bird surveys</p> <p>Breeding Bird Surveys</p> <p>Building assessments for barn owls.</p>	<p><b>Wintering bird surveys</b> Eight visits between November and February 2016 / 2017 have been conducted. These were conducted twice monthly, covering either dusk or dawn taking 5 – 8 hours in total. A transect route which covers the key habitats on site was walked, the start point varied between the visits to obtain a representative survey of the site.</p> <p><b>Breeding Bird Surveys</b> Eight visits are being undertaken between March and June 2017 at two-weekly intervals. The surveys commenced one hour before dawn and continued for up to 6 hours. The start point and route of the surveys was varied to give a representative survey of the site.</p> <p><b>Barn Owl Assessment</b> Buildings on site with the potential to be impacted by the works are to be assessed for potential to support nesting barn owls. Where access was possible, the inside of these structures will be examined for the presence of this species.</p>	<p>Wintering Bird Surveys custom protocol based on the Common Standards Monitoring Guidance For Birds (JNCC 2004) and WeBs <a href="https://www.bto.org/volunteer-surveys/webs">https://www.bto.org/volunteer-surveys/webs</a></p> <p>Breeding Bird surveys based on Based on BTO BBS methodology Customised due to size of site. <a href="https://www.bto.org/volunteer-surveys/bbs/research-conservation/methodology">https://www.bto.org/volunteer-surveys/bbs/research-conservation/methodology</a></p> <p>Barn Owl survey Methodology is based on Shawyer, C. R. (2011). Barn Owl (<i>Tyto alba</i>) Survey Methodology and Techniques for use in Ecological Assessment: Developing Best Practice in Survey and Reporting. CIEEM, Winchester.</p> <p><a href="https://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/SoSM/TGSSoSM-Barn_Owl_Survey_Methodologyrevised2012.pdf">https://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/SoSM/TGSSoSM-Barn_Owl_Survey_Methodologyrevised2012.pdf</a>.</p>
Reptiles ('common' species)	Yes	Common species of reptiles known to be present in the area (from surveys undertaken for previous developments and data searches).	Population surveys utilising artificial refugia.	<p>Artificial refugia sized 500mm X 1000mm and 500 X 500mm have been placed in suitable habitats across the site. A total of c.700 tiles have been placed at a density of greater than 10 per hectare of suitable habitat. A total of 10 survey visits are proposed to examine the refugia in suitable weather conditions (when temperatures are between c.8 – c.18°C)</p> <p>Some suitable habitat areas were not possible to survey due to access restrictions or the land use of the area (these areas were</p>	<p>Sewell et al (2013) Survey protocols for the British herpetofauna.</p> <p>Froglife (1999) Reptile Survey: an Introduction to planning, conducting and interpreting surveys for snake and lizard conservation. Froglife Advice Sheet 10. Froglife, Halesworth.</p>

Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
				to be utilised for hay cutting or are impacted by farming practices). In these areas, the population will be extrapolated from the results of the surrounding areas with a similar habitat condition. Location of reptile survey areas are shown on attached plan 1008.	
Water voles	Yes	Water voles are known to be present within the area and records were returned within the records search.	Field survey of all suitable ditches and water bodies.	A dedicated survey of all water bodies within the site with suitability to support water voles was undertaken in May 2017. Latrines, burrows, feeding signs, runs etc. were noted and mapped and a population estimate undertaken. No further surveys are deemed necessary at this stage, although update surveys may be required for the subsequent detailed planning applications.	Dean, M., Strachan, R., Gow, D. and Andrews, R. (2016). The Water Vole Mitigation Handbook (The Mammal Society Mitigation Guidance series). Eds Fiona Mathews and Paul Chanin. The Mammal Society London.
Otter	Yes	Presence considered unlikely but suitable habitats are present on site. There may be scope to enhance the site for otter to encourage a return in the future.	Search for field signs made within all suitable habitats on site.	During the water vole surveys, signs of otter were also looked for. No signs of otters were recorded otter are still rare in Kent. No further surveys are deemed necessary at this stage, although update surveys may be required for the subsequent detailed planning applications.	Otters: surveys and mitigation for development projects <a href="https://www.gov.uk/guidance/otters-protection-surveys-and-licences">https://www.gov.uk/guidance/otters-protection-surveys-and-licences</a>
Dormice	Yes	Dormice recorded within Harringe Brooks Woods	Presence absence surveys utilising dormouse tubes.	<b>Dormouse Nest Tube Surveys</b> Dormouse nest tubes are being utilised to determine the distribution of dormice across the site. A total of 400 dormouse tubes have been installed within habitats suitable for this species, on and adjacent to the site (excluding areas isolated by roads etc.). Tubes have been installed at approximately every 20-25m in suitable habitats across the site. Areas to be surveyed are outlined on plan 1011 (attached).  These tubes are to be examined every 6 weeks between April and September to determine the usage of the site by dormice. Due to the size of the site, six-weekly visits are considered proportional. If evidence of birds / wood mice utilising the tubes extensively is observed, this may be increased to monthly visits.	The dormouse conservation handbook Second edition by Paul Bright, Pat Morris and Tony Mitchell-Jones, Illustrated by Sarah Wroot (2006)  WML- G37 (12/11) Interim Natural England Advice Note
Invertebrates (Terrestrial)	No	The majority of habitats on site are of limited value for anything other than common and widespread invertebrates (agricultural land). Those areas which are likely to be of value to notable invertebrates will largely be retained within the masterplan or these habitat types will be increased in area as a	No further surveys proposed to inform the EIA. The proposed masterplan has been evolved to avoid the habitats likely to support notable assemblages of terrestrial invertebrates.	N/A	N/A



Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
		result of the development.			
Invertebrates (Aquatic)	No	Notable aquatic habitats (East Stour River and surrounds, Racecourse Lake) to be retained and buffered within the development.	No aquatic invertebrate surveys proposed to inform the EIA. The proposed masterplan has been evolved to avoid the habitats likely to support notable assemblages of aquatic invertebrates. Design and construction mitigation will ensure no deterioration of water quality.	N/A	N/A
White clawed crayfish	No	Telephone communication with the EA confirmed that Signal crayfish are present within the East Stour and NBN data returned records of signal crayfish. White clawed crayfish are thought to be absent from this catchment.	No, the species are likely to be absent, the East Stour River corridor is to be retained. Design and construction mitigation will ensure no deterioration of water quality.	Surveys are not considered to be required.	N/A
Fish (within East Stour)	No	Notable aquatic habitats (East Stour River and surrounds, Racecourse Lake) to be retained and buffered within the development.	No, the East Stour River corridor is to be retained. Design and construction mitigation will ensure no deterioration of water quality.	No surveys proposed at this time. Surveys may be required as a component of the detailed planning applications.	N/A
Designated Sites	Yes	Located within the vicinity of the site	Other than the wintering bird surveys undertaken, no further surveys are proposed to support the designated sites assessment.  HRA scoping has been discussed with NE. Potential issues scoped in include air quality and recreational pressure. Further impact assessment may be requested by other stakeholders or through further discussion with NE.	Impacts to the following designated sites are to be considered: <ul style="list-style-type: none"> <li>Folkestone to Etchinghill Escarpment (SAC);</li> <li>Dover to Kingsdown Cliffs (SAC);</li> <li>Lydden and Temple Ewell Downs (SAC);</li> <li>Wye and Crundale Downs (SAC);</li> <li>Parkgate Down (SAC);</li> <li>Dungeness, Romney Marsh and Rye Bay (SAC, SPA, Ramsar);</li> <li>Otterpool Quarry (SSSI – designated for geology);</li> <li>Lympne Escarpment (SSSI);</li> <li>Gibbin's Brook (SSSI);</li> <li>Hatch Park (SSSI);</li> <li>Seabrook Stream (SSSI);</li> <li>Folkestone to Etchinghill Escarpment (SSSI);</li> <li>Great Shuttlesfield Down (SSSI);</li> <li>Poulton wood Adlington (LNR);</li> <li>Harringe Brooks Wood (LWS);</li> <li>Pasture and Woods Below Court-at-Street, Lympne (LWS);</li> </ul>	CIEEM, 2016: Guidelines for Ecological Impact Assessment in the UK and Ireland.

Receptor / species / species group	Specific Surveys / assessments Proposed / conducted for EIA?	Rationale behind survey proposal	Baseline surveys proposed for EIA	Survey Details	Methodology / Guidance
				<ul style="list-style-type: none"> <li>• Folks Wood, Pedlinge (LWS);</li> <li>• Royal Military Canal (LWS);</li> <li>• Chesterfield Wood, Sandling Park (LWS);</li> <li>• Postling Wents Woods (LWS);</li> <li>• Brockhill Country Park, Saltwood (LWS).</li> </ul>	

## **APPENDIX K: Response to survey scoping letter received from EA 6 October 2017**

**From:** [KSLPlanning](#)  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Information for EA ahead of meeting  
**Date:** 06 October 2017 10:51:56  
**Attachments:** [image002.gif](#)  
[image003.gif](#)  
[image004.gif](#)  
[image005.gif](#)  
[image006.gif](#)  
[image007.png](#)  
[image008.jpg](#)

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Hello [REDACTED]

Apologies for the delay in getting back you.

My colleague has reviewed the Otterpool Scoping EIA you sent through on 15<sup>th</sup> September.

We'd like to advise that the only aspect we can see that is missing are surveys for invasive non-native species (INNS).

We are concerned that there are a number of INNS in the area and that they might be in the development site.

Given that it is an offence to cause the spread of some INNS, for example Japanese Knotweed, it is important for the developer to:

- Identify the distribution of these species prior to any development taking place
- Plan for control and destruction of them
- Ensure there is appropriate disposal of any waste that might be contaminated by them
- Ensure operatives working at the site can identify them and have a plan in place to deal with future infestation during development.

Hope this helps.

**Kind Regards,**

[REDACTED]  
Planning Specialist  
Sustainable Places – Kent and South London

[kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

External: 020 8474 6711



[cid:image006.png@01D2B9E1.D9B53F80](#)



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**From:** Brandon Murray [mailto:Brandon.Murray@arcadis.com]

**Sent:** 15 September 2017 13:04

**To:** Wilson, Jennifer

**Cc:** Martina Girvan

**Subject:** Information for EA ahead of meeting

Dear [REDACTED],

It was good to meet with you today we are pleased that NE and the EA are aligning their approach to support us in developing the mitigation for the scheme.

I believe Ben will be in contact shortly to arrange dates for a meeting.

Ahead of our proposed meetings, we wanted to share with you the scope of surveys we are undertaking (which we have previously agreed with Kent County Council) and have attached.

We are currently collating and analysing data but we hope to have some headline results that we can share with you at the meeting.

If you have any queries in advance of the meeting or data/topics you are particularly interested in, please do get in contact to discuss so that we can prepare accordingly.

Many thanks,

Kind regards,

[REDACTED]

[REDACTED] BSc (Hons), MCIEEM | Principal Ecological Consultant – Ecology [REDACTED]

D. +44 (0) 20 3014 9153 M. +44 (0)7809 230662

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## **APPENDIX L: KCC EIA scoping response cover letter June 2018**

Our Ref: Y18/0001/SCO  
Direct Dial: 07711188310  
E-mail: [james.farrar@folkestone-hythe.gov.uk](mailto:james.farrar@folkestone-hythe.gov.uk)  
Date: 27 June 2018

Mr Tom Vernon  
Ingeni Building  
17 Broadwick Street  
London  
W1F 0DE

Dear Mr Vernon

**Application No: Y18/0001/SCO**

**Location: LAND TO THE SOUTH OF THE CTRL, INCORPORATING THE FORMER RACECOURSE AT WESTENHANGER AND AGRICULTURAL LAND BETWEEN HARRINGE LANE IN THE WEST, ALDINGTON ROAD IN THE SOUTH AND STONE STREET/ASHFORD ROAD (A20) IN THE EAST.**

**Development: REQUEST FOR EIA SCOPING OPINION UNDER REGULATION 15 OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATION 2017**

I am pleased to attach the Local Planning Authority's scoping opinion, in response to your scoping report received by the Local Planning Authority on the 1 May 2018.

We trust that the attached opinion provides enough detail to inform you of the Local Planning Authority's requirements of the EIA process, and the expectations of the Environmental Statement.

We expect that ongoing detailed discussions will continue whilst the EIA is undertaken, and as environmental implications come to light. This is especially relevant as proposals are developed and amended through the pre-application and consultation process.

The scoping opinion is provided without prejudice, and does not preclude the Local Planning Authority from requesting additional information, in accordance with regulation 25 of the EIA Regulations 2017, should the need arise. If you have any queries, please do not hesitate to contact me.

Yours sincerely,

**James Farrar**

## **APPENDIX M: KCC EIA scoping response (prepared by Temple) June 2018**



# Report

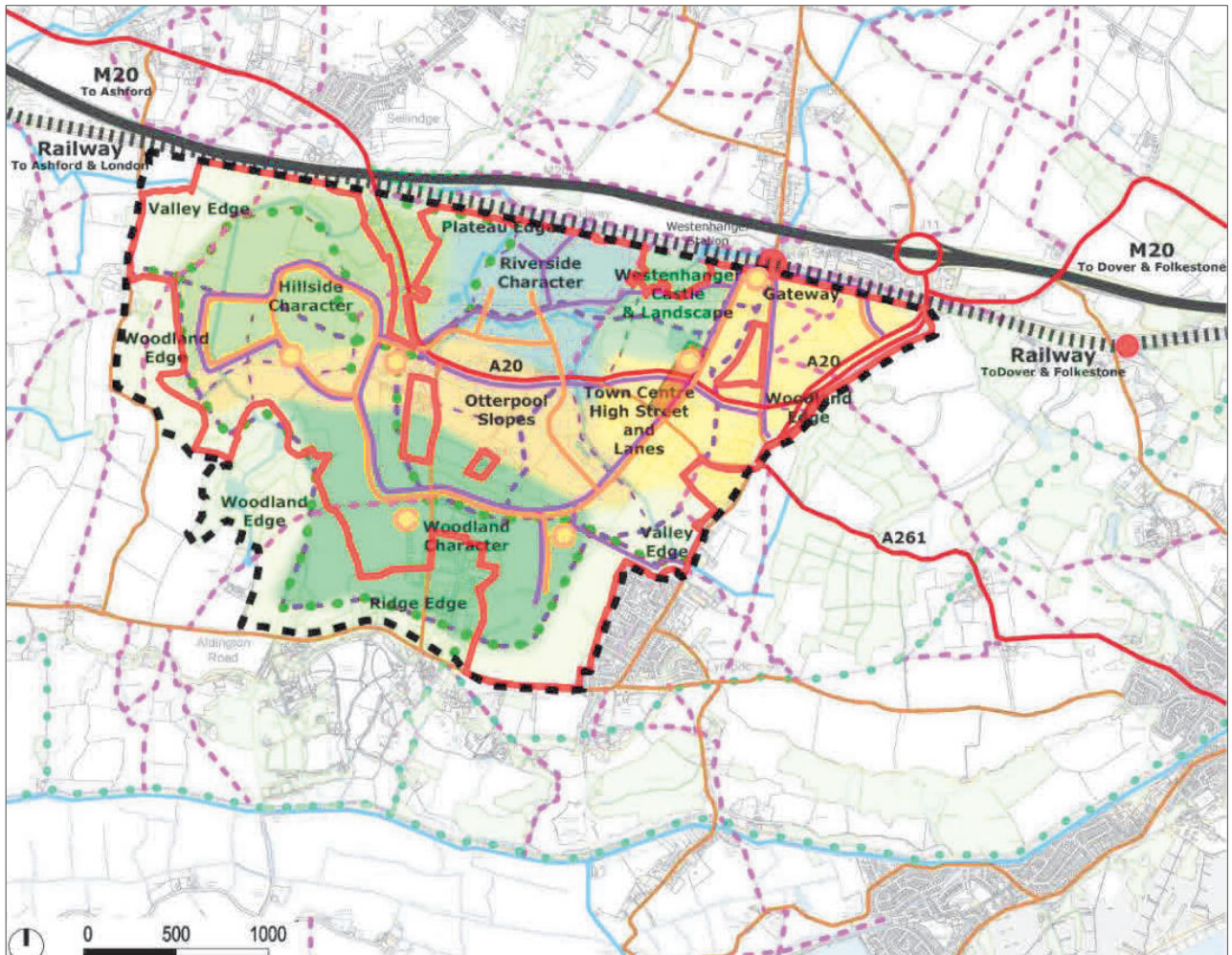
25 June 2018



# TEMPLE

LEADERS IN ENVIRONMENT,  
PLANNING & SUSTAINABILITY.

## Report for – Folkstone & Hythe District Council Otterpool Park Scoping Opinion Report Final



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## Document version control

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Version	Date	Author	Reviewed by	Reviewed and approved by
1.0	18/05/2018	Giulia Civello	Lauren Dombowsky	Peter George
2.0	06/06/2018	Giulia Civello	Lauren Dombowsky	Peter George
3.0	25/06/2018	Giulia Civello	Lauren Dombowsky	Peter George

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**Report for:** **Folkstone & Hythe District Council**

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## **1.0 Introduction**

### **1.1 Context**

- 1.1.1 Temple has been commissioned by Folkstone & Hythe District Council (FHDC) to review the Scoping Report for the Otterpool Park development and issue a Scoping Opinion.
- 1.1.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as ‘the EIA Regulations’) require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken and an Environmental Statement (ES) produced. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so, on what terms (Carroll and Turpin, 2009).
- 1.1.3 Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.
- 1.1.4 Where a proposed development is determined to be an ‘EIA development’ the Applicant can ask the relevant planning authority for advice on the scope of the EIA (an EIA Scoping Opinion).
- 1.1.5 An EIA Scoping Report by Arcadis was received by FHDC as the relevant planning authority. The EIA Scoping Report requested an EIA Scoping Opinion for a proposed development of land in the vicinity of Otterpool Park within the administrative area of Folkstone & Hythe Council in Kent to develop a new garden town.

### **1.2 EIA Scoping Opinion**

- 1.2.1 The EIA Scoping Opinion outlines FHDC’s opinion of the proposed scope of the EIA (based on the information provided to date) and identifies any suggested amendments or concerns.
- 1.2.2 In addition to the EIA Scoping Report prepared by Arcadis, this EIA Scoping Opinion has been drawn up with reference to the following:
- a site visit undertaken 30 August 2017;
  - consultation with internal and external consultees;
  - relevant site history; and
  - the EIA Scoping Report prepared by Arcadis.
- 1.2.3 The issue of this EIA Scoping Opinion does not prevent the planning authority from requesting ‘further information’ at a later stage under Regulation 25 of the EIA Regulations.
- 1.2.4 No indication of the likely success of an application for planning permission for the proposed development is implied in the expression of this EIA Scoping Opinion.

## **2.0 The Proposed Development and Site Context**

### **2.1 Site and Surrounding Area**

2.1.1 The site of the Proposed Development is located of 713 hectares of land directly southwest of Junction 11 of the M20 motorway, and south of the Channel Tunnel Rail Link (CTRL) in the administrative area of FHDC. The site is centred around National Grid Reference TR112 365 in the general area of Otterpool Manor buildings. Much of the site is greenfield in nature and is predominantly occupied by agricultural uses and associated farm holdings as well as some residential and light commercial uses. A range of historical land uses associated with both rural and commercial activities have been present on the site.

### **2.2 The Proposed Development**

- 2.2.1 The planning application for the Proposed Development will be submitted in outline seeking permission for a new garden settlement of up to 8,500 dwellings and other uses including commercial, retail, education, healthy, community and leisure facilities, parking, landscaping and public open space.
- 2.2.2 The EIA Scoping Report states that character areas are anticipated to be created across the site (named Gateway, Westenhanger Castle and Landscape, Town Centre High Street and Lanes, Riverside, Otterpool Slopes, Woodland, Hillside, and Valley & Woodland Edges).
- 2.2.3 The Gateway area is proposed to provide residential uses as well as education, employment, transport, health and leisure facilities. The Westenhanger Castle and Landscape area is proposed to provide residential, education and community uses. The Town Centre High Street and Lanes area is proposed to provide residential, employment and retail uses. The Riverside area is proposed to provide residential community, small scale retail and employment uses. The Otterpool Slopes, Hillside and Woodland areas are proposed to provide residential, community, small scale retail and education uses.
- 2.2.4 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.

## 3.0 Consultation

3.1.1 The EIA Regulations require that FHDC consult consultation bodies prior to issuing an EIA Scoping Opinion. Responses have been received from the following external organisations:

- Natural England;
- Environment Agency;
- Historic England;
- Highways England;
- Canterbury City Council;
- Ashford Borough Council (ABC);
- Kent County Council (KCC);
- Southern Water; and
- Kent Downs AONB Unit.

3.1.2 The following internal consultees have also provided responses:

- FHDC Landscape and Urban Design Officer; and
- Idom Merebrook on behalf of FHDC (Land Contamination).

3.1.3 Where relevant to the scope of the ES, the responses received are discussed within the main text of this report under each relevant topic section. A complete set of responses for consideration by the Applicant is appended to this report in **Appendix A**.



## 4.0 Approach to EIA and Methodology

### 4.1 Compliance with Regulations

- 4.1.1 The ES will need to meet the requirements of the EIA Regulations, specifically Schedule 4.
- 4.1.2 Section 13 of the EIA Regulations also set out requirements for EIA Scoping Reports. These requirements are as follows:
- a plan sufficient to identify the land, which has been included in Appendix A of the EIA Scoping Report;
  - a brief description of the nature and purpose of the development and its possible effects on the environment, which has been included in Section 3 and Sections 5 to 17 of the Scoping Report; and
  - such other information or representations the person making the request may wish to provide or make, which has been included as appropriate.
- 4.1.3 The Arcadis EIA Scoping Report contains sufficient information to meet Section 13 of the EIA Regulations.

### 4.2 EIA Methodology

- 4.2.1 The parameters for assessment of the outline scheme elements should be clearly set out. There is no mention within the Scoping Report on the approach to the parameters for assessment and these should be discussed and agreed with FHDC as part of pre-application discussions. Size and massing should be included in these proposals. The Applicant should consider using an illustrative scheme to demonstrate one way the Proposed Development could come forward within the parameters, although the assessment of effects must be based on the scheme for approval. An illustrative scheme is particularly useful for the visual assessments.
- 4.2.2 In their consultation response, Natural England acknowledge that the planning application will be in outline but stress that any application will need to include sufficient detail such that impacts to the AONB and designated can be fully understood. This will require detail on location, density and height of buildings, even if they are to be built in a phased manner. Details of green and blue infrastructure measures will also be required.
- 4.2.3 Historic England also note the need to agree parameters describing the type and maximum size of new elements in order to understand likely effects and the effectiveness of proposed mitigation. These need to be reproduced in visual representations of the likely appearance of the Proposed Development.
- 4.2.4 Clear differentiation between the red line boundary and the wider masterplan area will be needed in the ES. If planning permission is sought for the area within the red line boundary only, the assessment of effects should solely relate to that area and those proposals.
- 4.2.5 Any highway or footpath improvements beyond the main development site need to be assessed and the existing red line boundary extended if the improvements are for

approval as part of the same consent. In particular, we note the red line does not currently include the section of the A20 under the road bridges at Barrow Hill. As improvements in this area are likely to be required as part of a package of highways improvements FHDC is of the opinion that the red line should be extended to include this section.

- 4.2.6 FHDC notes Westenhanger Castle currently sits outside the red line but within the wider masterplan area. The Council's advice is that the Castle should be included within the red line.
- 4.2.7 If the Applicant can evidence mitigation to reduce effects to non-significant levels, detailed assessment for those topics will not be required under the new EIA Regulations. If this is the case, the mitigation proposed must be evidenced and the Applicant may wish to agree an amended Scoping Opinion. Mitigation which is not defined and evidenced in the ES cannot be assumed as embedded mitigation.
- 4.2.8 A draft Code of Construction Practice (CoCP) should be submitted with the ES for approval to evidence delivery of construction mitigation measures. A more detailed CoCP or Construction Environmental Management Plan (CEMP) will likely be required at the start of each phase of work.
- 4.2.9 In Section 4.13.5 of the Scoping Report, there is an implication that the technical details will be contained in appendices. All relevant details should be included in the technical chapters of the main ES, with supporting information only in the appendices.
- 4.2.10 It is noted that there will be an assessment of major accidents and disasters.
- 4.2.11 It should be clearly stated in the ES whether the energy centre will provide for the whole development. The ES should contain sufficient details of the type of energy generating facility being proposed and an assessment of environmental effects. If a temporary solution is required because of phasing, this also needs to be assessed.

### **4.3 Consideration of Alternatives**

- 4.3.1 The Scoping Report notes that 'main alternatives' will be discussed; however, the 2017 EIA Regulations require a description of 'reasonable alternatives' including a comparison of the environmental effects.

### **4.4 Cumulative Impact Assessment**

- 4.4.1 The ES will need to provide clear justification for the inclusion or exclusion of cumulative schemes.
- 4.4.2 The cumulative impact assessment in the ES should include the M20 J10A development in addition to the schemes listed within the Scoping Report.
- 4.4.3 With respect to the M20 lorry park, this is currently being optioneered and the land on the opposite side of the M20 to the site remains on the shortlist. If this is still the base at the time of submission of the planning application, it is considered that this should be considered within the cumulative impact assessment.
- 4.4.4 The Scoping Report sets out that the cumulative assessment scenario of red line boundary and the framework masterplan will be included in the ES. The logic for this is not



clear in terms of the requirements of the EIA Regulations and needs further explanation if an assessment is to be included in the ES.

- 4.4.5 The cumulative assessment should also include reasonably foreseeable schemes which are not yet consented. This may include schemes which are not part of “*adopted and emerging development plans*.” In their consultation response, the AONB Unit query whether the current undetermined planning application Y16/1122: Land rear of Rhodes House, Main Road, Sellindge should be included. This should be considered for inclusion as part of the cumulative assessment.
- 4.4.6 In their consultation response, ABC list a number of additional cumulative sites allocated in 2017. Based on the number of dwellings associated with each of these developments it is considered that significant cumulative effects are unlikely, however these sites should be reviewed as part of the cumulative effects assessment even if they are ultimately scoped out.
- 4.4.7 The Applicant will need to monitor the status of all proposals before submitting the ES to confirm whether the proposals should form part of the cumulative assessment.

## **4.5 Limitations and Assumptions**

- 4.5.1 The ES will need to clearly set out details of any difficulties encountered in compiling the ES and those assumptions upon which the assessments have been based. This will be particularly important given the outline nature of the planning application.
- 4.5.2 Assumptions around land use should be clearly defined for the assessment, including the location of the industrial energy centre.

## **4.6 Planning Context**

- 4.6.1 The assessment should take account of those updates to the National Planning Policy Framework which are currently subject to consultation.

## 5.0 Scope of the EIA

### 5.1 Agriculture and Soils

- 5.1.1 The general approach, the methodology proposed and the assessment of the significance of effects in relation to agriculture and soils is considered acceptable, and the assessment should be undertaken on that basis. The additional information which should be provided in the ES is detailed in **Sections 5.1.2 to 5.1.5** below.
- 5.1.2 The geographic scope of the soils assessment should be made clear in the ES.
- 5.1.3 Figures 5.2 and 5.3 within the Scoping Report do not align, as one figure shows the majority of the site as Grade 2 Agricultural Land Classification (ALC) and the other only shows a small section of the site as Grade 2. It is acknowledged that this is due to the source of the published ALC data, and therefore the sources used to describe the baseline soils conditions should be adequately explained. It should be clear where the published data is confirmed by soil sampling.
- 5.1.4 The phasing of assessments should be clearly defined in the ES.
- 5.1.5 Mitigation measures for affected farm businesses and farm operations should be clearly defined for both construction and operation phases.

### 5.2 Air Quality

- 5.2.1 The general approach, the methodology proposed and the assessment of the significance of effects in relation to air quality is considered acceptable, and the assessment should be undertaken on that basis. The additional information which should be provided in the ES are detailed in **Sections 5.2.2 to 5.2.3** below.
- 5.2.2 Although there is no definition of the study area, in Chapter 6 of the Scoping Report, there is a commitment to assess all areas within 200 m of all affected roads in the study area which is to be confirmed when the transport study is complete. Therefore, the study area to be included in the assessment should be sufficient, even if not confirmed at present. It would be helpful for an updated study area plan to be provided to FHDC in advance of the ES submission to confirm the spatial extent of the assessment. This can then be checked against Canterbury City Council's consultation response, which requests that Air Quality Management Areas (AQMAs) in the Canterbury district are included in the study area. AQMAs will need to be assessed where traffic flows as a result of the Proposed Development result in an exceedance of emissions thresholds.
- 5.2.3 If any land uses are proposed which could give rise to significant odour effects, e.g. waste transfer station or waste water treatments, odour will need to be scoped into the EIA.

### 5.3 Biodiversity

- 5.3.1 The general approach and the methodology proposed for the assessment of biodiversity is considered acceptable, although as **Section 5.3.2** notes, there should be a gradient for the assessment of significance of effects. Further comments on the scope of the biodiversity assessment, as well as additional information which should be provided in the ES is detailed in **Section 5.3.3 to 5.3.6** below.

- 5.3.2 It is noted that a binary significance is proposed, as per the Chartered Institute of Ecology and Environmental Management (CIEEM) guidance. An important part of the EIA process is the ability to compare between topics, therefore it would be helpful for significance to be graded to align with other topics.
- 5.3.3 As noted in the third row of Table 7-1, the survey scope should be agreed with Natural England. Surveys will generally be valid for two years and therefore, as the Proposed Development will be phased over many years, there will be a need to update surveys to support subsequent reserved matters applications. This should be taken into consideration in the assessment and will be conditioned, should the planning application get permission.
- 5.3.4 Based on the current information, we are unable to agree the scoping out of effects to invertebrates, white clawed crayfish and fish and other water bodies. If the Applicant can provide sufficient evidence of mitigation provided within the ES, then it is agreed that this topic can be scoped out of the EIA.
- 5.3.5 The CoCP is unlikely to contain operational measures and therefore is insufficient mitigation for invertebrates, white clawed crayfish and fish and other water bodies during the operational stage of the Proposed Development. It may still be possible to scope out an operational assessment on invertebrates, white clawed crayfish and fish if sufficient justification is provided in the ES, which will need to include details of additional mitigation beyond the CoCP. In the absence of this information, we are unable to agree the scoping out of operational effects to these species based on current information.
- 5.3.6 European designated sites (SPA, SAC or Ramsar) more than 20km away have been scoped out of the EIA. In their consultation response, KCC note the potential for effects associated with increased recreational pressure on these sites. It is acknowledged that a Habitats Regulation Screening exercise will be undertaken, but the ES must also evidence why these sites are not anticipated to experience significant environmental effects, otherwise these sites should be scoped in.

## 5.4 Climate Change

- 5.4.1 The general approach and the methodology proposed, and the assessment of climate change is considered acceptable, and the assessment should be undertaken on that basis.

## 5.5 Cultural Heritage

- 5.5.1 The general approach, the methodology proposed and the assessment of the significance of effects in relation to cultural heritage is considered acceptable. Additional comments on the scope are provided in **Section 5.5.2 to 5.5.8**.
- 5.5.2 It is welcomed that Historic England guidance Good Practice Advice 3: Setting of Heritage Assessments will inform the assessment. Good Practice Advice 2: Managing Significance in Decision Taking should also be referenced and used in the cultural heritage assessment.
- 5.5.3 Grade II Sandling Park has been scoped out of the assessment because it is stated that it is screened by intervening buildings and trees, however this cannot be agreed on the

basis of the information provided. Therefore, setting effects on this asset need to be scoped in unless robust justification is provided in the ES.

- 5.5.4 In relation to archaeological assets, in their consultation response Historic England note that results of the trial trenching and geo-technical review have not yet been shared and therefore they cannot comment on potential significance of archaeological receptors at this stage. They do however note, that some archaeological assets are likely to be of national significance and therefore physical preservation in situ may be the most appropriate mitigation for any potential effects. KCC also note that the East Stour and its floodplain are likely to be of high archaeological potential. The scope of archaeological investigations must be fully agreed with these stakeholders in light of comments made.
- 5.5.5 Historic England note that Westenhanger Manor is at least a 14<sup>th</sup> century site. They also note that potential effects to the operation of Westenhanger castle during both construction and operation of the Proposed Development should be considered, in addition to effects to setting.
- 5.5.6 In order to full assess effects to the Westenhanger castle setting Historic England suggest that in addition to the LVIA views, views out from and towards the castle are considered.
- 5.5.7 Historic England request that effects to the setting of the prehistoric barrows are also assessed. Similarly, KCC request that effects to historic landscape character are fully assessed within the ES, and specifically note barrow cemeteries to the east and west of Barrowhill.
- 5.5.8 ABC do not agree that Romano-British Building South of Burch's Rough Scheduled Monument should be scoped out of the assessment given the proximity to the boundary of the site. Additional consideration should therefore be given to this within the ES, and if it is scoped out of the final assessment robust justification should be provided in the ES. Similarly, ABC are concerned that potential effects to Adlington Church conservation area have not been considered in the Scoping Report. This asset would be considered as part of the ES, and if it is considered that potential effects are unlikely then this should be clearly justified in the ES.

## 5.6 Geology, Hydrogeology and Land Quality

- 5.6.1 The general approach, the methodology proposed and the assessment of the significance of effects in relation to geology, hydrogeology and land quality is considered acceptable and the assessment should be undertaken on that basis. The additional information which should be provided is detailed in **Section 5.6.2 to 5.6.3**.
- 5.6.2 Cumulative contamination effects have been scoped out on the basis that cumulative schemes are expected to be built in accordance with legislative controls and built-in mitigation – this needs to be evidenced, otherwise this should be assessed in the ES.
- 5.6.3 As per previous comments, there is insufficient evidence of mitigation in the Scoping Report to scope out effects in Section 10.5.4 of the Scoping Report. If sufficient evidence can be provided in the ES, the assessment of these effects is not required.
- 5.6.4 Potential effects to the health of construction workers during the construction phase should also be considered.

## 5.7 Human Health

- 5.7.1 The general approach, the methodology proposed and the assessment of the significance of effects in relation to human health is considered acceptable, and the assessment should be undertaken on that basis.
- 5.7.2 The consideration of significant effects on population and human health should include a statement on the way in which any change can be expected to manifest itself e.g. a change in respiratory health, or in mental wellbeing. The Scoping Report indicates the Human Health section of the EIA will summarise the findings of the Health Impact Assessment (HIA). As this proposal is for a new standalone settlement, the demographic patterns are likely to be significantly different to other large scale developments and FHDC would wish to see sufficient population distribution analysis within the HIA to reflect the particular population patterns of new settlements over time. Given the direct relationship between the EIA Health Human chapter and the HIA, FHDC would welcome the opportunity to discuss and agree the scope of the HIA during pre-application discussions.
- 5.7.3 With respect to Section 11.5 of the Scoping Report, effects to open space and nature are not referred to under possible effects, but these are referred to in Section 11.13.6 which discusses methodology. It is assumed that this effect is scoped in as there is no clear statement to the contrary or justification provided for scoping it out. If this is not the case, the ES must provide clear justification, including details of proposed mitigation, for scoping out, otherwise an assessment of these effects will be required.

## 5.8 Landscape and Visual Impact Assessment

- 5.8.1 The general approach, the methodology proposed and the assessment of the significance of effects in relation to landscape and visual impact assessment is considered acceptable and the assessment should be undertaken on that basis. The additional information which should be included in the ES is detailed in **Section 5.8.2 to 5.8.7**.
- 5.8.2 It is noted that there has already been consultation with the Area of Outstanding Natural Beauty (AONB) Unit and the FHDC. The FHDC and KCC request that one or two additional viewpoints along Saxon Shore Way are included in the LVIA. Whilst the landform is sloping away from the site, there may be some views of the Proposed Development on the skyline. In their consultation response, the Kent Downs AONB Unit and KCC also request that an additional viewpoint is included on the North Downs Way (approximate grid reference 610500 142400).
- 5.8.3 The AONB Unit also request that the ES includes an assessment of both direct and indirect impacts on the special characteristics and qualities of the AONB and its purpose for designation. In addition to an assessment of effects to landscape and biodiversity within the AONB, potential effects relating to tranquillity, including noise and light pollution, visitor pressure and transport effects should also be considered. They request that a Lighting and Night Time Assessment should be undertaken as part of the ES. We agree that this should be provided as the development involves the introduced of potentially significant amounts of lighting into a largely unlit, rural area. This is particularly important of the special characteristics and qualities of the AONB including its darkness.

- 5.8.4 In relation to Section 12.3.1, reference should be made to the latest iteration of the Places and Policies Local Plan i.e. the Submission Draft, 2018 (policies NE3 and NE5).
- 5.8.5 In Section 12.3.2, the relevant landscape-related planning policy guidance should also include reference to Landscape Character Areas, Conservation Area Appraisals and Shepway Green Infrastructure Report 2011 etc. which form part of the Local Plan evidence base.
- 5.8.6 In Section 12.3.7, reference is made in value and susceptibility/sensitivity for both landscape and visual receptors, but no further definition/criteria are set out. For transparency, it would be useful to understand how these aspects of the assessment are being defined and will be judged.
- 5.8.7 The indicative criteria set out in Table 12.2 and 12.3 are helpful however they are not consistent through the tables and could be more specific to aid transparency and consistency in judgements. For example, a moderate landscape effect may be described as one where *'the proposal would lead to the loss of some elements/features or noticeably alter landscape qualities or a valued aspect of landscape character. Post-development character/composition/attributes of the baseline will be changed, but not to a substantial degree. Or where the proposal would lead to the addition of some elements or features of an area or noticeably improve landscape qualities or a valued aspect of landscape character, but not to a substantial degree.'* The first column of Table 12.3 should also be titled 'visual effect' rather than 'landscape effect'.
- 5.8.8 Section 12.3.10 notes that major effects are considered significant. However, it is usual that moderate effects are also considered significant.
- 5.8.9 The AONB Unit also note that a significant amount of tree cover in this locality is likely comprise ash. Therefore, as part of consideration of the future baseline, the potential effects of ash die back disease should be considered in assessing the visual impacts of the Proposed Development.
- 5.8.10 In their consultation responses, the AONB Unit and ABC refer to lighting and dark skies assessment. The Applicant has made some reference to the ABC Dark Skies policy and the Woodchurch Dark Skies Protection Area as part of the LVIA baseline. Given this is a major development in a rural area, we consider that assessment of the potential; effects of lighting at night should be provided as part of the ES.

## 5.9 Noise and Vibration

- 5.9.1 The general approach and the methodology proposed is considered acceptable, and the assessment should be undertaken on that basis. Comments on assessment of the significance effects, additional information which should be provided in the ES and comments regarding monitoring are detailed in **Section 5.9.2 to 5.9.10** below.
- 5.9.2 The assessment will need to consider phasing, including part-occupation which will introduce new receptors onto the application site.
- 5.9.3 In Section 13.3.14 of the Scoping Report, there are thresholds for significant operational traffic noises presented. These are effectively threshold values for deciding whether to progress the assessment of the noise change from that road past the scoping stage to a more detailed assessment, not significance criteria as stated.



- 5.9.4 In Section 13.3.17, the definition of significance is not correct. It has been previously described that the ABC method will be used and the 5 dB change method to evaluate impacts from construction noise in Section 13.3.7 and 13.3.8 is more appropriate.
- 5.9.5 It is not clear why the noise levels are defined in terms of LA<sub>10</sub> as per Section 13.3.18. This is presumably the site suitability criteria.
- 5.9.6 Assessment of the noise from operation of the Proposed Development (e.g. plant or commercial uses) should be carried out using BS4142.
- 5.9.7 Baseline monitoring should include:
- one or two monitoring locations around the north and east of Lympe which is likely to be very quiet and potentially affected by operational and construction noise from the site (long term, if possible);
  - a monitoring location on the north-east corner of the existing industrial site and on the western boundary of Lympe;
  - a measurement at Harringe Court Cottages;
  - a measurement on the west side of Barrow hill at houses which will be set back from the A20;
  - a measurement at Westenhanger, near the road and on the west side (quieter side);
  - a measurement at Otterpool Manor; and
  - a long-term measurement on the north boundary west of Barrow hill as this is likely to be the most exposed location as the M20 gets quite a bit closer here. A vibration measurement should be repeated here, as the trains may be running more quickly further from the station.
- 5.9.8 It is not clear if the longer-term unattended surveys would be undertaken at three locations or 34 locations. Three locations are not enough for such a large site and additional locations should be added.
- 5.9.9 Cumulative construction noise has been scoped out on the basis that sufficient information is unlikely. This is not justified and at least a qualitative assessment would be expected to be provided based on reasonable assumptions.
- 5.9.10 It is not clear that the Applicant will be assessing the impact of existing noise and vibration sources on the Proposed Development (site suitability assessment) although this is implied by the survey road proposals. A site suitability assessment will be required.

## 5.10 Socio-Economic Effects and Community

- 5.10.1 The general approach, the methodology proposed and assessment of the significance of effects is considered acceptable, and the assessment should be undertaken on that basis. The additional information which should be included in the ES is detailed in **Section 5.10.2 to 5.10.4**.
- 5.10.2 The receptors and resources to be considered are not clear from the structure of this chapter of the Scoping Report. For example, effects to housing are not mentioned in



Section 14.1.1 and not referenced in Table 14.1, so we cannot provide comment on spatial scope for this receptor; it is not mentioned in assessment methodology, but it is included in Section 14.5.2.

- 5.10.3 Section 14.3.16 makes no mention of cumulative housing effects, however these should be considered.
- 5.10.4 The ES will need to be clear on scope and methodology for each resource and receptor
- 5.10.5 There is no reference to effects on recreation in the assessment methodology, for example, the effects of additional pressure on existing facilities or the creation of new facilities will be assessed. The AONB Unit also request that effects of increased visitor pressure on the AONB are assessed, including access land, rights of way, public open land and woodland and carparks serving the AONB.
- 5.10.6 In their consultation response, KCC suggest that the level of education provision set out in section 3, scheme description, will not be sufficient to meet the demand generated by 8,500 homes. KCC also note that the basis of the calculation of floorspace allocated to health and community uses is not clear. This is not an EIA matter but it is recommended that the Applicant consults KCC requirements prior to submission of the planning application.

## 5.11 Surface Water Resources and Flood Risk

- 5.11.1 The general approach, the methodology proposed, and the assessment of the significance of effects is considered acceptable, and the assessment should be undertaken on that basis. Comments on the scope of the assessment are detailed below in **Section 5.11.2 and 5.11.3**.
- 5.11.2 Section 15.5.2 states that no hydrological or hydraulic modelling will be undertaken on the basis that there is no development in fluvial flood zones. Part of the site is located within Flood Zone 2 and 3 and therefore this position cannot be agreed without final designs. The approach must also be agreed with the Environment Agency.
- 5.11.3 The effects associated with temporary diversions and temporary loss of floodplain storage should be considered. The latter is mentioned in Section 15.3.6 but not in Section 5.5.
- 5.11.4 In their consultation response, the Environment Agency express concerns about where foul drainage will go, and water quality effects to the East Stour. They state that the risks presented by the disposal of effluent and surface water run off (on quality) from the Proposed Development are underplayed in the Scoping Report. Potential effects associated with foul drainage and water quality should be fully assessed in the ES.
- 5.11.5 The Environment Agency have two specific comments in relation to receptors for consideration in the ES:
- Table 15-3 assigns a Medium level of sensitivity to the East Stour. As the river would struggle to accommodate either of treated effluent or run off without deterioration, without considerable mitigation, the Environment Agency believe this merits a High designation.
  - Table 15-3 makes no mention of the English Channel as a potential receptor. Given that there is a possibility that treated effluent may be discharged there near a bathing

beach, the Environment Agency request that this be assessed and as a receptor of High sensitivity based on its amenity use.

- 5.11.6 The Environment Agency also note that the Scoping Report makes no reference to the potential impact of misconnections from all the houses.
- 5.11.7 In their consultation response, ABC highlight that all drainage of the Otterpool site is across the border into Ashford Borough. The potential effect on water quality in the East Stour and potential for downstream impacts in Ashford should be considered.

## 5.12 Transport

- 5.12.1 The general approach, the methodology proposed and the assessment of the significance of effects is considered acceptable, and the assessment should be undertaken on that basis. Additional information which should be included in the ES is detailed in **Sections 15.12.2 to 5.12.9**.
- 5.12.2 As per the overarching comment set out in **Section 4.4.5** of this scoping opinion, on cumulative effects, the cumulative effects assessment also needs to take account of reasonably foreseeable schemes which may not be committed which could potentially result in significant cumulative effects. In their consultation response, Canterbury City Council request that committed growth in the Canterbury District Local Plan 2017 is also considered. This growth will need to be taken account of in the assessment if developments are within a reasonable distance of the Otterpool Park site and are considered likely to have the potential to generate significant traffic effects.
- 5.12.3 There is information missing from the Scoping Report, such as:
- Figure 16.1 which has not been provided;
  - a definition of the 'end year' in scenarios 4 and 5. This needs to be confirmed and applied consistently in this and all other topic assessments;
  - details on cumulative construction traffic assessment. This must be provided in the ES, even if qualitative and based on a set of defined assumptions;
  - reference to on-site receptors in Section 16.4.3, this should be included in the ES;
  - effects as per the IEMA guidelines within Section 16.5, although referred to in Section 16.3.4. The ES must assess these effects; and
  - construction traffic must be assessed, including phasing.
- 5.12.4 With regard to the scope of the transport modelling, Figure 16.1 is missing from the Scoping Report, however it is acknowledged that Section 16.3.9 replicates the criteria from the IEMA (1993) guidance to establish whether there is potential for significant environmental effects associated with increased traffic flows on specific links. These should be applied in the ES.
- 5.12.5 The scope of the transport modelling should be agreed with relevant stakeholders. In their consultation response, the AONB Unit request that effects associated with an increase in traffic along roads within the AONB and traffic along new roads and traffic diversion to rural roads within the AONB are fully assessed. Canterbury City Council request that the

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modelling includes routes into Canterbury, particularly Stone Street and Nackington Road. ABC also reference potential effects on the rural road network that extends into Ashford Borough. It is acknowledged that traffic volumes along these links may not exceed the IEMA criteria required for inclusion in the EIA, but the scope of the transport modelling itself should be agreed with stakeholders.

- 5.12.6 In their consultation response, KCC note that effects to public bridleways must be assessed and that equestrian users are considered as a receptor within the transport ES chapter.
- 5.12.7 Effects associated with temporary and permanent changes to the Public Rights of Way (PRoWs) network should be scoped in.
- 5.12.8 The ES should be clear as to what mitigation has been assumed as embedded and what is in addition and will need to be secured by planning conditions e.g. construction logistics plans.

## **APPENDIX N: Arcadis response to KCC EIA scoping response 10 July 2018**

Our ref: 10011914  
Date: 10.07.2018

ARCADIS  
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N1 9AB  
Tel: 07809230662  
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Dear [REDACTED],

**Subject:** Response to LPA Scoping Opinion (Issued 02.06.2018)

This document outlines the Arcadis response to the LPA scoping opinion part-authored by Temple Ltd on behalf of Folkestone and Hythe District Council (FHDC). We would like to take the opportunity to request clarification and raise points for discussion and agreement prior to the submission of the ES. Responses are broken down according to the paragraph numbers within the Scoping Opinion report for clarity as below.

#### 5.3.1

*The general approach and the methodology proposed for the assessment of biodiversity is considered acceptable, although as **Section 5.3.2** notes, there should be a gradient for the assessment of significance of effects. Further comments on the scope of the biodiversity assessment, as well as additional information which should be provided in the ES is detailed in **Section 5.3.3 to 5.3.6** below.*

For comment on this paragraph, please see the response to paragraph 5.3.1 below.

#### 5.3.2

*It is noted that a binary significance is proposed, as per the Chartered Institute of Ecology and Environmental Management (CIEEM) guidance. An important part of the EIA process is the ability to compare between topics, therefore it would be helpful for significance to be graded to align with other topics.*

Effects upon biodiversity receptors will be assessed according to the CIEEM guidance as this is the appropriate assessment methodology for this section of the EIA. Effects will be identified as significant or not significant. If impacts are identified as significant, the geographical scale at which they are significant will also be identified (i.e. County level). It is not deemed appropriate to utilise an assessment gradient which is not in line with the relevant professional guidance.

#### 5.3.3

*As noted in the third row of Table 7-1, the survey scope should be agreed with Natural England. Surveys will generally be valid for two years and therefore, as the Proposed Development will be phased over many years, there will be a need to update surveys to support subsequent reserved matters applications. This should be taken into consideration in the assessment and will be conditioned, should the planning application get permission.*

The survey scope has been presented to Natural England and several face-to-face consultation meetings have been held, no omissions or issues have been identified by Natural England.

It is acknowledged that the status of populations and habitats may vary over time and that the scope of surveys will also change depending on the detail of design and phasing which will increase in resolution following outline determination. As a component of the EIA, foreseen future survey requirements will be identified. Thus, additional surveys that are more appropriate to be conducted at a later stage of the planning process and surveys that will require updates at appropriate times during the scheme development will be specified in the appropriate section of the EIA.

#### 5.3.4

*Based on the current information, we are unable to agree the scoping out of effects to invertebrates, white clawed crayfish and fish and other water bodies. If the Applicant can provide sufficient evidence of mitigation provided within the ES, then it is agreed that this topic can be scoped out of the EIA.*

Arcadis consider that scoping out impacts to white-clawed crayfish (*Austropotamobius pallipes*) is appropriate due to the very low likelihood of this species being present within the ZOI (zone of influence) of the development. No records of this species being present in the East Stour River were returned and a telephone conversation with the EA (Environment Agency) confirmed that the invasive non-native signal crayfish (*Pacifastacus leniusculus*) is prevalent in the East Stour River. Signal crayfish can act as a vector for crayfish plague, to which white-clawed crayfish is highly susceptible. Nor is the habitat within the East Stour River of optimal quality as white-clawed crayfish occur in areas with relatively hard, mineral-rich waters on calcareous and rapidly weathering rocks. The closest records are over 3km to the east of the site on Seabrook Stream (SSSI) these are the only reported locations for white-clawed crayfish within 10km of the site (NBN Atlas).

Should FHDC or Temple however have information which suggests that there is evidence to support white-clawed crayfish within the East Stour River we would be very grateful to receive it.

Impacts to aquatic invertebrates and fish were scoped out of the assessment as the design and mitigation proposed will prevent significant impacts to the River Stour and hence these species groups. It may be that a Water Framework Directive Risk Assessment or Screening Assessment should be produced to support this scoping decision.

With regards to terrestrial invertebrates, the site areas to be developed are largely agricultural land which is intensively farmed, either arable crops with associated boundary features or improved or species poor semi-improved grassland. There are a few areas of semi-improved neutral grassland. Records centre data from Kent and Medway Biological Records Centre Data does return records of some invertebrates listed on Section 41 of the NERC Act and species listed on the Kent Red Data Book, this information is to be used to inform mitigation in the form of habitat design and planting.

It has been proposed that for terrestrial invertebrates, the most valuable habitats are largely retained, and a range of habitats which are of value for invertebrates will be created within the development (utilising the desk study data to inform design). The key areas for invertebrates, namely the river corridor and other notable habitats (quality grassland, woodland, ponds etc.) are largely retained and buffered, and the biodiversity net gain calculations will provide a quantitative evidence of how the ecological value of the Otterpool site is to be safeguarded. This habitat-based approach to ensuring no significant impacts to invertebrates was discussed and agreed with KCC during the survey scoping stage of the project. It is not considered that terrestrial invertebrate surveys would be likely to change the habitat driven approach to masterplan and/or mitigation design.

Can you please confirm that:

- FHDC or Temple group, in their position as reviewers for the EIA scoping report for FHDC agree that terrestrial invertebrate surveys are not considered necessary for the EIA. If this is not the case please let us know so that we can arrange appropriate additional survey input.
- FHDC, or Temple group, in their position as reviewers for the EIA scoping report for FHDC agree that the principal of a habitat-based approach to mitigation for terrestrial invertebrates is broadly acceptable for the EIA.

With regards to fish, even though a population of fish, including eel (*Anguilla anguilla*) is known to be present within the site, associated with the East Stour river, from EA data, Arcadis consider that fish surveys are not necessary to inform the EIA and that they can be scoped out of the assessment.

It is determined that the design mitigation of the site will prevent impacts to these receptors. The river is to be buffered within a significant GI buffer, with the topography designed to limit human impacts. The buffer area will be much larger than the current semi-natural habitat around the East Stour (the agricultural usage of the site extends within 10m of the river along the majority of its length within the site), and the change in surrounding land use will reduce inputs of fertilisers and other agricultural run-off.

The prevention of impacts during the construction stage will be ensured with standard industry practice. The surface water resources and flood risk section of the report will outline in greater detail how prevention of significant impacts to the river from the construction phase will be achieved.

The construction of the bridges across the East Stour River will be isolated impacts and the usage of clear-span bridges will prevent significant construction and operation impacts by maintaining a green corridor along the East Stour.

It may be that a Water Framework Directive Risk Assessment or Screening Assessment should be produced to support this scoping decision.

Can you please confirm that:

- FHDC, or Temple, in their position as reviewers for the EIA scoping report for FHDC agree that fish surveys are not considered necessary for the EIA. If this is not the case please let us know so that we can arrange appropriate additional survey input.
- FHDC, or Temple, in their position as reviewers for the EIA scoping report for FHDC agree that the principal of an embedded design mitigation approach to mitigation for fish is acceptable for the EIA.

#### 5.3.5

*The CoCP is unlikely to contain operational measures and therefore is insufficient mitigation for invertebrates, white clawed crayfish and fish and other water bodies during the operational stage of the Proposed Development. It may still be possible to scope out an operational assessment on invertebrates, white clawed crayfish and fish if sufficient justification is provided in the ES, which will need to include details of additional mitigation beyond the CoCP. In the absence of this information, we are unable to agree the scoping out of operational effects to these species based on current information.*

As above, it is not considered that operational impacts to white-clawed crayfish need to be considered as it is considered that this species is not present within the ZOI of the development and that no surveys for this species are appropriate for the EIA.

It is agreed that a CoCP will not outline how operational impacts from the development will prevent significant impacts to aquatic invertebrates and fish. However, it is considered that the impact pathways for operational impacts to these receptors (pollution, both runoff and discharge, and human impacts, including recreational



impacts) will be controlled through embedded design and through appropriate water management (which will be specified in the Surface Water Resources chapter of the EIA).

It may be that a Water Framework Directive Risk Assessment or Screening Assessment should be produced to support this scoping decision.

Significant operational impacts to terrestrial invertebrates will be prevented through provision of quality, well managed GI (green infrastructure), evidenced by the biodiversity net gain calculations.

Can you please confirm that:

- As above, FHDC, or Temple, in their position as reviewers for the EIA scoping report for FHDC agree that white-clawed crayfish surveys are not considered necessary for the EIA. If this is not the case please let us know so that we can arrange appropriate additional survey input.

It is foreseen that it can be adequately demonstrated in the Surface Water Resources and Flood Risk Chapter of the ES, potentially supported by a Water Framework Directive Risk Assessment or Screening (in line with the EA comments) that water quality impacts can be adequately mitigated within the development. If this is the case, can you confirm that:

- FHDC or Temple, in their position as reviewers for the EIA scoping report for FHDC agree that:
  - Specific surveys for aquatic invertebrates and fish are not required for the EIA;
  - Significant impacts upon these species groups can be scoped out of the EIA.
- If it is adequately demonstrated in the EIA that the design and proposed long term management of the site will provide an appropriate amount and quality of valuable habitats for terrestrial invertebrates (in line with the habitat-based approach outlined above informed by desk study data) that:
  - Specific surveys for terrestrial invertebrates are not required;
  - Significant impacts upon this species group can be ruled out of the EIA

#### 5.3.6

*European designated sites (SPA, SAC or Ramsar) more than 20km away have been scoped out of the EIA. In their consultation response, KCC note the potential for effects associated with increased recreational pressure on these sites. It is acknowledged that a Habitats Regulation Screening exercise will be undertaken, but the ES must also evidence why these sites are not anticipated to experience significant environmental effects, otherwise these sites should be scoped in.*

In line with the comments above, an explanation of the assessment of potential for recreational impacts upon European designated sites over 20km away will be briefly referenced, cross referencing information from the appropriate sections of the ES, for example Socioeconomic Effects and Community chapter.

No specific survey work in relation to these receptors is proposed, where appropriate the results from recreational impact assessments relating to closer European designated sites (including Dungeness and Romney Marsh SPA) will be extrapolated to these distant sites, if it is deemed necessary. The HRA will be the key supporting document submitted with the EIA to detail the assessment with regards to European designated sites, it will also refer to the HRA from the Core Strategy review compiled by AECOM for information.

Can you please confirm that:

- FHDC, or Temple in their position as reviewers for the EIA scoping report for FHDC, agree that specific recreational impact surveys upon European designated sites over 20km for the site are not required for the EIA and although they will be briefly mentioned in the ES, the detail will be addressed in the HRA which is a key supporting document for the ES.

Should you wish to discuss any of the issues raised within this letter, or require further information, please do not hesitate to get into contact. Feel free to call myself or Martina Girvan, details below, or alternatively we can be contacted through the project team. With the potential for further survey work outlined above, and the proposed submission date (in 2018), considering and the seasonality of ecological surveys, we would appreciate a prompt response.

We look forward to hearing from you;

Yours sincerely,

[Redacted signature]

[Redacted name]

[Redacted contact information]

[Redacted contact information]

CC. [Redacted list of recipients]

## **APPENDIX O: Email clarification from KCC from Arcadis 17 July 2018**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: Biodiversity clarifications to Otterpool Scoping Response  
**Date:** 17 July 2018 11:58:21  
**Attachments:** [image001.jpg](#)

---

Hi [REDACTED]

Sorry for the delay in responding. Please find below F&HDC/Temple response to the queries raised in the letter. Happy to pick up these points in the PPA meeting on Thursday with your colleagues if there are any further clarifications required.

- 1. Significance / CIEEM methodology** – the Applicant notes that the CIEEM methodology results in a binary assessment of significance i.e. significant or not. Whilst the applicant is correct that this is what the CIEEM methodology requires, CIEEM is not an EIA methodology and so we find it helpful if Applicant's can take the CIEEM one step further to apply some gradation of significance i.e. is the effect just above the significance threshold or is this a major adverse effect. This will help the Council in forming a judgement about the severity of effects and comparing between environmental topic. This approach is however not essential as the CIEEM methodology still complies with the EIA Regulations of identifying whether an effect is significant or not.
- 2. Survey scope** – The Applicant notes that the survey scope has been presented to Natural England but it is not clear whether the scope has explicitly been agreed. Temple's scope of reviewing the scoping report produced by the applicant does not extend to a full validation of the ecological baseline and therefore we can only comment on whether what the applicant is proposing complies with the EIA Regulations, not whether they have accurately identified all ecological species which may be present. Therefore we would defer to the statutory bodies on this. If the applicant can provide written confirmation of agreement to their survey scope from Natural England / Environment Agency this would be the best way to close out these comments.
- 3. Scoping out effects to invertebrates, white clawed crayfish and fish and other water bodies** – The 2017 EIA Regulations require any mitigation measures being cited as the basis of scoping out a topic / receptor from full assessment within the ES to be evidenced as the Council needs to be confident the measures are reasonable and viable. For Otterpool Park, the Applicant is proposing to scope out these receptors on the basis that the scheme design will mitigate any effects. However there is not enough evidence of this design within the scoping report for Temple, on the Council's behalf, to be able to confidentially say that the scheme mitigation will ensure there are no significant environmental effects to these receptors. If the Applicant can demonstrate this mitigation in the ES then a full assessment won't be required, but on the basis of the information provided in the scoping report there is insufficient evidence to agree this position.

Kind regards,

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** 10 July 2018 17:50  
**To:** [REDACTED]

Cc: [REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** Biodiversity clarifications to Otterpool Scoping Response

Dear [REDACTED],

I am the Biodiversity lead on the Otterpool Park project. Thank you for the scoping response we received recently.

We wish to clarify a few points within the response, we have outlined these in the attached letter.

We would appreciate a discussion on these issues as soon as possible, considering the ecology survey window for 2018 and the proposed timescales for the project.

Would it please be possible to arrange a phone meeting between the relevant individuals so that we can bottom out these queries?

Should you require any clarification in the meantime please let me know.

Kind regards,

[REDACTED]

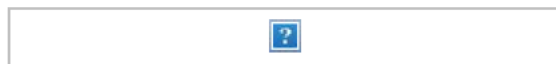
[REDACTED] BSc (Hons), MCIEEM | Principal Ecological Consultant

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## **APPENDIX P: EIA scoping response from NE 1 June 2018**

Date: 01 June 2018  
Our ref: 247310  
Your ref: Y18/0001/SCO



██████████  
Planning consultant  
Folkestone and Hythe District Council

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear ██████████

**Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011):** Otterpool Park - Garden Town. Land To The South Of The CTRL, incorporating The Former Racecourse At Westenhangar And Agricultural Land Between Harringe Lane In The West, Aldington Road In The South And Stone Street/Ashford Road (A20) In The East.

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 16 May 2018 which we received on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission.

**Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.**

#### General advice

The site is situated in the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB), surrounded by the AONB to the north, east and south. The views out from the AONB are a special quality for which it is designated. The settlement will be clearly visible from the escarpment to the north, along which runs the North Downs Way National Trail.

There are also potential impacts, but also opportunity for enhancement, for the Otterpool Quarry Site of Special Scientific Interest (SSSI), located at the centre of the proposed site, and Lymgne Escarpment SSSI approximately 400m to the south of the site.

There is also opportunity for an ambitious green and blue infrastructure (GI) strategy, making use of its multiple environmental, social and economic benefits for people and wildlife. This could help mitigate ecological and AONB impacts, but also provide net gain for biodiversity; provide people's access to nature and recreation, benefit health and wellbeing; attractiveness and economic prosperity of the town for living and working; cleaner air and sustainable management of water.

---

<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from

<http://www.ebarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>



**Natural England has engaged in substantial pre-application advice with the project team on the Otterpool Park Masterplan, on which we have provided detailed advice regarding designated sites, protected landscape and scope/ methodology of Landscape and Visual Impact Assessment (LVIA), GI, protected species, biodiversity net gain and best and most versatile land.**

**We understand the forthcoming planning application will be outline. We would like to stress that any application will need to include sufficient detail such that we can ascertain impacts on the AONB and designated sites. This will require detail on location, density and height of buildings, even if this may be built out in a phased way. Sufficient detail will also be required of green and blue infrastructure measures, particularly where required as avoidance and mitigation, and its security and stewardship in the long term.**

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Julia Coneybeer on 020802 68033. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Julia Coneybeer  
Senior Advisor, Downs to Dungeness team

## **Annex A – Advice related to EIA Scoping Requirements**

### **1. General Principles**

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### **2. Biodiversity and Geology**

#### **2.1 Ecological Aspects of an Environmental Statement**

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

#### **2.2 Internationally and Nationally Designated Sites**

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017. In addition paragraph 118 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site

identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

### **Sites of Special Scientific Interest (SSSIs) and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)**

The development site includes or is close to the following designated nature conservation site:

- Otterpool Quarry SSSI, situated within the central part of the proposed site
- Lympne Escarpment SSSI, situated approximately 400m south of the proposed site boundary

Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov). The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

- Several European sites within 20km of the proposed site may also be indirectly affected given the scale of the development, and should be included in the scope of the supporting information for a Habitats Regulations Assessment, as follows:
  - Folkestone & Hythe Escarpment Special Area of Conservation (SAC), located approximately 4.3km to the north-east of the proposed site
  - Wye and Crundale Downs SAC, 6.5km north-west
  - Dungeness SAC, and Dungeness, Romney Marsh and Rye Bay SPA (Special Protection Area) and Ramsar, from approximately 8.7km to the south
  - Parkgate Down SAC, 9.3km north
  - Lydden & Temple Ewell Downs SAC, approx 15.3km, north-east
  - Dover to Kingsdown Cliffs, approx 20km to the north-east

Natura 2000 network site conservation objectives are available on our website: <http://publications.naturalengland.org.uk/category/6490068894089216>

The HRA will also need to include an in-combination assessment with other plans and projects. This should include the Council's recent submission of its Places and Policies Local Plan (PPLP) and current draft Core Strategy Review including the proposed extension of Sellindge.

### **2.3 Regionally and Locally Important Sites**

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

## **2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017**

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation.

### **Great crested newt interim approach**

Natural England is currently moving to a new approach for great crested newt (GCN) licensing, the transition for which is currently underway in Kent. The aim is eventually for each District to hold their own strategic organisational license. This new approach involves district wide survey of the distribution of GCN and assessment of the impacts on GCN from all planned development in the district over the whole local plan period. Modelling then predicts opportunities for joining up GCN habitat across a landscape, and highlighting strategic opportunity areas for GCN in order to maintain the species' Favourable Conservation Status (FCS). The strategic delivery is guided by a County wide GCN Conservation Strategy.

In advance of District level licensing, the existing site by site licensing approach is being streamlined to provide an interim approach that applicants can start benefiting from in the coming weeks. Natural England is providing pre-application advice to the Otterpool Park project team on whether to participate with the interim approach which is voluntary. Participating development projects will pay a tariff for the creation, management and monitoring of the compensatory habitat according to the Risk Zone the development occurs within and the number of ponds directly impacted. This tariff will allow the license holder to deliver compensation ahead of development impact (the long term aim is for the District level license to be held by the local planning authority who can grant the license at the same time as planning permission, but in the interim this may be held by the County Council). Compensation habitat will be created in strategic opportunity areas, which have already been identified across Kent and are located near to existing GCN habitat to enable effective recolonisation. This habitat will need to be functioning for GCN and secured for 25 years before development can begin.

The benefit for developers who participate in the pilot will be avoiding the normal requirement for carrying out GCN surveys on their sites. Furthermore, as the compensatory habitat will itself ensure a net benefit to GCN and will be populated by natural dispersal, it is intended that developers who participate in the scheme will not be required to trap and translocate GCN from their sites.

The Otterpool Park proposals could be a pioneer use of the new licensing scheme. Overlaid with current modelling for the Ashford/ Low Weald area, the proposed site compares well regarding current GCN value and potential for enhancement.

The scheme could use the modelling to inform its own compensation, with no need for trapping/fencing for GCN (though this may still be needed for reptiles). The scale of the site means it could potentially also provide compensation for other development elsewhere in the District, which could effectively get 'banked' in advance, as long as the compensation was within strategic opportunity areas.

Various options could be discussed on how the licensing approach could work at Otterpool Park. For instance, the Otterpool Park developers could pay the tariff for all the compensation needed for this proposal alone (which is compensated elsewhere in the district). However given the scale of the Otterpool Park proposals, and the provision of significant green and blue infrastructure, it may be more appropriate for the scheme to provide the compensation wholly within the proposed site, and potentially provide additional compensation for other development in Folkestone & Hythe District.

The way the licence is administered could also be staggered during the phasing of the development.

## **2.5 Habitats and Species of Principal Importance**

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England advises that a habitat survey (equivalent to Phase 2) is carried out on the site, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The Kent and Medway Biological Records Centre should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

## **2.6 Contacts for Local Records**

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies including the Kent and Medway Biological Records Centre (and others such as the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

### 3. Designated Landscapes and Landscape Character

#### Nationally Designated Landscapes

The development site is located within the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB), and presents a significant, new and dramatic insertion of built environment in the setting of the AONB, which is currently an expanse of semi-natural landscape as viewed from the escarpment. The settlement will be clearly visible along a substantial distance of the Downs, a much visited stretch especially along the North Downs Way National Trail.

Consideration should be given to the direct and indirect effects upon this designated landscape and in particular the effect upon its purpose for designation within the environmental impact assessment, which includes views, as well as the content of the Kent Downs AONB management plan.

Considerable detailed assessment will be required to adequately assess the potential effects and options for mitigation, through a Landscape and Visual Impact Assessment (LVIA), further advice on which is given below. The LVIA will need to explore various means of avoiding and mitigating effects which reach beyond planting and landscaping, including suitable colours of roofs and walls, and vegetated green roofs and walls which would also have the additional benefit of providing habitat.

Natural England has already provided some pre-application advice to the Masterplanning project team, alongside the AONB Unit, on suitable viewpoints and LVIA methodology. However we have urged the need to obtain specific data on proposed location, density and height of built development, in order to be able to ascertain the potential impacts on the views from the AONB. This will need to include in combination with other plans and projects, including the Sellindge extension and the M20 Lorry Park (Operation Stack).

#### Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography. The European Landscape Convention places a duty on Local Planning Authorities to consider the impacts of landscape when exercising their functions.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises the



cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### **Heritage Landscapes**

You should consider whether there is land in the area affected by the development which qualifies for conditional exemption from capital taxes on the grounds of outstanding scenic, scientific or historic interest. An up-to-date list may be obtained at [www.hmrc.gov.uk/heritage/lbsearch.htm](http://www.hmrc.gov.uk/heritage/lbsearch.htm).

## **4. Biodiversity net gain**

Through the Core Strategy Review, Folkestone & Hythe District Council is embedding strengthened policy for securing green infrastructure and biodiversity net gain through development. This is in light of progression of Government policy to reverse the trend of biodiversity decline, which has continued to occur despite planning policy aimed towards no residual loss in biodiversity.

This includes the current updating of the NPPF which will see a strengthening of provision for net gain through development. Defra will also be consulting later this year on making it mandatory. This is following the publishing of Defra's [25 Year Environmental Plan](#), in which net gain through development is the first key objective.

Natural England therefore expects the Otterpool Park proposals to set out how biodiversity net gain will be achieved, over and above residual losses which should be accounted for and addressed. With careful planning using ecological expertise, this should be easily achievable for this development given its scale and opportunity for blue/ green estate.

We recommend the applicants make use of the Defra [biodiversity metric](#), which is a clear and methodical calculation for net gain in biodiversity for individual planning proposals. The metric is currently being updated by Defra and Natural England to include a wider range of habitat types and incorporate wider benefits of GI, and should be available this autumn.

Key principles underpinning the biodiversity net gain approach include:

- **Mitigation hierarchy** – all development proposals should continue to follow the mitigation hierarchy as set in national policy (para 118 of the NPPF), whereby if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- **Impacts on statutory designated sites** – including SSSIs and European sites (Special Protection Areas, Special Areas of Conservation and Ramsar sites) will continue to be addressed through their existing legislative protections, ie the Wildlife and Countryside Act 1981 as amended, and the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations').

Net gain should apply to the remaining residual loss in biodiversity of a development proposal, and is based on enhancement and creation of [UK priority habitats](#), listed as required under Section 41 of the NERC Act 2006.



## 5. Blue and green infrastructure (GI)

The development offers the chance for an ambitious blue and green infrastructure (GI) strategy, making use of its multiple environmental, social and economic benefits for people and wildlife. We understand GI will occupy approximately 40% of the site (equivalent to 200ha).

This will help mitigate ecological and AONB impacts, but also provide net gain for biodiversity, provide people's access to nature and recreation, benefit health and wellbeing; attractiveness and economic prosperity of the town for living and working; cleaner air and sustainable management of water.

As Natural England has consistently advised in our pre-application engagement for the Otterpool Park proposals with the project team and the Council, blue and green infrastructure will be critical in achieving so many of the sustainability aims of the garden settlement, through its multi-functional benefits:

- supporting habitats and wildlife,
- people's access and recreation,
- health and wellbeing of the local community,
- sense of place,
- attractiveness and economic prosperity of the town for living and working,
- landscape character and mitigation for Kent Downs AONB,
- cleaner air,
- sustainable management of water and flood risk,
- countering climate change.

The application should set out a functional assessment of existing GI assets and a consideration of the needs of the new community; ie what function is needed and where, and what type of GI is needed to deliver it.

We have also encouraged the provision for an all-year pollinators network throughout the settlement and with connection to the wider countryside. This would provide insect habitat all year round to support whole lifecycles, including blossom in the spring to flowering edges and meadows in the summer, and ivy for example in the winter. Gardens will also form an important part of the overall GI network.

### **Stewardship of the blue/ green estate**

Natural England considers longterm management of a coherent blue and green estate is not only possible but essential for the success of the garden settlement and its sustainability. If responsibility for GI assets is delegated to individual developers over the lifetime of the development, rather than through an overall land management organisation, there is the risk of depletion in quality and quantity of GI across the town, and ultimately its ability to function to its original purposes.

This is particularly important for ensuring features provided as specific mitigation measures remain intact and functioning, such as advanced structural planting.

As such, Natural England recommends the forthcoming application includes specific detail on longterm security and management of the GI estate, which is also set up in a way which gives the community control and custodianship, avoids fragmentation and degradation in future years. This will be fundamental for the sustainability of this development for its lifetime and future growth.

We have also advised the project management team to instigate discussions with management organisations such as the Land Trust, who are experienced in green estate management on large sites and developments across the country.

## **6. Ancient Woodland – addition to the S41 NERC Act paragraph**

The S41 list includes six priority woodland habitats, which will often be ancient woodland, with all ancient semi-natural woodland in the South East falling into one or more of the six types.

Information about ancient woodland can be found in Natural England's standing advice [http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland\\_tcm6-32633.pdf](http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf).

Ancient woodland is an irreplaceable resource of great importance for its wildlife, its history and the contribution it makes to our diverse landscapes. Local authorities have a vital role in ensuring its conservation, in particular through the planning system. The ES should have regard to the requirements under the NPPF (Para. 118)<sup>2</sup> which states:

'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.'

## **7. Access and Recreation**

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the nearby North downs Way National Trail. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

## **8. Soil and Agricultural Land Quality**

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the Environmental Statement:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see [www.magic.gov.uk](http://www.magic.gov.uk). Natural England Technical Information Note 049 - [Agricultural Land Classification: protecting the best and most versatile agricultural land](#) also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, eg one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, ie 1.2 metres.
3. The Environmental Statement should provide details of how any adverse impacts on soils can be minimised. Further guidance is contained in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites](#).

## 9. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

## 10. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 109), which should be demonstrated through the ES.

## 11. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

## **APPENDIX Q: Arcadis response to NE EIA scoping response 09 July 2018**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: EIA scoping Otterpool  
**Date:** 11 July 2018 12:55:00  
**Attachments:** [image001.jpg](#)

---

[REDACTED]

Yes this is standard wording advising the local authority to consider various ecological matters which may or may not need to be included in the EIA application.

I know Phase 2 habitat surveys have been undertaken for the Otterpool Park proposals, and these should have identified any areas where there may be potential invertebrate interest. If no such areas have been found, then it is not necessary to undertake detailed invertebrate surveys, and you may wish to justify this in the main application.

I hope this is helpful and look forward to seeing you soon to discuss the proposals further.

With thanks

[REDACTED]

Senior Advisor  
Sustainable Development team  
Sussex & Kent team  
Natural England  
02080268033  
07778023889

I am a contractual homeworker  
Post should be directed to:  
Mail hub, Block B, Whittington Road, Worcester, WR5 2LQ

My normal working days are Tuesday, Wednesday and Friday.

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England is accredited to the Cabinet Office Customer Service Excellence Standard**

---

**From:** [REDACTED]  
**Sent:** 09 July 2018 19:46  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** EIA scoping Otterpool

Julia,

Thanks you for taking the time to talk to me on Friday last week.  
It was useful to clarify some things regarding the Natural England formal EIA scoping response.

Can you please confirm as discussed that the text included within the Appendices, especially Appendix 2.5 is general Natural England advice and should be applied pragmatically to the development in question. As discussed, it is proposed that a habitats based assessment is applied to impact assessment and mitigation for invertebrates, and it was useful to clarify that the Natural England EIA scoping response note does not preclude this approach. Can you please confirm that Natural England do not consider invertebrate surveys necessary for the EIA submission?

I will be in touch soon to arrange a date for the meeting,  
Thank you again,

Kind regards,

[Redacted]

[Redacted] BSc (Hons), MCIEEM | Principal Ecological Consultant  
M. +44 (0)7809 230662

**Arcadis Consulting (UK) Ltd** | Arcadis House, 34 York Way, London | N1 9AB | UK  
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## **APPENDIX R: NE correspondence to Arcadis clarification request 11 July 2018**



**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: EIA scoping Otterpool  
**Date:** 11 July 2018 12:55:00  
**Attachments:** [image001.jpg](#)

---

Hi [REDACTED]

Yes this is standard wording advising the local authority to consider various ecological matters which may or may not need to be included in the EIA application.

I know Phase 2 habitat surveys have been undertaken for the Otterpool Park proposals, and these should have identified any areas where there may be potential invertebrate interest. If no such areas have been found, then it is not necessary to undertake detailed invertebrate surveys, and you may wish to justify this in the main application.

I hope this is helpful and look forward to seeing you soon to discuss the proposals further.

With thanks

[REDACTED]

Senior Advisor  
Sustainable Development team  
Sussex & Kent team  
Natural England  
02080268033  
07778023889

I am a contractual homeworker  
Post should be directed to:  
Mail hub, Block B, Whittington Road, Worcester, WR5 2LQ

My normal working days are Tuesday, Wednesday and Friday.

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

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In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

**Natural England is accredited to the Cabinet Office Customer Service Excellence Standard**

---

**From:** [REDACTED]  
**Sent:** 09 July 2018 19:46

[REDACTED]  
[REDACTED]  
**Subject:** EIA scoping Otterpool

[REDACTED],

Thanks you for taking the time to talk to me on Friday last week.  
It was useful to clarify some things regarding the Natural England formal EIA scoping response.

Can you please confirm as discussed that the text included within the Appendices, especially Appendix 2.5 is general Natural England advice and should be applied pragmatically to the development in question. As discussed, it is proposed that a habitats based assessment is applied to impact assessment and mitigation for invertebrates, and it was useful to clarify that the Natural England EIA scoping response note does not preclude this approach. Can you please confirm that Natural England do not consider invertebrate surveys necessary for the EIA submission?

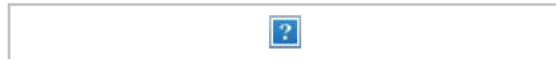
I will be in touch soon to arrange a date for the meeting,  
Thank you again,

Kind regards,

[Redacted]

[Redacted] BSc (Hons), MCIEEM | Principal Ecological Consultant  
M. +44 (0)7809 230662

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## **APPENDIX S: Response to EIA scoping from EA 26 June 2018**

Mr [REDACTED]  
Shepway District Council  
Civic Centre Castle Hill Avenue  
Folkestone  
Kent  
CT20 2QY

**Our ref:** KT/2018/124265/01-L01  
**Your ref:** Y18/0001/SCO  
**Date:** 26 June 2018

Dear [REDACTED]

**Request for EIA scoping opinion under Regulation 15 of the Town And Country Planning (Environmental Impact Assessment) Regulation 2017**

**Land to the south of the CTRL, incorporating the former racecourse at Westenhanger and agricultural land between Harringe Lane in the west, Aldington Road in the south and Stone Street/Ashford Road (A20) in the east.(Otterpool Park)**

Thank you for consulting us on the above. We have the following comments to make.

**Water Quality**

We are surprised by the lack of declared focus on water quality impact risk from the site. Proper sewage disposal is referred to but this need to be more explicit. The water cycle strategy may cover this appropriately but the scoping report (and hence potentially the EIA) does seem to underplay risks presented by the disposal of effluent and surface water run off (on quality) from the development. Compared with flood risk certainly.

Three specifics:

1. On P112 The East Stour water quality sensitivity is stated as Medium. As the river would struggle to accommodate either of treated effluent or run off without deterioration – without considerable mitigation, we think this merits a High designation.
2. No mention is made in this table to the English Channel as a receptor – there is a possibility that treated effluent may be discharged there. Near a bathing beach. This should be included, and as a High for this amenity use.
3. There is also no mention of the impact of potential misconnections from all the proposed houses

**Fisheries, Biodiversity and Geomorphology**

We have reviewed the scoping document and considered Chapter 7 Biodiversity in detail. It is good to see that this reports the Environment Agency's comments on invasive species will be considered through mapping and implementation of legally compliant control measures including training of operatives where necessary.

Other comments:

1. Although the creation of SuDS treatment areas as replacement habitat for amphibians (7.3.13) will increase the availability of habitats to water-dependent species, please do not rely on these treatment areas as the only amphibian habitat. Unfortunately, by their nature, many SuDS are at higher risk of receiving poor quality water and this can be polluting. Inevitably, if there is a serious pollution incident, this can lead to the complete loss of all aquatic life.
2. Reference is also made in 7.3.13 to recreational areas only incorporating limited lighting. Perhaps this can also be motion-sensor controlled lighting?

Environment Agency  
Orchard House (Endeavour Park) London Road, Addington, West Malling, ME19 5SH.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

Cont/d..

3. It is appropriate to include otters in surveys (7.4.4) as they are only present in Kent at a very low density and so may only be reported occasionally.
4. Invasive Plants are also mentioned in 7.4.4. American Skunk Cabbage *Lysichiton americanus* and Giant Rhubarb *Gunnera* sp. are also present in the catchment and, if found, should also be removed during the site's development.
5. 7.6 Potential Mitigation Measures does not include reference to the potential for some biodiversity benefits to be achieved from well designed and maintained recreational areas. This might be mentioned elsewhere but could be a consideration here.
6. 7.6.2 states that there will be continued maintenance of created wildlife habitats to maximise biodiversity value. As above, given that the main purpose of SuDS are as drainage features that can also have biodiversity benefits, it is important that SuDS are managed for their primary function and are not considered to be the only bodies of standing water providing biodiversity benefit for aquatic species in the development.

## **Flood Risk**

### **15.1 Surface Water Resources and Flood Risk**

Flood risk has been covered adequately within the Scoping document however we would just reiterate that additional surface run-off into the East Stour may impact the functioning of Aldington Flood Storage Reservoir and therefore this is something that will need to be considered in the site specific Flood Risk Assessment (FRA) that will need to be submitted in support of this application.

## **Groundwater and Contamination**

We make the following comments with regards to groundwater issues.

Baseline data needs to include Groundwater in section 15.4 x and table 15-3 and in protection in section 15.6 CofC practice.

Foul water infrastructure is a key issue and needs to be explored more fully in the EIA with regards to capacity of existing/proposed facilities and potential discharges to ground or surface waters, both of which may have strict limitations.

## **Environment Management – Land and Water**

### **Section 15.6.2 – Drainage Strategy**

At present there is insufficient information for comment regarding foul drainage proposals.

This only seems to relate to SuDS measures to manage both the quantity and quality of surface water runoff generated from the development site in an accompanying FRA.

Foul drainage should be included in this or at least another section relating to foul drainage should be produced.

## **Environment Management – Waste**

From a Waste perspective, Kent County Council sites listed for public use (Shornecliffe) is already at high capacity due to the area it covers already. Waste facilities in the area may require permit variations to allow increased the tonnages, if feasible.

We hope you find our comments useful.

Yours sincerely

**Ms [REDACTED]**  
**Planning Specialist**

Direct dial 0208 474 6711

Direct e-mail [kslplanning@environment-agency.gov.uk](mailto:kslplanning@environment-agency.gov.uk)

## **APPENDIX T: Information from PTES in relation to on site orchard 22 November 2018**

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: feedback - Appendix  
**Date:** 04 December 2018 11:37:42  
**Attachments:** [Facebook\\_f7f8231d-3cb5-4b1b-95b8-1b748f3f7dc2.png](#)  
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[iSEFAwardsGoldWinner2018\\_36739004-2b5a-45d7-98f7-bfb20f41e59c.jpg](#)  
[image002.jpg](#)

---

**From:** [REDACTED]  
**Sent:** 22 November 2018 11:43  
**To:** [REDACTED]  
**Subject:** RE: Emailing: Orchard

Hello Hazel,

I can confirm that the area marked is a traditional orchard. It looks from Google Earth Streetview to be likely to have veteran trees but a site visit would be needed for confirmation. The age of the trees and its character as a farm orchard suggests that the cultivars may be more interesting than your average Cox/Bramley mix. From the shape of the trees it looks like there may be apple, pear and plum but that's speculative.

The relevance of this site is not the structural integrity of the trees but biodiversity as a priority habitat including the hedgerow/treeline to the west and sward.

A site survey has not been done but PTES would be keen to check for noble chafer/other saproxylic species before any works are done - if a survey can be arranged we would welcome the opportunity to visit. We would also like to take scionwood for propagation of the cultivars to preserve cultural heritage.

Many thanks,

[REDACTED]

Orchard Biodiversity Officer | 020 7062 8618  
[People's Trust for Endangered Species](#) | 3 Cloisters House | 8 Battersea Park Road | London | SW8 4BG  
[Facebook](#) | [Twitter](#) | [YouTube](#) | [Instagram](#)

[Help save our wildcats from extinction](#)

[Orchard projects](#) | [Orchard Network](#) | [FruitFinder](#) | [Community orchard map](#)

People's Trust for Endangered Species is a registered charity, no. 274206.

General enquiries: 020 7498 4533 email: [enquiries@ptes.org](mailto:enquiries@ptes.org)

If you ever wish to change the way we communicate with you please let us know by phone or email



-----Original Message-----

From: [REDACTED]

Sent: 22 November 2018 10:06

To: [REDACTED]

Subject: Emailing: Orchard

Hi

The red area is shown as tradition orchard project with yourselves and Natural England as partners

Best wishes

[REDACTED] MRTPI

Senior Planning Officer

T: 01303 853318

F: 01303 853502

Folkestone & Hythe District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY

E: [hazel.sargent@folkestone-hythe.gov.uk](mailto:hazel.sargent@folkestone-hythe.gov.uk)

[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

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[Julia.Wallace@folkestone-hythe.gov.uk](mailto:Julia.Wallace@folkestone-hythe.gov.uk)

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## **APPENDIX U: Meeting Minutes from Meeting on 24 October 2018. Minutes Received 7 November 2018**

Date: 07 November 2018  
Our ref: DAS/11529/213160



██████████  
Associate technical director (Landscape Architecture), Arcadis

██████████  
Principal landscape architect, Arcadis

cc ██████████  
Principal Ecologist, Arcadis

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

0300 060 3900

**BY EMAIL ONLY**

Dear ██████████

**Discretionary Advice Service (Charged Advice)  
DAS2731**

**Development proposal and location:** Otterpool Park Garden Town – Landscape and green infrastructure emerging strategy

Thank you to you, Dan and Brandon for taking us through your emerging Landscape and Green Infrastructure (GI) strategy at our meeting on 24 October.

This letter provides our summarised advice from the meeting, including supplementary advice from my colleague Dave Evans, geologist, on the Otterpool Quarry Site of Special Scientific Interest (SSSI).

**Summary**

Overall, the approach to developing the GI strategy for the Otterpool site seems reasonable and holistic. A wide range of typologies are identified, including their functions and where they are needed. GI is clearly integrated throughout the development. We note the three main country parks, naturalised 'resilience areas' and dark corridors for ecological benefit.

As I explained at the meeting, we are particularly interested to understand how the GI strategy will relate to the Landscape and Visual Impact Assessment (LVIA), in mitigating impacts of the development on the panoramic views from the AONB escarpment to the north, which overlook the site. This remains a key matter for us. You indicated that the project team hope to engage with Natural England for pre-application advice on the LVIA, and we look forward to this.

We also discussed at the meeting how the proposals will achieve net gain for biodiversity. We consider for a site of this scale, there is opportunity for significant uplift in biodiversity and other ecosystem benefits. Whilst we note detailed workings for net gain will be produced at the Reserved Matters stage, the outline planning application should include an Ecological Strategy which outlines the broad principles and parameters to which the development will adhere throughout its phases. This should provide information which gives certainty that meaningful net gain, for biodiversity and other ecosystem benefits, can be achieved across the whole development over its lifetime.

Please find below our detailed comments on these matters and the Otterpool Quarry SSSI, as discussed at the meeting.

## ***Landscape and GI strategy***

GI is clearly integrated throughout the development, comprising a wide range of types and functions. We are pleased to note three key open spaces including Otterpool Woodland Country Park, the Riparian Park and Westernhanger Town Park, along with naturalised 'resilience' areas buffering Lympne village to the south-east, and in the north-west corner of the proposed site. For the latter, we note this will have limited public access and include the water treatment works, and provide receptor habitat for great crested newt, water voles and reptiles to be translocated from other parts of the site.

We also note the A20 major road is to be partially re-routed along the south-eastern boundary of the proposed site which will offer further buffering adjacent to the AONB. We also note the incorporation of 'dark corridors' for ecological benefit, including along the East Stour river and also the watercourse which runs through the eastern part of the site.

We are very interested to understand how the GI strategy will relate to the LVIA, particularly in terms of mitigating visual impacts of the development on the AONB escarpment to the north. This will need to correspond to plans for housing density and height, and phasing of development, so we can understand the impacts on the AONB and then how the mitigation could be achieved (eg through use of structural planting). This cross-assessment may ultimately affect the landscape and GI strategy as currently proposed.

We look forward to engaging with you pre-application on the LVIA.

## ***Biodiversity and environmental net gain***

We also discussed how the proposals will achieve net gain for biodiversity, which would be in line with emerging Folkestone and Hythe District Council policy and the National Planning Policy Framework (NPPF).

It was clear at the meeting that work has been undertaken to provide broad estimates of biodiversity net gain using the Defra biodiversity metric. We note detailed workings will be provided at Reserved Matters when localised plans are produced for habitat creation and management. Indeed at Reserved Matters, we would expect each phase of development to provide a detailed Biodiversity Management and Monitoring Plan including detailed provision of net gain, which complies with the high level overarching strategy and fulfils the Council's policy requirements for net gain through development.

Nevertheless, for the Outline Planning application, we advise this includes an Ecological or Natural Capital Strategy which clearly outlines the broad principles and parameters to which the development will adhere throughout its phases. This should provide sufficient information to give certainty that meaningful net gain for biodiversity and other ecosystem benefits, over and above all residual loss, can be achieved for the whole development, across its lifetime.

We believe for a site of this scale, there is opportunity for significant uplift in biodiversity and other ecosystem benefits.

It will be useful for the net gain methodology and workings to be clearly set out, with justification for values applied to condition of existing habitats, and what GI types are accounted for in calculating net gain.

We note the majority of the arable land being lost as a result of the development is considered to be of low ecological value, however we welcome that the baseline will incorporate possible future improvements where stewardship currently applies.

We also advise the net gain calculations should clearly set out how impacts on farmland wildlife will be compensated for, particularly for farmland birds and barn owls, through provision of offsite

habitat which is managed in perpetuity. We note approximately 18% of the site offers potential foraging habitat for barn owls, and that mitigation will be proposed such as installing barn owl nest boxes along the western and southern boundaries of the proposed site. Securing offsite compensation habitat may best be achieved using existing local authority-owned land. We note the proposed site lies within the larger strategic policy area which includes land under council ownership, which would be ideal in providing offsite compensation for the proposals.

Consideration could also be given to investing in other farmland habitat management schemes elsewhere. This should apply to agricultural land not subject to stewardship schemes.

We also advise wider environmental net gain is calculated, using the [natural capital planning tool](#) which takes account of other ecosystem services, so that the proposals can clearly demonstrate the uplift in other environmental benefits to the site alongside biodiversity. Please note this should not include any trade-off between the elements.

In addition, as previously advised, the GI/ Ecological Strategy should also incorporate an all-year pollinator network. This should include a food supply for insects year-round, including wildflowers and grassland, flowering trees (including street), hedgerows and ivy, and routes out the wider surrounding rural landscape, as well as hibernation habitat.

### ***Great crested newt district licensing***

We were disappointed to note the proposals at this stage will not commit to the forthcoming great crested newt district licensing approach. We understand this is to avoid being restricted in the future in being able to devote certain parts of the site to other environmental outcomes.

Nevertheless, the strategic licensing scheme is currently being revised, and due to be launched soon, and will be able to take account of survey data from development sites. We will be happy to keep you updated on the scheme and to leave the door open to discuss how the Otterpool proposals could still engage.

### ***Otterpool Quarry SSSI***

We are very pleased to see the SSSI will be protected in its entirety and form the central Country Park, which will draw residents and visitors. It will be important for the geological exposure to be maintained, and enhanced, for its scientific value for future generations. As advised previously, the northern and southern ends of the exposure can be enhanced to reveal the geology, and it should be maintained to prevent scrub encroachment. At the moment this is well achieved through sheep grazing.

The exposure would also benefit from benching, with buffers at the top and bottom. Advice from our geologist suggests strips in front of the face and above the crest of the face wide enough to allow access with a 360° excavator. A width of 10m should be suitable. The buffer strips could be used for a range of activities and purposes, but should not have any permanent structures that impede the movement of vehicles for the purpose of maintenance of the exposures, or obscure visibility of the faces.

We advise fencing of the exposure should be avoided as it will impede access to the exposures, potentially impede visibility and the ability to manage vegetation growth. The presence of fences may also present a hazard by inadvertently encouraging some people to climb the fence and then climb/ scramble on the exposures. Benching the face would help to reduce this risk associated with uncontrolled access.

Wren's Nest National Nature Reserve (NNR) in Dudley is an example of an openly accessible complex of old quarry faces in a densely populated urban area. Except where there are exceptional hazards (eg crown holes, access into underground mines, actively failing faces), there is no fencing.

Where it is required to restrict access for safety reasons, the fencing is designed to be extremely secure and its condition is monitored every week by the NNR wardens. Where there is a desire to manage access on other parts of the site, softer techniques such as barriers formed of wood brash are used to deter rather than overtly prohibit access.

At the meeting, we also discussed installing interpretation to educate visitors on this special feature. Hythe rock (sourced from elsewhere) could be used to promote the local heritage of the site.

For clarification of any points in this letter, please do contact me on 02080 268033.

[commercialservices@naturalengland.org.uk](mailto:commercialservices@naturalengland.org.uk)

As the Discretionary Advice Service is a new service, we would appreciate your feedback to help shape this service. We have attached a feedback form to this letter and would welcome any comments you might have about our service.

The advice provided within the Discretionary Advice Service is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. The final judgement on any proposals by Natural England is reserved until an application is made and will be made on the information then available, including any modifications to the proposal made after receipt of discretionary advice. All pre-application advice is subject to review and revision in the light of changes in relevant considerations, including changes in relation to the facts, scientific knowledge/evidence, policy, guidance or law. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

Yours sincerely,



Senior advisor  
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## **APPENDIX V: ES Review Interim Report**

**Report for – Folkstone & Hythe District Council**  
**Otterpool Park**  
**Interim Review Report**  
**Final**



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## Document Version Control

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Version	Date	Author	Reviewed by	Reviewed and Approved by
1.0	05/04/2019	Charlie Irwin	Howard Waples	Peter Cole

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**Report for:** **Folkestone and Hythe District Council**

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**Main Contributors:** **Howard Waples, Charlie Irwin**

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## **1.0 INTRODUCTION TO THE REVIEW**

### **1.1 Introduction**

- 1.1.1 The Temple Team have been commissioned by Folkestone and Hythe District Council to carry out an independent review of the Environmental Statement (ES) submitted in support of the planning application for Otterpool Park (Planning Ref: Y19/0257/FH). This Interim Review Report (IRR) forms the principal outcome of a review of the ES prepared by Cozumel Estates Ltd, 'the Applicant'.
- 1.1.2 The review identifies whether the ES meets the requirements set out in Schedule 4, (at least the information referred to in Part 2, and information referred to in Part 1 as is reasonably required) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (hereafter referred to as the EIA Regulations), including:
- a description of the Proposed Development comprising information on the site, design, size and other relevant features of the development;
  - a description of the likely significant effects of the Proposed Development on the environment;
  - a description of any features of the Proposed Development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
  - a description of the reasonable alternatives studied by the developer, which are relevant to the Proposed Development 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;
  - a non-technical summary (NTS) of the information referred to above; and
  - any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.
- 1.1.3 The Institute of Environmental Management's (IEMA's) Quality Mark ES Review Criteria have formed the basis of review. The review has also taken account of the Planning Practice Guidance in relation to EIAs.

### **1.2 The ES Review Process**

- 1.2.1 This report constitutes the IRR which collates the findings of the review of the ES. Each section of the report provides a list of clarifications and potential Regulation 25 request information requests required from the Applicant. Importantly, these are only potential Regulation 25s at this stage – this is to reflect the importance of these points, but also provides the Applicant with an opportunity to contest / respond.
- 1.2.2 The Applicant is invited to provide a response to the IRR addressing the clarifications and potential Regulation 25 request information requests raised. Any response provided by the Applicant will then be reviewed by Folkestone and Hythe District Council and Temple

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will also undertake a further review to establish whether these issues have been adequately addressed.

- 1.2.3 Should the response to the IRR be considered to formally constitute 'further information' the Applicant will be informed in writing, and the submission processed as required by the EIA Regulations. A Regulation 25 request will be raised where it is considered that without the missing information the ES is deemed to be deficient in terms of the EIA Regulations and that inclusion of the information has the potential to alter the assessment of significant effects.
- 1.2.4 If it is deemed that information requested in the IRR remains outstanding and is considered to be 'further information' the Applicant will be informed in writing. Without this information the ES is not considered to be complete. If the planning application were to be determined without this information, it could only be refused.
- 1.2.5 Mitigation measures are relied upon in the ES to limit or remove any significant adverse environmental effects. It is the Council's responsibility to ensure that any required mitigation is secured. To assist with this, the Temple Team have identified the mitigation measures relied upon in the ES in Table 17.1 – this includes both mitigation that forms part of the scheme for approval, and that that needs to be secured e.g. via condition or planning obligation.

## 2.0 REVIEW OF SCHEME AND SITE INFORMATION

### 2.1 Description of the Development and Site

- 2.1.1 The description of the site and the Proposed Development is provided in Chapter 4 of the ES, and provided in more detail in Appendix 4.1. The site covers 580 hectares, much of which is greenfield and of agricultural use.
- 2.1.2 Many of the 92 buildings currently existing at the site will be demolished as part of the scheme, and these are identified in Table 4-1.
- 2.1.3 The description of the site and its surrounds is adequately detailed and identifies the key issues, such as the major transport infrastructure, built heritage, the Kent AONB and various watercourses. Further detail of these is provided in the corresponding ES chapters, which is acceptable.

### 2.2 Description of the Proposed Development

#### Construction

- 2.2.1 Paragraph 4.2.2 includes the development specification, which refers to interim works of temporary structures (assumed to be aspects such as construction compounds and offices), but also “other associated works including meanwhiles uses”. There is no further details apparent about what meanwhile uses are proposed, and the Applicant should provide further details of what these are expected to be, as this could be a material effect with respect to aspects such as socio-economics, ecology, landscape, etc. This should be provided as a clarification with respect to maximum or indicative temporary floorspaces. **This is included as a clarification in the summary box below.**
- 2.2.2 Section 4.3 describes demolition and construction, and explains the phased 25 year construction programme, construction hours and the commitment to produce detailed Construction Method Statements and a Code of Construction Practice. This is acceptable and likely to be secured through an appropriately worded planning condition. However, it also refers to “conservative assumptions of construction methods” being used to determine likely construction impacts. There is no information in this chapter that describes the construction methods proposed, the plant, construction employment or traffic, and it should be clarified where this can be found, in order to understand the scheme’s potential for significant effects during the construction phases. **This is included as a clarification in the summary box below.**

#### Operation

- 2.2.3 Table 4-2 provides the proposed development schedule, which sets out the ‘proposed’ number of homes and non-residential floorspace, totalling 8,500 homes and 185,305 sqm (GEA), respectively. It should be noted that as this is an outline application this quantum should be taken as ‘maximums’, and that there is limited flexibility within this under the principles of the Rochdale Envelope to bring forward any development that exceeds any of the maximum areas. The exception to this is the flexibility built into the residential mix identified in Table 4-5, which given the potential for 40% of the units to be 4-5 bed, 55% to be 2-3 bed and 5% to be 1 bed could lead to a substantially larger population (and associated impacts) than if the proportions were 15% of 4-5 bed, 70% 2-3 bed and 15% 1 bed. To enable the reasonable worst-case effects of the scheme to be assessed, it is



necessary to assess both extremes in the EIA. Clarification is required as to how this flexibility has been assessed, as there is a strong possibility that the reasonable worst case effects have not been assessed. **This is included as a potential Regulation 25 request in the summary box below.**

- 2.2.4 Furthermore, paragraph 4.2.8 explains that varying levels of affordable housing may need to be delivered across different development zones. This is acceptable, as long as the overall provision reflects the 27% emerging policy requirement. The second part of this paragraph refers to an internal review comment, regarding details of the assisted/sheltered accommodation. It is not clear what the maximum and minimum proportion of this is being applied for/assessed, which is important as there are potential employment and transport implications associated with this. **This is included as a clarification in the summary box below.**
- 2.2.5 Paragraph 4.2.9 refers to tertiary education facilities, although this is not described in the following paragraphs, so clarification is required on this. **This is included as a clarification in the summary box below.**
- 2.2.6 Paragraph 4.2.16 refers to the fact that three sites allocated for health centres (use classes D1 and D2) “may be released for alternative uses”. Clarification is required about how has this flexibility been assessed. **This is included as a clarification in the summary box below.**
- 2.2.7 Paragraph 4.2.22 describes how “the level of car, motorcycle and bicycle parking to be provided will be agreed at the reserved matters stage for each development zone”. Clarification is required in terms of how this provision was assessed in accordance with Rochdale Envelope principles (i.e. reasonable worst case). **This is included as a clarification in the summary box below.**
- 2.2.8 Paragraph 4.2.35 states that a new water main will need to be constructed over an 11km length to enable development at the site above 1,500 new homes. Clarification is required as to whether this is seen as part of the proposed development, in which case it should be assessed, or if it assumed to be under the responsibility of the Statutory Undertaker, in which case it should presumably be considered as a cumulative scheme (or an explanation provided otherwise). **This is included as a clarification in the summary box below.**
- 2.2.9 Paragraphs 4.2.37-4.2.38 describe the three potential options for dealing with wastewater/sewage, including an upgrade of a sewage treatment works, innovative onsite treatment and creation of a 6km long connection. Clarification is required with respect to how these options have been assessed in the ES (e.g. odour). **This is included as a clarification in the summary box below.**
- 2.2.10 Parameter plan OPM(P) 1013H – Building Heights refers to the maximum building heights in mAOD. However, it should be clarified whether this is in respect to the tallest part of the building (e.g. the pitch of the roof) or another measure. **This is included as a clarification in the summary box below.**
- 2.2.11 The Applicant should explain why paragraph 4.2.60 refers to 10 different phasing plans, although there are only 5 in Appendix 4.1 **This is included as a clarification in the summary box below.**



## 2.3 Consideration of Alternatives

- 2.3.1 Chapter 3 of the ES describes the development need and consideration of alternatives.
- 2.3.2 It explains the planning background, with respect to the NPPF, Housing White Paper and the Council's housing targets. It explains how new settlements that adopt garden city principles could make a significant contribution to housing supply, and that the Council followed a process to identify the most appropriate way of delivering this and the most appropriate locations. It is understood that the site is set to be allocated for housing under the emerging Core Strategy Review 2018 under Policy SS6 for 10,000 units.
- 2.3.3 It is accepted that the studies undertaken on district-wide growth options considered a range of environmental and sustainability principles and that the site is the most appropriate and least constrained out of the various options.
- 2.3.4 The no development alternative was also discussed and is considered acceptable.
- 2.3.5 In terms of design evolution, the chapter explains how the masterplan layout was developed in an iterative fashion, considering four broad layouts in terms of the advantages and disadvantages, prior to selecting the preferred layout. This is considered helpful and acceptable.

<b>Summary of Clarifications Required</b>
<ol style="list-style-type: none"> <li>1. Please explain what meanwhile uses are proposed, in what development zone, what use, and maximum/indicative floor area. What impacts would this lead to (across all ES chapters)?</li> <li>2. Describe where the information related to construction activities can be found in order to understand its potential for significant effects.</li> <li>3. Within the proposed residential mix, what is the range of assisted/sheltered accommodation proposed, and how does this affect other elements in the ES, such as employment, local spending and transport.</li> <li>4. What tertiary education facilities are proposed and how has this been assessed?</li> <li>5. How has the flexibility in health centre requirements been assessed in the ES?</li> <li>6. How was worst-case car/cycle parking assessed, if these details will be provided at RMA stage?</li> <li>7. How will the required 11km long water main be assessed with respect to its potential for significant effects as part of, or in combination with, the scheme?</li> <li>8. How have the three wastewater treatment options been assessed?</li> <li>9. To what part of the buildings are the maximum heights measured?</li> <li>10. Which are the correct phasing plans?</li> </ol>
<b>Summary of Potential Regulation 25 Information Requests</b>
<ol style="list-style-type: none"> <li>11. How has the maximum and minimum population been assessed, given the range of provision in residential unit sizes?</li> </ol>

## 3.0 REVIEW OF ES FORMAT, PRESENTATION AND SCOPE

### 3.1 Scope of the EIA

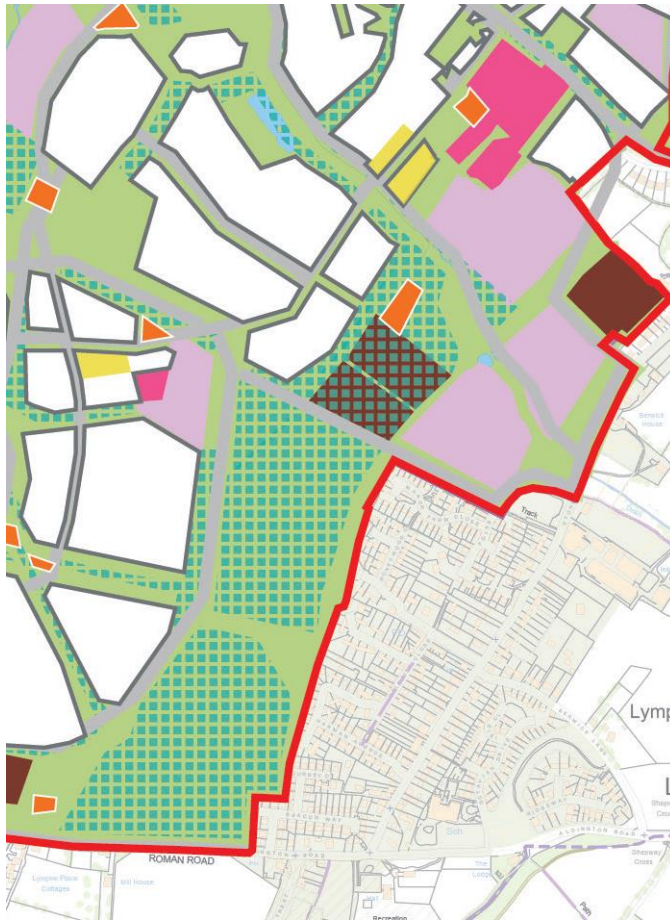
- 3.1.1 The scope of the EIA was set out in a Scoping Report produced by the Applicant in February 2014 and confirmed through a Scoping Opinion provided by the Council (and supported by Temple).
- 3.1.2 The topics scoped into the ES have been set out in paragraph 2.2.4. This is in accordance with the Scoping Opinion, although it is noted that an additional topic, waste and resource management, is also now included.
- 3.1.3 As described in the previous section, the flexibility within the scheme parameters has not been described with reference to the Rochdale Envelope, although the clarification points are listed above.

### 3.2 Consultation

- 3.2.1 Paragraph 2.2.5 describes how consultation was undertaken throughout the design process with relevant statutory and non-statutory stakeholders. This consultation helped to inform the Scoping Opinion.
- 3.2.2 It is noted that specific assessment requirements from consultees are addressed in the relevant topic chapters of the ES. This is acceptable.

### 3.3 Non-Technical Summary

- 3.3.1 This provides a summary of the ES, including the purposes of the EIA, consultation, project description, alternatives considered. The document is reasonably succinct and written in non-technical language.
- 3.3.2 However, it does not consistently describe the residual effects (including significant effects), cumulative effects assessment, or where the full ES can be viewed. It therefore does not tell the reader what it needs to. **This is included as a potential Regulation 25 request in the summary box below.**
- 3.3.3 Page 18 of the NTS includes an image showing proposed land uses, and attention is drawn to the part of that image shown below. Clarification is required as to how the allotments could function for their intended use, when they are also part of the blue infrastructure/SuDS strategy. Also, how is the existing housing in the south east part of the site (the western edge of Lympne) protected from flooding in this area. **This is included as a clarification in the summary box below.**



### 3.4 Overall Presentation

- 3.4.1 The ES is set out in a logical order, with a clear contents page and page numbering and chapters identified in the page headers. The exception to this is the lack of any section in the EIA Approach and Methodology chapter that explains how the reasonable worst-case assessment has been derived (following Rochdale Envelope principles), and whether any sensitivity testing has been applied to allow for flexibility within the future uses. This is considered good practice for major outline applications such as this. **This is included as a potential Regulation 25 request in the summary box below.**
- 3.4.2 The chapters are clearly laid out, with clear headings and subheadings and paragraph numbers, to allow easy signposting between sections. Figures and tables are also clearly labelled and signposted in the text.
- 3.4.3 Technical chapters follow a similar but not identical structure, with the key elements of assessment methodology, baseline description, design and mitigation, assessment of residual and cumulative effects described in each.

### 3.5 Cumulative Effects

- 3.5.1 Inter project cumulative effects have been considered. Paragraphs 2.2.1-2.2.22 describe the criteria for cumulative schemes to be considered and that the committed development schemes are provided in Appendix 2.5 of Appendix 3 (although this should be labelled correctly as Appendix 2.4). Having reviewed this, it is not clear what the rationale is for the

spatial scale of including schemes, given that some schemes could be approximately 15km away, and why schemes as small as 8 units have been considered. The figure showing the locations of the cumulative schemes would also benefit from showing the site on it. **This is included as a clarification in the summary box below.**

- 3.5.2 Intra-project cumulative effects do not appear to have been assessed. **This is included as a potential Regulation 25 request in the summary box below.**
- 3.5.3 Furthermore, it is noted that the wider Otterpool Framework Masterplan Area allows for up to 10,000 homes, of which 8,500 would be delivered by the proposed development and the remaining 1,500 homes do not seem to be assessed as a cumulative scheme, despite being in a draft Allocation. **This is included as a clarification in the summary box below.**
- 3.5.4 Also, as described under the description of development section, there is likely to be substantial enabling/associated development, in the form of an 11km new water main connection and potentially a 6km long waste water connection. Clarification is required about whether these aspects form part of the scheme (and could be argued to be salami slicing), or if they are covered by the Statutory Undertakers' permitted development rights (and would require screening due to their potential for significant effects in combination with the Proposed Development), or if they should be considered as cumulative schemes, as it is not considered acceptable that they are not assessed/discussed at all in the ES. **This is included as a clarification in the summary box below.** This clarification should explain how the potential for significant effects of the water main and waste water connection will be assessed. **This is included as a clarification in the summary box below.**

<b>Summary of Clarifications Required</b>
<ul style="list-style-type: none"> <li>12. Please clarify the compatibility between allotment and SuDS uses shown on the image above, as well as the flooding risks to the existing housing on the western edge of Lypne.</li> <li>13. Provide a figure showing the site's location in the context of the cumulative schemes.</li> <li>14. Provide justification for the large study area and the scale of schemes considered, whilst apparently not including the balance of homes from the OFMA and the associated/enabling development (water and waste water connections).</li> </ul>
<b>Summary of Potential Regulation 25 Information Requests</b>
<ul style="list-style-type: none"> <li>15. The NTS should consistently describe the residual effects, the cumulative assessment and where the ES can be viewed in full.</li> <li>16. Explain how the reasonable worst-case effects have been assessed and how flexibility has been allowed for in the scheme.</li> <li>17. Provide an assessment of intra-project cumulative effects.</li> </ul>

## 4.0 CHAPTER 5: AGRICULTURE AND SOILS

### 4.1 Scope of Technical Chapter

- 4.1.1 Chapter 5.0 of the ES reports the environmental impact of construction and operation of the proposed Development with respect to agriculture and soils. It provides a summary of relevant legislation, policy and guidance, and a description of the methodologies used to assess the potential effects of the proposed Development. Baseline conditions are set out followed by the impact assessment which incorporates relevant design and other mitigation measures that would be employed during construction.

### 4.2 Baseline Conditions

- 4.2.1 The chapter provides a comprehensive desktop study of published information geology and soils (as shown on Figure 5.1) and former Ministry of Agriculture, Fisheries and Food (MAFF) Agricultural Land Classification (ALC) information at a provisional, Pre-1988 level (1:250,000 scale). The MAFF Pre-1988 ALC information is shown on Figure 5.2. Part of the application site in the east is covered by a MAFF detailed, Post-1988 ALC survey, as shown on Figure 5.3.
- 4.2.2 Natural England Technical Information Note 049 describes how a detailed ALC map to show the location and extent of agricultural land in the different ALC grades can only be achieved by detailed ALC survey at a density of one auger bore per hectare (ha). The baseline conditions do not provide a detailed ALC covering the whole application site, just a small area (not measured) in the east of the site.
- 4.2.3 The chapter identifies 18 agricultural holdings which are affected by the proposed development. The land on most of these are used for arable crops, with some small parcels under pasture, for example along the East Stour river corridor.
- 4.2.4 Several parcels are under an agri-environment, Countryside Stewardship scheme at both Entry Level Stewardship (ELS) and Higher Level Stewardship (HLS) level.

### 4.3 Prediction of Impact Magnitude and Significance

#### *Agricultural Land*

- 4.3.1 Under 'Residual Effects from Construction' Paragraph 5.5.2 estimates that '...in excess of 400 ha...' of BMV agricultural land would be lost to primary agricultural production. This is appropriately identified as a high magnitude of impact on a high sensitivity receptor following the significance criteria in Table 5-4 and Table 5-5. The significance of this effect is given appropriately as Major Averse, which is significant.

#### *Soil Resources*

- 4.3.2 In Table 5-4 'Criteria for Determining Receptor Sensitivity', the chapter identifies how different types of soil have different resilience to structural damage, for example clay soil has a low resilience to structural damage and is therefore regarded as being of high sensitivity. However, whilst different soil types are described in the desktop study at paragraphs 5.3.2 to 5.3.5, no sensitivity score is ascribed to soil types.

- 4.3.3 The chapter appropriately sets out how soil resources would be reused on site following best practice in the Department for Environment, Food and Rural Affairs (DEFRA) 'Construction Code of Practice for the Sustainable Use of Soil on Construction Sites' (September 2009). As mitigation for likely significant effects on soil, a Soil Management Plan (SMP) would be produced as part of a Construction Code of Practice (CoCP).

### **Agricultural Holdings**

- 4.3.4 The chapter identifies 18 agricultural holdings as mainly arable, with some small parcels under pasture. The sensitivity of these holdings is assessed as being of low value, due to the predominance of arable production within the site (see Table 5-4 and paragraph 5.3.15). However, several parcels are entered into an agri-environment scheme, of which holdings in HLS are deemed to be of high sensitivity and this appears to have been missed out of the impact assessment.
- 4.3.5 The assessment of agricultural holdings does not identify how large or small each holding is, nor the location and extent of the boundaries of each holding. Therefore, it is not possible to determine:
- (i) what proportion of the holding is required temporarily or permanently for constructing the proposed development;
  - (ii) whether or not the construction of the proposed development causes severance or fragmentation of any holding;
  - (iii) whether or not any farm buildings or other fixed infrastructure, e.g. silage clamps, grain stores, are demolished;
  - (iv) whether or not any agricultural land drainage systems are severed and would require re-connecting;
  - (v) whether or not there are any noise sensitive agricultural enterprises which could be adversely affected during the construction phase, e.g. egg laying hens.
- 4.3.6 Paragraph 5.5.4 of the ES determines there would be impacts on agricultural enterprises. Some generic mitigation measures are set out at paragraphs 5.4.2 to 5.4.14 and it is assessed that, by implementing these, it is possible to minimise disruption to ongoing activities and minimise disturbance to remaining livestock. The ES concludes at paragraph 5.5.4 that '*...this should limit the likelihood of any of the enterprises becoming unviable*'. The significance of the effect on all of the affected holdings is assessed as being Minor Adverse, which is considered to be Not Significant.

## **4.4 Mitigation and Monitoring**

- 4.4.1 Mitigation measures to avoid, reduce or offset adverse effects of the proposed development on agriculture and soil are set out in Section 5.3 'Design and Mitigation'. Mitigation measures include:
- (i) Soil Management Plan (SMP) as part of a Construction Code of Practice (CoCP), following best practice set out in DEFRA 'Code of Construction Practice for the Sustainable Management of Soil on Construction Sites' (September 2009); and



- (ii) Generic mitigation measures to minimise impacts of constructing the proposed development on agricultural holdings.

## 4.5 Cumulative Effects

- 4.5.1 The residual effect of the Proposed Development to agricultural land is already classified as Major Adverse – Significant. It is therefore considered that the cumulative impact of surrounding schemes would not alter the assessment. This is considered acceptable.

## 4.6 Commentary on the Conclusions of the ES

- 4.6.1 The assessment of effects on BMV agricultural land does not breakdown and identify the area (ha) or proportion (%) of agricultural land in Grade 1, Grade 2 or Subgrade 3a. It is not clear whether the, in excess of, 400 ha BMV land contains any Grade 1, or whether is predominantly Grade 2 or Subgrade 3a. As there is a high occurrence of BMV agricultural land in Folkstone and Hythe District (as described in paragraph 5.3.8 of the ES), this does not allow the local planning authority to compare the quality and quantity of agricultural land per ALC grade at this site with other sites proposing to develop agricultural land in the District. Paragraph 5.2.5 of the ES correctly identifies how the NPPF (2019) states that '*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*'. **This is included as a clarification in the summary box below.**
- 4.6.2 The chapter assesses the effects on soil during construction and operation as minimal. This places a great reliance on the successful production and implementation of a SMP as part of the CoCP. It would have been helpful to have followed the chapter's own EIA methodology and identified the likely significant effects on soil types of different sensitivity. For example, what is the location and extent (ha) of clay soils with low resilience to structural damage/high sensitivity. As a suggestion, the need for a the SMP to include a plan to identify, strip and store soils of different sensitivity from one another, e.g. segregate clay soil from sandy soil, should be emphasised in a condition of planning permission. **This is included as a clarification in the summary box below.**
- 4.6.3 Overall, the baseline information on agricultural holdings is very scant and further information is necessary to substantiate the conclusion that the likely effect is Minor Adverse – Not Significant. **This is included as a clarification in the summary box below.**
- 4.6.4 The sensitivity of holdings as being of low value does not account for some holdings having land entered into a HLS scheme (high sensitivity), and the determination of the significance of effects on farm holdings as Minor Adverse – Not Significant is difficult to substantiate from the level of information provided in the ES. **This is included as a clarification in the summary box below.**

## 4.7 Commentary on the Adequacy of NTS

- 4.7.1 Section 5 'Agriculture and Soil' of the NTS summarises the mainly likely effects of the proposed development on agricultural land quality, soil resources and agricultural holdings during the construction phase appropriately.



<b>Summary of Clarifications Required</b>
<p>18. In order for the local planning authority to apply the NPPF (2019) guidance and policy on development involving BMV agricultural land, it would be helpful to provide a breakdown of the area (ha) and proportion (%) of agricultural land in Grade 1, Grade 2 or Subgrade 3a. This is to be able to compare other sites involving development on BMV land in order to seek to use land of a poorer quality in preference to those of a higher quality.</p> <p>19. In order to help ensure that embedded mitigation measures to safeguard soil resources for reuse on site, it would be helpful to have more information on the location and extent of soil resources of differing sensitivity, as identified in Table 5.4. This is to help ensure that soils of different resilience to soil handling/sensitivity are identified, stripped and stored separately and handled appropriately in suitable weather conditions, e.g. clay soils (low resilience/high sensitivity) should be managed separately from sandy soils (high resilience/low sensitivity), etc.</p> <p>20. Further information on the nature of the agricultural enterprises carried out on each holding, the location and extent of the boundaries of each agricultural holding, and the location of any buildings/other fixed infrastructure and equipment (e.g. silage clamps, grain storage sheds, agricultural drainage systems and water supply pipes) is necessary to help assess and substantiate the ES conclusion that likely significant effect of the proposed development on all 18 agricultural holdings is Minor Adverse – Not Significant?</p> <p>21. Is the assessment of agricultural holdings with land in the agri-environmental Higher Level Stewardship (HLS) (which is regarded as being of high sensitivity, see Table 5.4) as Minor Adverse – Not Significant, under estimated?</p>
<b>Summary of Potential Regulation 25 Information Requests</b>
None

## 5.0 CHAPTER 6: AIR QUALITY

### 5.1 Scope of Technical Chapter

5.1.1 The scope of the chapter is generally appropriate.

### 5.2 Baseline Conditions

5.2.1 Baseline monitoring undertaken by Arcadis was of sufficient duration with co-location at an automatic analyser to derive a local bias adjustment factor and annualisation in accordance with LAQM.TG(16) guidance. However, the Applicant should provide bias adjustment and annualisation calculations for the baseline monitoring survey as these were not included in the ES Air Quality Chapter or Appendix. **This is included as a clarification in the table below.**

5.2.2 The assessments of baseline, future baseline air quality conditions and nitrogen deposition rates are acceptable.

### 5.3 Prediction of Impact Magnitude and Significance

#### *Effects During Construction*

5.3.1 The Proposed Development will be constructed in phases over a 26-year period between 2020 and 2046 over nine development zones. A construction dust assessment has not been undertaken for each phase of construction works. The Applicant should clarify whether the dust risk in Table 6-16 is applicable for the duration of construction works across all development zones. **This is included as a clarification in the table below.**

5.3.2 Construction vehicle flows were integrated into the 2022 and 2029 'with proposed development' operational traffic datasets which is acceptable.

#### *Operational Impacts*

##### *Vehicle Exhaust Emissions*

5.3.3 The years considered in the operational phase assessment are acceptable and the impact of vehicles associated with construction traffic and committed developments were considered.

5.3.4 The dispersion model parameters, long term trends adjustment for 2022 and 2029 scenarios and model verification using two adjustment factors for two geographic zones are acceptable.

5.3.5 In Appendix 6.7 Canterbury AQMA Sensitivity Test, Table 1 the change in AADT flows on Nacklington Road in 2029 is +161 (LDVs) and it is reported that '*Table 1 demonstrates that the change in traffic flows is minimal on both roads until 2046. For this reason, 2022 and 2029 have not been considered in the sensitivity test and operational impacts from the proposed development are expected to be negligible*'. However, in accordance with IAQM guidance a change in LDV flows of >100 AADT within or adjacent to an AQMA should be assessed. **This is included as a clarification in the table below.**

- 5.3.6 The Applicant should also clarify why 2022 was not included in the Sensitivity Test. **This is included as a clarification in the table below.**
- 5.3.7 Receptors on Old Dover Road would be affected by emissions from vehicles on New Dover Road and no evidence is provided that AADT flows on New Dover Road would not be affected by the Proposed Development. The Applicant should clarify why Old Dover Road was not included in the Canterbury AQMA Sensitivity Test. **This is included as a clarification in the table below.**

#### ***Site Suitability***

- 5.3.8 The assessment of exposure to poor air quality that future site users may experience is acceptable.

#### ***Point Source Emissions***

- 5.3.9 Section 6.1.11 states that '*It is anticipated that there would be no significant point source emissions such as on-site energy centre(s) or Combined Heat and Power (CHP) units therefore the operational assessment focusses on the impact of transport emissions on local air quality*'. The Applicant should provide information on the proposed energy provision for the site as it is not included in the ES Air Quality Chapter. A detailed air quality assessment should be undertaken of any centralised boiler or CHP plant proposed. **This is included as a clarification in the table below.**

#### ***Odour Emissions***

- 5.3.10 Section 6.1.12 states that '*The proposed development also includes provision of a wastewater treatment plant, however there is currently insufficient detail in terms of design and input parameters to undertake an odour assessment*'. It is recommended that the Local Planning Authority require an odour assessment at reserved matters stage by condition.

#### ***Compliance Risk Assessment***

- 5.3.11 The assessment of compliance with the Air Quality Directive (2008/50/EC) is acceptable.

#### ***Ecologically Designated Sites***

- 5.3.12 The assessment of impacts on ecologically designated sites is acceptable.

## **5.4 Mitigation and Monitoring**

- 5.4.1 It is recommended that the Local Planning Authority agree appropriate monitoring requirements by condition.

## **5.5 Cumulative Effects**

- 5.5.1 Vehicle flows associated with committed developments were considered. However, the Applicant should consider cumulative effects in the construction dust assessment. **This is included as a clarification in the table below.**

## 5.6 Commentary on the Conclusions of the ES

- 5.6.1 Clarifications are required in line with the comments above to determine whether the conclusions of the construction phase dust assessment and Canterbury AQMA sensitivity test are appropriate.

## 5.7 Commentary on the Adequacy of NTS

- 5.7.1 The NTS provides a reasonable summary of the air quality chapter but does not report the construction dust risk which should be included. The NTS is subject to the same limitations as identified above.

<b>Summary of Clarifications Required</b>
<p>22. The Applicant should provide bias adjustment and annualisation calculations for the baseline monitoring survey as these were not included in the ES Air Quality Chapter or Appendix.</p> <p>23. The Applicant should clarify whether the dust risk in Table 6-16 is applicable for the duration of construction works across all development zones.</p> <p>24. The Applicant should clarify why the LDV of 161 at 2029 at Nacklington Road has not been assessed</p> <p>25. The Applicant should clarify why 2022 was not included in the Sensitivity Test.</p> <p>26. The Applicant should clarify why Old Dover Road was not included in the Canterbury AQMA Sensitivity Test.</p> <p>27. The Applicant should provide information on the proposed energy provision for the site as it is not included in the ES Air Quality Chapter. A detailed air quality assessment should be undertaken of any centralised boiler or CHP plant proposed.</p> <p>28. Vehicle flows associated with committed developments were considered. However, the Applicant should consider cumulative effects in the construction dust assessment.</p>
<b>Summary of Potential Regulation 25 request information Requests</b>
None

## **6.0 CHAPTER 7: BIODIVERSITY**

### **6.1 Scope of Technical Chapter**

6.1.1 The Biodiversity Chapter and supporting documents<sup>1, 2, 3</sup> describes legislation, assessment methodology, baseline conditions, impacts, mitigation and residual impacts, and cumulative effects. This is in line with current guidance and is considered to be up to date.

### **6.2 Baseline Conditions**

6.2.1 From a review of Biodiversity Chapter and supporting documents, the baseline methodologies are considered to be correct and relevant. Surveys have been undertaken at the correct time of the year using appropriate guidance. Although the majority of the baseline surveys date from 2016, these surveys have been updated and expanded upon in 2017 and 2018. This suite of surveys provide on-going and relevant data on which to base the conclusions of the chapter.

6.2.2 Furthermore, the requirement for additional surveys (e.g. for European Protected Species licences) has been clearly highlighted and described within the chapter.

### **6.3 Prediction of Impact Magnitude and Significance**

6.3.1 Based on the data provided within the Biodiversity Chapter and Appendices 7.1 to 7.23 the predicted impacts and their significance appear to be accurate.

### **6.4 Mitigation and Monitoring**

6.4.1 Due to the size and complexity of the site the proposed mitigation in correspondingly complex, however, this review considered the mitigation to be suitable, with recommendations based on a comprehensive and appropriate suite of ecological surveys. In addition to baseline survey data, extensive consultation has been carried out between stakeholders and statutory bodies resulting in an extensive programme of mitigation shown within the overarching masterplan, detailed within the Biodiversity Chapter and the non-technical summary.

### **6.5 Cumulative Effects**

6.5.1 The review agrees with the Applicant's consideration of cumulative effects.

### **6.6 Commentary on the Conclusions of the ES**

6.6.1 The reviewer agrees with the conclusions of the ES.

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<sup>1</sup> Arcadis (February 2019) Volume3: Otterpool Park Environmental Statement Scoping Report (Chapter 7 – Biodiversity).

<sup>2</sup> Arcadis (February 2019) Volume 4: Otterpool Park Appendices 7.1 to 7.11 – Biodiversity.

<sup>3</sup> Arcadis (February 2019) Volume 5: Otterpool Park Appendices 7.12 to 7.23 – Bat Activity Surveys.

## 6.7 Commentary on the Adequacy of NTS

6.7.1 The reviewer has no comments.

<b>Summary of Clarifications Required</b>
None
<b>Summary of Potential Regulation 25 Information Requests</b>
None

## 7.0 CHAPTER 8: CLIMATE CHANGE

### 7.1 Scope of Technical Chapter

- 7.1.1 The scope of the chapter considers both climate change mitigation (i.e. the effects on future climate arising from greenhouse gas emissions (GHG) produced during the construction and operation of the proposed development) and climate change adaptation and resilience (i.e. how vulnerable the proposed development is to a changing climate and how it can adapt to it).
- 7.1.2 The climate change mitigation section refers to the IEMA Guidance on Assessing GHG Emissions and Evaluating their significance (amongst others). The key point about climate change is that emissions produced locally affect climate on a global scale, and therefore Paragraphs 8.2.9-8.2.10 do not adequately explain this, and instead refer to a study area for the effects on climate being the application boundary, and surrounding roads.
- 7.1.3 Table 8-4 identifies that GHG emissions from the manufacture of construction products has been scoped out, although it is considered that these emissions are taken into account within the embodied carbon ratings obtained from the ICE Database 2.0. This is acceptable. However, there has been an attempt to scope out emissions associated with the commute of construction workers. Given that there is no detail/assumptions provided on the amount of workers, and where they would commute from over the 25 year construction programme, it is not accepted that 'cut-off' rules should apply to this, and it could result in a significant effect (as well as having important opportunities to reduce these emissions). Emissions from construction workers should be included in the assessment of climate change effects. **This has been included as a potential Regulation 25 information request in the summary box below.**
- 7.1.4 Given the scale of the scheme, it is also considered that operational maintenance activities, such as gardening, facilities management, street lighting and repairs/maintenance should be considered, at least in qualitative terms. This will enable opportunities to minimise GHG emissions associated with this to be considered at an early stage (e.g. for reserved matters) to leave a legacy of low carbon usage for the lifetime of the scheme. This could have a significant effect and therefore **this has been included as a potential Regulation 25 information request in the summary box below.**
- 7.1.5 The scope of climate change adaptation only assessed earthworks, structures and buildings, and should include human and ecological receptors as well, as there is a potential for significant effects upon these. **This has been included as a potential Regulation 25 information request in the summary box below.**
- 7.1.6 Attention is also drawn to the IEMA Guidance on Climate Change Resilience and Adaptation (November 2015), which should be taken into account in the assessment.

### 7.2 Baseline Conditions

- 7.2.1 In terms of climate change mitigation, the assessment does not follow the IEMA Guidance, by describing and attempting to quantify the current GHG emissions currently at the site or the surrounding roads (despite these aspects forming the 'study extent'). This is important to allow a comparison with the impacts of the proposed development. **This has been included as a potential Regulation 25 information request in the summary box below.**



- 7.2.2 In terms of climate change adaptation, a future baseline is applied to assess the conditions at an appropriate time in the construction and operational phases. A clarification is required to understand which future years are being considered under each scenario, with the reasonable worst case future climate conditions needing to be taken into account. Furthermore, it is understood that UKCP09 forecast data has been used as UKCP18 data is not currently available. This is acceptable. However, the lifespan of the proposed development is given to be 60 years, which raises two further questions. Firstly, as a new garden settlement, it should be recognised that it will be a permanent new settlement and therefore clarify what effects would be realised (and need to be adapted for) over the longest timeframe forecast data is available for. Secondly, if the lifespan assessed is 60 years, then clarification is required why the 2080s forecast timescale has not been used (as the scheme will not have been operational for 60 years by 2069). **This is included as a clarification in the summary box below.**

### 7.3 Prediction of Impact Magnitude and Significance

- 7.3.1 For climate change mitigation, GHG emissions should be associated with the construction phase (embodied materials, construction activities and construction and operative transport) and operational phase (energy use, travel).
- 7.3.2 Considering embodied carbon, Table 8-14 provides the proposed floorspace for the maximum parameter scheme. The Applicant should clarify the purpose of Table 8-16, as it has not been referenced in the text, and also how much of this material ( ) is targeted for reuse within the proposed development. **This is included as a clarification in the summary box below.**
- 7.3.3 Table 8-17, indicates that almost 25% of the total embodied carbon for the proposed development is associated with plastic, with the next highest amount being associated with timber. The Applicant should clarify is required as to whether materials such as asphalt, etc required for the internal roads and pavements has been included. **This is included as a clarification in the summary box below.**
- 7.3.4 Considering construction traffic, the Applicant should clarify where the carbon emissions factors have been obtained from and what units these are measured by (e.g. kgCO<sub>2</sub>e per km). **This is included as a clarification in the summary box below.** Also, paragraph 8.4.8 refers to approximated travel distances in miles (which appears a reasonable assumption) and so **the** Applicant should clarify whether the calculations have applied consistent units (km and miles). **This is included as a clarification in the summary box below.**
- 7.3.5 Considering construction plant, the Applicant should clarify as to how the UK Industry Performance Report was applied to reach the 6,466 tonnes of CO<sub>2</sub>e. **This is included as a clarification in the summary box below.** The Applicant should also clarify as to how the emissions associated with water has been derived in Table 8-19. **This is included as a clarification in the summary box below.**
- 7.3.6 It should be noted that the '2046 masterplan' is not the proposed development, and should instead be considered as a cumulative scheme.
- 7.3.7 Operational GHG emissions are described in paragraphs 8.4.28-16.1.2 (numbering assumed to be incorrect). The assessment of operational energy use is presented as use of gas boilers and electric heating, although this is inconsistent with the Paragraphs 4.2.33-

4.2.34 which explains how the whole scheme cannot use gas due to insufficient infrastructure capacity and later phases of the development will utilise electric heating. The applicant should clarify whether heating is expected to be fully gas or a mix of gas and electric. **This is included as a clarification in the summary box below.** Paragraph 8.4.30 also refers to CO<sub>2</sub> emissions representing 81% of the total UK emissions, and then applies a larger number to represent CO<sub>2</sub>e. The Applicant should clarify why this assumption has been made, as the proposed development is not creating any sources of other GHGs. **This is included as a clarification in the summary box below.**

- 7.3.8 The stated aspiration towards zero-carbon is welcomed (in line with good practice and emerging policy requirements elsewhere), although the Applicant should clarify whether this will apply to residential and non-residential uses and how much will be achieved through passive design and insulation measures. **This is included as a clarification in the summary box below.**
- 7.3.9 Table 8-23 describes carbon emissions from increased vehicle use per year. The numbers are questionable, as this shows no increase in emissions between 2032 and 2044 18,247tCO<sub>2</sub>e per year. The Applicant should clarify how this is calculated, and what assumptions have been taken into account with respect to cumulative schemes considered, potentially improving emissions standards and proportion of electric vehicles. **This is included as a clarification in the summary box below.**
- 7.3.10 The Applicant should clarify why the end of life emissions haven't been considered, given the it is stated that life cycle assessment has been undertaken in this chapter. **This is included as a clarification in the summary box below.**
- 7.3.11 Overall, it is not considered that the numbers and impact assessment conclusion provided in paragraphs 8.5.1-8.5.4 is reliable. Notwithstanding the points above with respect to how the numbers have been calculated and what they should include/exclude, reference is made to the IEMA Guidance which states "GHG emissions have a combined environmental effect that is approaching a scientifically defined environmental limit, as such any GHG emissions or reductions from a project might be considered to be significant", whilst also promoting a proportionate approach to this. However, in this case, there is no significance criteria defined in the chapter against which to measure the assessment conclusions, and as a result, it is not possible to identify whether significant effects are likely. **This has been included as a potential Regulation 25 information request in the summary box below.**
- 7.3.12 For climate change resilience a 4-stage framework has been used. It applies a likelihood and consequence assessment of how climate change could affect on-site receptors. Table 8-7 refers to the measure of consequence, but it only refers to 'disruption'. The Applicant should consider damage or harm to people, ecology or property, as these could be argued to have a more important consequence than 'disruption'. **This has been included as a potential Regulation 25 information request in the summary box below.**
- 7.3.13 Given the exposed location of the site to the prevailing winds, and the consideration of increased wind speeds in Tables 8-25 and 8-26, the Applicant should clarify the site's existing and future suitability from a wind microclimate perspective, and how wind speeds (including strong winds) are predicted to change over the assessment period. It is important to understand whether there will be any significant effects upon the future site users. **This is included as a clarification in the summary box below.**

- 7.3.14 Paragraph 8.4.39 refers to how the scheme design mitigates effects from climate change on the operational scheme. It states that “impacts that can be controlled would be addressed prior to the operational phase”, and that no mitigation measures are considered necessary. It is not accepted that specific operational phase mitigation is not required and can’t be planned for. The IEMA guidance refers to the production of a Climate Change Adaptation Plan, and for a scheme of this scale it would seem highly appropriate to consider aspects such as how to plan for and manage heatwaves, allow for additional shading and shelter in outdoor spaces, designing modular windows that can be replaced with lower glazing transmittance values in the future, drought management and more effective rainwater harvesting, for example. The Applicant should provide details of the receptors that could be sensitive to climate change, and identify a range of mitigation measures through an outline Climate Change Adaptation Plan, with specific details to be specified at future reserved matters stages. **This has been included as a potential Regulation 25 information request in the summary box below.**
- 7.3.15 Tables 8-25 and 8-26 require updating to take into account both the additional impacts of damage and/or harm as described above (above simply considering disruption). It is very much focussed on the hard engineered aspects, and doesn’t adequately cover the softer landscaping and the users/occupants of the scheme. It is considered there is a therefore potential for significant effects that hasn’t been adequately assessed in the EIA. **This has been included as a potential Regulation 25 information request in the summary box below.**

## 7.4 Mitigation and Monitoring

- 7.4.1 For climate change mitigation (i.e. GHG reductions), a number of measures have been set out in the chapter to minimise these. However, the assessment excludes a number of potentially important factors that should not have been, and therefore misses the opportunity to recognise ways to mitigate emissions from these (such as construction traffic). It also does not set out how these mitigation measures will be enforced and their effectiveness monitored.
- 7.4.2 For climate change adaptation, again some key receptors are excluded from the assessment and therefore no mitigation measures to ensure their ongoing resilience to climate change have been set out. Likewise, there are no measures to monitor the ongoing climate impacts and manage these. These should be included in an Outline Climate Change Adaptation Plan, as part of the potential Regulation 25 request described earlier.

## 7.5 Cumulative Effects

- 7.5.1 Paragraph 8.5.14 refers to how it is not possible to provide a detailed assessment accounting for all committed developments, but yet the assessment concludes that it is ‘considered to be minimal’. Aside from the fact that not all cumulative schemes are necessarily committed, the Applicant should apply a simple set of assumptions to attempt to quantify this, and the assessment needs to be made against a defined set of significance criteria in order to justify the conclusion. The applicant should clarify how they have achieved the conclusions that the cumulative effects of the scheme and surrounding schemes is ‘minimal’, and why they have not made an attempt to quantify this assessment. **This is included as a clarification in the summary box below.**

## 7.6 Commentary on the Conclusions of the ES

7.6.1 There are a number of comments, clarifications and requests for further information above that undermine the conclusions of the ES chapter. It is not considered that all potential significant effects have been considered and options for additional mitigation have not been explored. Therefore, until this has been done it is not agreed that the assessment conclusions are appropriate.

## 7.7 Commentary on the Adequacy of NTS

7.7.1 The NTS provides an adequate summary

<b>Summary of Clarifications Required</b>
<ul style="list-style-type: none"> <li>29. Clarify the future years being assessed in the climate change adaptation assessment;</li> <li>30. Clarify why the 2080s UKCP09 timescales have not been used;</li> <li>31. Clarify the purpose of Table 8-16, and how the demolition material can be reused;</li> <li>32. Clarify why the largest embodied carbon from building materials is by far plastic, and whether aspects such as roads and path have been considered;</li> <li>33. Clarify where emissions factors for construction traffic have been derived from;</li> <li>34. Clarify if the correct units have been used to assess construction traffic emissions;</li> <li>35. How was the 6,466 tonnes of CO<sub>2</sub>e for construction plant derived, and how can this be minimised;</li> <li>36. How were emissions associated with water derived?</li> <li>37. Clarify why the emissions associated with gas was assessed, when the project description states this is not possible for the whole scheme to use gas?</li> <li>38. Has the carbon emissions for operational energy been factored up to account for GHGs, and is this correct (given that the scheme will not be producing other types of GHG)?;</li> <li>39. Clarify why end of life emissions have not been included, and what measures could be incorporated to future proof this;</li> <li>40. How will the wind conditions at the site (particularly dangerous strong winds) be affected by climate change and will the scheme be suitable for long term use?</li> <li>41. The applicant should clarify how they have achieved the conclusions that the cumulative effects of the scheme and surrounding schemes is 'minimal', and why they have not made an attempt to quantify this assessment</li> </ul>
<b>Summary of potential Regulation 25 Information Requests</b>
<ul style="list-style-type: none"> <li>42. Provide an estimate of the emissions associated with the construction workforce over the 25 year period, an assessment of significance, and measures that could minimise this impact;</li> <li>43. Include an assessment of operational management and maintenance activities, and how emissions from these can be minimised;</li> <li>44. Include human and ecological receptors (in addition to physical structures) in the climate change adaptation assessment, as there could be significant effects upon them; Update Table 8-25 and 8-26 with the additional receptors specified above;</li> <li>45. Estimate the baseline emissions associated in the baseline condition, to allow a comparison with the proposed development;</li> <li>46. Provide a clear set of significance criteria against a measurable target, acknowledging IEMA's guidance that all emissions could be significant, but the assessment should be proportionate;</li> <li>47. Assess climate change resilience not just against disruption, but against the more serious impacts of damage and harm;</li> <li>48. Provide an Outline Climate Change Adaptation Plan that sets out the main considerations and how residence/adaptation details will be embedded into the reserved matters and ongoing facilities management;</li> </ul>

## 8.0 CHAPTER 9: CULTURAL HERITAGE

### 8.1 Scope of Technical Chapter

- 8.1.1 The ES chapter is supported by appendices which have been requested by consultees (Historic England, Kent County Council, Folkestone and Hythe District Council) as a result of pre-application consultations. The production of the supporting documentation has been iterative, including further consultation, review and amendments throughout the assessment process.
- 8.1.2 These documents are each in accordance with pre-determination consultee requirements (as listed in Table 9.1 of the Scoping Report). No required documents are missing.
- 8.1.3 The Legislation, Policy and Guidance cited is appropriate to the consideration of archaeology and built heritage.
- 8.1.4 Consultees' concerns, requirements and requests are tabulated and adequately responded to, including references within the ES where each comment is addressed.
- 8.1.5 Cultural heritage is defined in the ES as comprising archaeological remains, historic buildings and structures, and historic landscapes. The scope of the cultural heritage chapter covers both potential physical impacts and potential impacts to setting. A study area is defined as 1km for designated heritage assets and 500m for non-designated heritage assets. This was agreed with consultees and is considered appropriate.
- 8.1.6 Where relevant, reference is made to the Landscape and Visual Impact Assessment (LVIA) (chapter 12), Noise and Vibration (chapter 13) and Transport (chapter 16) assessments, where this informs cultural heritage setting assessments. This is a robust multi-disciplinary approach.
- 8.1.7 A standard DMRB matrix-led approach to EIA is presented. The importance/sensitivity of cultural heritage is based on a combination of significance, as defined by Conservation Principles' 'interest criteria', and DCMS 'Principles for Selection of Scheduled Monuments'. The 5-step process for setting assessment is based on GPA3. This is considered appropriate.
- 8.1.8 A Heritage Strategy for ongoing archaeological fieldwork, to be agreed with the heritage consultees at Folkestone and Hythe District Council, Kent County Council and Historic England, is outlined and committed to in the ES Chapter (Section 9.6.7). This will be a 'live' document, to undergo regular review and updating. The Heritage Strategy will identify the role of heritage in the scheme, a research agenda, heritage assets to be preserved in situ in the scheme design, heritage assets to be evaluated (geophysical survey, metal detecting, trial trenching, geoarchaeological assessment), and subsequently define responsibilities and a programme of preservation by record (excavation, strip, map and sample, watching brief, earthwork survey, historic building recording, aerial photo assessment) if the scheme is consented. The ES Chapter states that the Heritage Strategy will be submitted during the determination period (for Reserved Matters).

### 8.2 Baseline Conditions

- 8.2.1 At scoping stage, baseline parameters were set which resulted in a number of heritage assets being scoped out of the EIA. In response to the Scoping Opinion of Historic



England, Kent County Council and Ashford Borough Council, some of these have been scoped back in to the EIA, whilst further assessment (LVIA, heritage) and justification has been provided for others, which remain scoped out. This reviewer agrees with these justifications and accepts the baseline scoping.

- 8.2.2 The baseline conditions have been established through standalone Desk Based Assessment (DBA) (2016), including an Addendum (2018) to address emerging cultural heritage data and updated policy. The list of data sources is presented and it is considered appropriate.
- 8.2.3 In addition, further appraisal reports have been carried out which inform the baseline. The further appraisals were requested by consultees and the scope of field assessments agreed through an Archaeological Fieldwork Strategy.
- 8.2.4 Under headings of designated heritage assets, non-designated heritage assets, non-designated built heritage assets, and historic landscape, the baseline significance is discussed including assessment of the contribution of setting to significance of each asset or group of assets. Where relevant, geophysical or trial trench data gathered as part of the proposed development is referenced. Value is tabulated as part of each section. This is a standard approach in accordance with best practice and is considered appropriate.

### 8.3 Prediction of Impact Magnitude and Significance

- 8.3.1 The ES Chapter 9 identifies that the results of archaeological trial trenching have been used to inform the masterplanning design to reduce impacts to the historic environment, specifically the hitherto unknown Roman villa, for which a standalone Statement of Significance report has been produced by the applicant. Similarly, geophysical survey has been used to define an area for preservation in situ of prehistoric barrow (burial mound) remains on Barrowhill, for which a Statement of Significance has also been produced.
- 8.3.2 The methodology appears to have been correctly applied and the presentation of the results of these assessments in terms of level of impact significance are considered acceptable.
- 8.3.3 Records of consultation with Historic England state that on submission of the trial trenching reports, HE may consider scheduling of remains that have been discovered within the proposed development site boundary. The progress of this process is currently uncertain by this reviewer and comment cannot therefore be made.

### 8.4 Mitigation and Monitoring

- 8.4.1 It is noted in the ES Chapter 9 that the precise siting of the new buildings and the proximity of the works to the sensitive heritage assets is not set, however it does not explicitly confirm that an option for preservation in situ of as-yet undefined archaeological remains and heritage assets is proposed in the Heritage Strategy where feasible, whereas this would be expected and desirable. **This is included as a clarification in the table below.**
- 8.4.2 Further trial trenching will be needed to better define the extent of buried heritage assets including those that are considered likely to be preserved in situ through embedded design, those considered likely to be preserved through excavation and recording, and the precise location of military aircraft crash sites.

- 8.4.3 The proposed development will remove open land to the south, west and east of the Westenhanger Castle Scheduled Monument and its Grade I listed buildings which lie on the northern boundary of the application site, and will replace it with development for housing. In accordance with the Scoping Opinion, the masterplan has been designed to enhance its setting. The proposals are based on the results of a Statement of Significance, which underpins a Conservation Management Plan.
- 8.4.4 Embedded design measures will enable some legibility of the historic landscape within the new development. The setting of Lympe Conservation Area and six other listed buildings, and views to and from Sandling Park will be preserved.
- 8.4.5 The conclusions regarding enhancement are agreed and the mitigation measures proposed are considered appropriate by this reviewer.

## 8.5 Cumulative Effects

- 8.5.1 Cumulative effects are presented in Section 9.5. Four other schemes are considered in the cumulative impact assessment, three of which are assessed as having no cumulative effects.
- 8.5.2 The indicative Otterpool Park Framework Masterplan includes an additional 1,500 homes on the proposed development site but is not consented and detailed design information is not available. Assumptions are made and no further significant effects are identified.
- 8.5.3 Given the scale of the assessed development this conclusion is accepted.

## 8.6 Commentary on the Conclusions of the ES

- 8.6.1 There is no dedicated conclusions section in ES Chapter 9.
- 8.6.2 The setting of Westenhanger Castle will be enhanced through the development proposals. This is agreed.
- 8.6.3 EIA identifies two significant effects, both of which are likely impacts upon the setting of heritage assets, one listed building (Upper Otterpool, which is located centrally within the proposed development site, but whose curtilage is excluded from the redline boundary), and one non-designated barrow (this is identified on OS mapping as a Tumulus to the west of Westenhanger Castle, and is not one of the group of barrows on Barrowhill). In each case, important sightlines are preserved insofar as is reasonably possible.
- 8.6.4 Although recommended in the Historic Landscape Characterisation and Historic Farmstead Analysis (Para 9.2.2), no reference to assessment of the design of new housing in relation to the local vernacular is made in ES Chapter 9. *"It is recommended that the materials of the historic structures within the different farmsteads provide a vernacular, which includes extensive use of redbrick, timber-framing, hanging square and club tiles, and tile-roofs, which can usefully inform the design of proposed buildings. This should be reviewed during ongoing design, together with input regarding other historic buildings within the Site and surrounding area."* **This is included as a clarification in the table below.**
- 8.6.5 All high importance heritage assets would be preserved in situ (avoided) through masterplanning design, and all less important heritage assets that would be physically



impacted can be preserved by record (archaeological excavation) in order to mitigate the effect. This is agreed.

- 8.6.6 The ES Chapter 9 states that the results of the desk-based studies, geophysical surveys and trial trenching evaluation has provided sufficient information to develop an understanding of the heritage resource within the site and inform how mitigation is approached. It should be noted that only the (probable) most significant parts of the proposed development site / areas of high archaeological potential have been the subject of a staged programme of archaeological evaluation (intrusive investigation through trial trenching targeted to geophysical survey) and that the archaeological potential of a portion of the site remains undefined. This reviewer determines that roughly 50% of the proposed development site has been geophysically surveyed, and roughly 10% of the overall area has been tested through intrusive investigation (archaeological trial trenching).
- 8.6.7 Whilst the remainder of the site that has not been evaluated through fieldwork is defined as 'low potential', this is untested. This is considered a proportionate approach, but does represent a risk that should be addressed in the Heritage Strategy.
- 8.6.8 Although the heritage resource of the proposed development site has been extensively researched, full characterisation remains, at the time of this review, incomplete. In terms of the parts of the site that have not been evaluated it is understood that the approach proposed in the outline Heritage Strategy Scope (section 9.6) has been agreed in principle by consultees. A full version will be presented at Reserved Matters Stage. Comment cannot therefore be made on this important stage of the process, however it is assumed that if the document is produced in consultation with Historic England, Kent County Council and Folkestone and Hythe District Council that it will be acceptable.
- 8.6.9 The Heritage Strategy will be a 'live' document, to undergo regular review and updating as more areas of the site are evaluated, to respond to any emerging issues. It is agreed that this approach is necessary.
- 8.6.10 It is understood that mitigation measures will be implemented through planning conditions. As part of these conditions, the archaeological contractors, working on behalf of the Applicant, will be required to submit and agree a written scheme of investigation (WSI) with the local planning archaeological advisor prior to the commencement of this work.

## **8.7 Commentary on the Adequacy of NTS**

- 8.7.1 The NTS presents an adequate reflection of the ES chapter, except that there is no summary of how the masterplan design has evolved based on the results of the cultural heritage assessments to preserve heritage assets in situ through embedded mitigation.

<b>Summary of Clarifications Required</b>
<p>49. The applicant should clarify that preservation in situ will be included as an option for mitigation in the live Heritage Strategy, to be achieved through redesign in the Masterplan where necessary to accommodate as-yet unknown significant archaeological remains that may be exposed in areas that have not been evaluated as part of the EIA.</p> <p>50. Whether the setting assessment has considered the design of new housing in relation to the local vernacular should be clarified, in accordance with the recommendations of the Historic Landscape Characterisation and Historic Farmstead Analysis (Para 9.2.2): <i>“It is recommended that the materials of the historic structures within the different farmsteads provide a vernacular, which includes extensive use of redbrick, timber-framing, hanging square and club tiles, and tile-roofs, which can usefully inform the design of proposed buildings.”</i></p>
<b>Summary of Potential Regulation 25 Information Requests</b>
None.

## **9.0 CHAPTER 10: GEOLOGY, HYDROGEOLOGY AND LAND QUALITY**

### **9.1 Scope of Technical Chapter**

9.1.1 The scope of this chapter appears to be comprehensive and reports the environmental impact of construction and operation of the Proposed Development with respect to geology, hydrogeology and land quality. The assessment incorporates relevant design and other mitigation measures that are expected to be employed during construction of the proposed Development.

9.1.2 The chapter has been prepared alongside and informed by a Ground Condition Report (GCR), a Mineral Resource Assessment report has also been prepared and has been included with the planning application. The GCR includes a desk-based study and interpretation of the ground investigations that have taken place at targeted locations across the proposed Development.

9.1.3 Relevant aspects of the proposed development have been considered and these include:

- The potential for contamination to be present particularly due to the varied history of former military land uses across the Site;
- Geological Site of Special Scientific Interest (SSSI) which is located within the centre of the Site and which requires protection measures to be put in place to safeguard the geological features;
- That the proposed Development is within a Mineral Safeguarding Area which requires consideration to avoid unnecessary sterilisation of viable minerals for future use
- Management of the effects of the Development on existing land drainage to demonstrate no detrimental impact to the groundwater regime across the Site.

9.1.4 The ES has been prepared in accordance with regional and local planning policy as well as with current legislation specific to the land quality and controlled waters.

### **9.2 Baseline Conditions**

9.2.1 The ES presents a range of baseline data that has been gathered to define the local environmental conditions for the assessment, including documentary evidence, survey information and data provided by stakeholders. It summarises Otterpool Quarry SSSI, key surface water receptors, and groundwater conditions and justifies the non-inclusion of minerals in safeguarding areas among receptors. It covers on-site and local landfills, historic pollution incidents, fuel stations, trade entries, and unexploded ordnance in light of the former RAF Lympne base as well as the results of a gas risk assessment and previous contamination assessments.

9.2.2 The methodology adopted for establishing the baseline conditions is considered appropriate.

### **9.3 Prediction of Impact Magnitude and Significance**

- 9.3.1 In relation to pre-existing (i.e. historic) contaminated land, a source-pathway-receptor approach in accordance with Environment Agency CLR11 and CIRIA C552 has been adopted for assessing risks from contaminated soils/groundwater. Contaminant concentrations when available would be screened against appropriate screening values such as the LQM/CIEH Suitable 4 Use Levels.
- 9.3.2 The ES notes that there is currently no defined methodology for assessing the value of geology receptors. Assessment of significance is therefore undertaken using professional judgement. With regards to the Otterpool Quarry Geological SSSI the methodology will pay due regard to recommendations from Natural England.
- 9.3.3 In relation to hydrogeology, the ES notes that an assessment of effects has been undertaken that considers derogation (water level and water quality) potential to water interests and environmental receptors. A high-level groundwater interests survey has been undertaken, to identify potential interests. An assessment would then be undertaken to determine the significance of development-related impacts.
- 9.3.4 The assessment of the Effect Significance is considered to be appropriate.
- 9.3.5 The ES notes that the ground investigation undertaken to date is preliminary, due to restricted site access in some areas and that the scope of work undertaken is considered appropriate for the EIA stage. Significant contamination has not been identified to date, however, unforeseen ground conditions could be encountered. The reviewer acknowledges that further ground investigations will be undertaken after planning permission is granted for the reserved matters stages of the proposed development.

### **9.4 Mitigation and Monitoring**

- 9.4.1 Standard mitigation and enhancement measures have been proposed for the development during the construction and operation phases to minimise risks to the environment and human health of future residents and visitors to the development. These are considered appropriate and key receptors identified are to be protected (during the construction phase) by means of a Code of Construction Practice (CoCP).

### **9.5 Cumulative Effects**

- 9.5.1 The cumulative effects have been assessed with consideration of those schemes that have been consented within the borough of Ashford and FHDC and that have the potential to have a cumulative impact on geology, hydrogeology and land quality. All consented developments should follow best practice with regards to land quality and are likely to need to satisfy planning conditions with regulatory approval prior to construction. Significant discharges to groundwater which may change the hydrogeological regime would need to be considered for any of the new development and seek regulatory approval. It is considered that the cumulative effect on geology, hydrogeology and land quality receptors would be Neutral.

## 9.6 Commentary on the Conclusions of the ES

- 9.6.1 The reviewer agrees that the assessment has concluded that the development of the Site could be undertaken without detrimental significant effects on geology, hydrogeology and land quality receptors. This would be achieved by implementation of best construction practice and appropriate design. With regards the Geological SSSI, it is likely that the proposed Development would provide a beneficial effect as the feature would be enhanced and made more accessible.

## 9.7 Commentary on the Adequacy of NTS

The NTS provides an adequate summary of the topic chapter contained within the ES.

<b>Summary of Clarifications Required</b>
None
<b>Summary of Potential Regulation 25 Information Requests</b>
None

## 10.0 CHAPTER 11: HUMAN HEALTH

### 10.1 Scope of Technical Chapter

- 10.1.1 The scope is appropriate and proportionate to the type, location and scale of development proposed. The scope is based around an assessment of the determinants of health, namely factors that have an influence of health including lifestyle, environmental and socio-economic factors. This is considered to be a best practice approach as recommended by the World Health Organisation, due to the difficulties in predicting actual health outcomes which have complex causal pathways.
- 10.1.2 We would expect sensitivity of receptors to be considered as part of the assessment of significance of health impacts, for example, how resilient receptors are to changes in conditions caused by the development. While reference is made to vulnerable groups, the methodology does not explain how sensitivity to change plays a part in determining the level of impact. **This is included as a clarification in the summary box below.**
- 10.1.3 The chapter does not include information on limitations of the baseline analysis and assessment which is generally included within ES chapters. **This is included as a clarification in the summary box below.**

### 10.2 Baseline Conditions

- 10.2.1 While the methodology for the baseline is included covering health and wellbeing, community demographics and vulnerable groups, no actual baseline is provided. This should be included or a sound rationale for not including be provided. **This is included as a potential Regulation 25 in the summary box below.**

### 10.3 Prediction of Impact Magnitude and Significance

- 10.3.1 The following comments relate to specific assessments:
- Housing quality and design – it is not clear how conclusion of ‘good’ design has been reached, especially as no examples are given, so it is difficult to determine whether assessment is sound. **This is included as a clarification in the summary box below.**
  - Access to healthcare services and other social infrastructure – The likely number of GPs within the new practice should be identified and the capacity of existing GPs (or alternatively reference to the socio-economic chapter should be made). **This is included as a clarification in the summary box below.**
  - Crime reduction and personal safety – it is not clear how conclusion of ‘good’ design has been reached, especially as no examples are given, so it is difficult to determine whether assessment is sound. **This is included as a clarification in the summary box below.**
  - Access to work and training – while vulnerable groups are identified, e.g. low income populations and unemployment, the omission of baseline information means we do not understand whether local populations are particularly vulnerable or particularly

likely to benefit from job opportunities. **This is included as a clarification in the summary box below.**

- Air quality, noise and neighbourhood amenity – it is not clear whether receptors identified are residential or other receptors as just the roads / locations are listed. It is not clear whether these receptors are especially vulnerable to health effects related to traffic generated emissions and noise. **This is included as a clarification in the summary box below.**

## 10.4 Mitigation and Monitoring

10.4.1 Much of the mitigation outlined is embedded mitigation including provision of education, health and other community facilities, as well as allotments, cycleways, footpaths and open space. There are also measures to reduce pedestrian severance and mitigate environmental effects such as visual, air quality and noise during construction and operation. These are covered more fully in these respective chapters.

## 10.5 Cumulative Effects

10.5.1 While a cumulative assessment was mentioned in the Scoping Report, a cumulative assessment does not seem to be included within the health chapter. The cumulative assessment must necessarily be a very high-level analysis, but the current omission does not meet requirements. **This is included as a potential Regulation 25 in the summary box below.**

## 10.6 Commentary on the Conclusions of the ES

10.6.1 Due to a lack of baseline information and information on sensitivity it is difficult to comment fully on the conclusions. Rationales are provided for the assessment, however, and these are easy to follow and seem logical.

## 10.7 Commentary on the Adequacy of NTS

10.7.1 The health section of the NTS gives a clear summary of the methodology for undertaking the health assessment. It does not, however, summarise the conclusions and outline the significant effects on health. **This is included as a potential Regulation 25 in the summary box below.**



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<b>Summary of Clarifications Required</b>
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| <ul style="list-style-type: none"><li>51. Explanation of how sensitivity helps determine significance of effects.</li><li>52. Information on limitations and assumptions used for the assessment.</li><li>53. Additional information on the following assessments: 'Housing quality and design', 'Access to healthcare services and other social infrastructure', 'Crime reduction and personal safety', 'Access to work and training' and 'Air quality, noise and neighbourhood amenity' required.</li></ul> |
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<b>Summary of Potential Regulation 25 Information Requests</b>
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- |   |
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| <ul style="list-style-type: none"><li>54. Baseline information should be provided.</li><li>55. Cumulative impacts should be considered as part of the assessment.</li><li>56. NTS needs to include a summary of conclusions of the health chapter, identifying significant effects.</li></ul> |
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## 11.0 CHAPTER 12: LANDSCAPE AND VISUAL IMPACT

### 11.1 Scope of Technical Chapter

- 11.1.1 The submission is based on the principles contained within the 'Guidelines for Landscape and Visual Impact Assessment' Third Edition (GLVIA 3). Reference was also made to the international, national, regional and local legislation and planning guidance. It is agreed that this methodology is sufficient to assess the submission and that there was a good level of consideration of the planning policy context and pre-application consultation with key stakeholders.
- 11.1.2 The scope of the LVIA, including the overall approach to assessment, extents of the study area, temporal scope, sources of information, level of baseline detail and number and location of viewpoint analysis appears appropriate for the scale of the proposed development. It is stated that the viewpoints from which visualisations would be prepared was agreed during a meeting on 31 July 2018, however these locations are not recorded. Clarification is required as to the exact location of the agreed viewpoints and who they were agreed with. **This is included as a clarification in the table below.**
- 11.1.3 It is noted (*para. 12.2.185*) that this is an outline planning application and that, 'An assessment of the effects on the finer grained physical landscape fabric of individual potential development plots of the Site and its surrounds may be necessary as part of future reserved matter or detailed planning applications.'

### 11.2 Baseline Conditions

- 11.2.1 The LVIA provides a detailed description of the baseline conditions including a review of landscape character areas within the study area. The LVIA makes use of previously published landscape character assessments from a national and local level. These include discussion of the key characteristics, condition and sensitivity of the existing landscape context, as well as previously identified strategic opportunities where there may be significant landscape effects. This approach enables an understanding of the effect of the development on built form and existing landscape context within the study area and provides a suitable level of detail for the assessment of landscape effects.
- 11.2.2 As per GLVIA 3 and LI technical guidance all viewpoint photographs should provide technical information such as date and time of photography, AOD of viewpoint, lens focal length and horizontal field of view – this information has only been provided for the 5 visualisations. In addition, the quality and scale of the viewpoint images is insufficient to provide a good representation of the existing view - the field of view being too great for a single image to make the viewpoint worthwhile. For the viewpoints showing a greater than 90° field of view it would have been preferable to split the viewpoints over multiple sheets. **This is included as a potential Regulation 25 information request in the summary box below.**
- 11.2.3 Although the level of description with regard to the visual baseline is sufficient, the reviewer would have preferred to have the inclusion of targeted summaries of the landscape, and particularly the visual baseline. These would have provided the reader with greater clarity of the most sensitive receptors and likely effected receptors, which could have been carried forward to the assessment stage.

## 11.3 Prediction of Impact Magnitude and Significance

- 11.3.1 The methodology for assessing impact and magnitude and significance is based upon the guidance set out within the 'Guidelines for Landscape and Visual Impact Assessment' Third Edition (GLVIA 3).
- 11.3.2 The methodology for assessment of landscape and visual effects has been clearly separated. Overall levels of significance have been assessed in terms of the sensitivity of the resource affected (based upon its value and susceptibility to the development) and the magnitude of the effect, which complies with GLVIA 3.
- 11.3.3 GLVIA 3 defines the sensitivity of landscape and visual receptors as dependent on the importance/value of the receptor and its susceptibility to change. The methodology of the LVIA describes how judgements are made with regard to the sensitivity of a receptor based on the recognition of the importance/value of the receptor and susceptibility to change of the receptor (landscape/visual) taking into account the quality of the receptor. For views it also includes the nature and expectation of the viewer. This approach is considered appropriate and based on guidance within GLVIA 3.
- 11.3.4 However, as per GLVIA 3 paragraphs 6.33 and 6.36, and standard industry practice, residents at home are generally considered to be higher susceptibility receptors. It is noted that the susceptibility of residents is generally recorded as moderate or low, with an overall sensitivity of moderate/low (the same as for local road users). This should be revisited and if the susceptibility/sensitivity remains unchanged then greater justification of the decision should be provided. The author may find it useful to breakdown the reviewed settlements into smaller areas. **This is included as a clarification in the table below.**
- 11.3.5 The assessment of magnitude of effects is described in terms of the level of change experienced by the receptor. Sufficient explanation is provided in terms of the assessment of magnitude within the body of the assessment and an explanation of the factors that enable the levels of magnitude to be judged is provided within the methodology. Sensitivity and magnitude are then combined to provide an overall level of landscape and/or visual effects in the form of Table 12-11: Landscape Effect Significance Scale and Table 12-14 Visual Effect Significance. It is explained that significance ratings are indicated on a 'sliding scale' of the relative importance of the effect with 'Major' being the most important and 'Minor' being the least important; where an effect is considered 'Moderate' the methodology explains reasoned professional judgement is used to determine whether or not the effects is significant. The methodology states that an effect can be judged beneficial (positive), adverse (negative) or neutral in nature. This approach is consistent with GLVIA 3.

## 11.4 Mitigation and Monitoring

- 11.4.1 As this is an outline planning application a set of strategic design guidelines have been established, these include matters such as green infrastructure, landscape buffers and vegetation retention – therefore these aspects have been considered within the assessment. It is stated that mitigation measures would rely upon the likely commitments that would be made at the detailed design stages of the project (*para. 12.4.10*).
- 11.4.2 It is stated that prior to construction a Code of Construction Practice (CoCP) would be secured by way of a planning condition. The CoCP would document best practice

methodologies and include a 'landscape and visual implementation plan' to safeguard the visual amenity of visual receptors identified in the assessment.

- 11.4.3 Structural planting would be undertaken around the site prior to the commencement of any construction works.
- 11.4.4 The LVIA chapter includes a detailed description of site wide embedded design measures covering landform, vegetation removal, built-development layout density and character, streetscape design, lighting and green and blue infrastructure. In addition, details are provided for a long-term management plan for landscape character areas within the site.
- 11.4.5 No additional mitigation measures are detailed at this stage, however the level of detail provided for embedded mitigation is considered sufficient for an outline planning application.

## 11.5 Cumulative Effects

- 11.5.1 The cumulative assessment methodology and details of developments to be considered is detailed and appropriate for the scheme.
- 11.5.2 However, it is not clear that a cumulative assessment has actually been fully completed – no reference (outside the section title) is made to cumulative assessment in Section 12.5 'Assessment of Residual and Cumulative Effects' or in Section 12.6 'Assessment Summary'.
- 11.5.3 Paragraphs 12.3.309 – 12.3.336 of the LVIA chapter detail the cumulative developments considered and the receptors against which those developments will be assessed against, however the only evidence of cumulative assessment being undertaken is against Folkestone and Hythe District Council High Level Landscape Appraisal landscape character receptors (see Appendix 12.2 Viewpoint Analysis Table). Paragraph 12.3.328 of the main report states that the cumulative impact of the proposed development '*Cheesemans Green*' has been assessed against '*users of intermediate/medium range PRoW, between 2-5km to the west of the Site*', however this does not appear to have been done on the assessment sheet for this receptor within Appendix 12.2; and this practice continues for all such proposed cumulative impacts. **This is included as a potential Regulation 25 information request in the summary box below.**

## 11.6 Commentary on the Conclusions of the ES

- 11.6.1 The reviewer does agree with the stated conclusions of the ES where provided, with two exceptions (as described above):
  1. the likely cumulative effects do not appear to have been completed and the conclusions not provided; and
  2. it is considered that recorded susceptibility/sensitivity of residential receptors is too low and subsequently the assessed likely effects on residential receptors are also too low.

## 11.7 Commentary on the Adequacy of NTS

- 11.7.1 The NTS provides a reasonable level of description of the assessment of landscape and visual effects throughout the construction and completed phases of the Proposed

Development, excluding any cumulative impacts if applicable. However, it does not provide a basic summary of the identified significant effects. **This is included as a clarification in the table below.**

<b>Summary of Clarifications Required</b>
<p>57. We require clarification that the locations of the visualisations were agreed with the local planning authority prior to the application being submitted and would therefore be considered an acceptable representation of proposed views.</p> <p>58. We require clarification as to how all residential properties within some settlements have been assessed as having a susceptibility recorded as moderate or low and with an overall sensitivity of moderate/low in contrast to GLVIA3 standard practice.</p> <p>59.</p>
<b>Summary of Potential Regulation 25 Information Requests</b>
<p>60. The viewpoints lack the technical information recommended by GLVIA 3 and LI technical guidance – this information has only been provided for the 5 visualisations. This, together with the over-extended field of view results in images that do not provide a realistic view of the proposed site which is necessary for the transparency and understanding of the judgements made by the assessor.</p> <p>61. Details are required for the cumulative impact assessment excluding that provided for likely effects on Folkestone and Hythe District Council High Level Landscape Appraisal landscape character receptors.</p>

## 12.0 CHAPTER 13: NOISE AND VIBRATION

### 12.1 Scope of Technical Chapter

12.1.1 The scope of the technical chapter for noise and vibration covers all the relevant issues i.e.

- Consideration of construction noise and vibration impacts;
- Consideration of the suitability with regard to noise, for the areas identified for Sensitive Land Uses (residential, hotel, educational and healthcare);
- Consideration of appropriate noise controls with regard to areas of the site identified as having the potential to adversely affect the noise climate of the area including commercial, community, retail and industry land uses;
- Consideration of the potential changes in road traffic noise in the wider area as a result of changes in traffic flow resulting from the proposed development;
- Consideration of mitigation measures where necessary and appropriate; and,
- Consideration and assessment of residual effects.

### 12.2 Baseline Conditions

12.2.1 The baseline noise and vibration survey methodology and locations were discussed and agreed in advance with the local planning authority.

12.2.2 The reported current baseline noise and vibration data is extensive and appears to be of appropriate magnitude and variability for the scale of the proposed development.

12.2.3 Future baseline noise levels are predicted using appropriate methodologies and input data. The current and future baseline data used in the assessment of the significance of effects is considered robust.

### 12.3 Prediction of Impact Magnitude and Significance

12.3.1 Impact magnitude is predicted against clearly stated criteria the derivation of which is justified within the technical chapter and are regarded as appropriate.

12.3.2 The assessment of the significance of effect is based on a clearly stated criteria the derivation of which is justified within the technical chapter and are regarded as appropriate.

12.3.3 Overall the prediction of impact magnitude and significance follows the principles of good practice.

12.3.4 However, whilst the magnitude of construction noise for plant or activities is predicted at fixed stated distances e.g. 20 m, 50 m, 100 m etc in Tables 13.32 and 13.34, the appropriate BS 5228 “ABC” threshold derived in Table 13.33 and the distances to nearest noise sensitive premise provided in Table 13.35, no actual assessment of the significance of effect from the impact of construction noise and vibration is provided. This is justified in paragraph 13.4.4 on the basis that “*Due to this being an early, Outline Planning, stage of the Development detailed programming and methodologies of the construction works*”

*necessary to develop the site are yet to be concluded.*” Instead the ES appears to rely upon an as yet unwritten CEMP for the scheme and future CoPA’74 Section 61 prior approvals being requirements of the planning conditions for any approved scheme. Presumably on the basis that these will set noise limits. However, this approach does not meet the fundamental requirement of the EIA regs to undertake an assessment of the significance of likely effects. Instead of relying on planning conditions without actually assessing the likely significance of the effects of construction noise and vibration, a “Rochdale Envelope” approach should be adopted i.e. state the assumptions on which a reasonably worst case assessment can be made and use this to assess and mitigate the potential likely significant effects on the basis that in reality they are unlikely to be worse. **This has been included as a potential Regulation 25 information request in the summary box below.**

- 12.3.5 In addition, the assessment of the Realigned Section of A20 Ashford Road in 13.34 to 13.37 uses the Noise Insulation Regulation 1978 (NIR’78) as the criteria against which to assess the significance of road traffic noise changes and concludes “*no properties around the realignment are anticipated to qualify for insulation/compensation*”. But the NIR’78 does not provide criteria for the assessment of the significance of effects of changes in road traffic noise; which are assessed elsewhere in the ES chapter against the criteria from the DMRB and the derived values for planning policy LOAELs and SOAELs described in tables 13.7, 13.8 and 13.9 of the ES respectively. The applicant should submit a revised assessment of the noise impacts of the Realigned Section of A20 Ashford Road against the criteria used for road traffic noise elsewhere in the chapter not just against the NIR’78 thresholds, or provide a further rationale as to why this has not been carried out. **This has been included as a clarification in the summary box below.**
- 12.3.6 The assessment of noise from the Existing Lympe Industrial Estate is made against the fixed thresholds from the WHO Guidelines for Community Noise. These do not take into account any acoustic features of the noise that may aggravate its impact such as tones, impulsive elements, intermittency etc and are not considered to be appropriate benchmarks for this type of noise. By contrast the ES seeks to avoid significant effects from noise emitted from the two business parks proposed in the northern part of the site by setting noise limits based on BS 4142:2014 Methods for rating and assessing industrial and commercial sound. This is considered to be a better approach to assessing the noise from the Existing Lympe Industrial Estate as well should be provided as part of the NPPF advice in regard to the “Agent of Change” principle. **This has been included as a clarification in the summary box below.**

## 12.4 Mitigation and Monitoring

- 12.4.1 A CEMP and CoPA’74 will be submitted prior to construction. Mitigation measures for the construction and operational stages are subject to the detailed design of the scheme but acceptable potential measures have been identified. Further detail is provided in Table 17.1 of this report.

## 12.5 Cumulative Effects

- 12.5.1 The Applicant’s consideration of cumulative noise and vibration effects is considered adequate.



## 12.6 Commentary on the Conclusions of the ES

12.6.1 The conclusions of the assessment are broadly agreed. However, further clarifications as described in the table below are recommended.

## 12.7 Commentary on the Adequacy of NTS

The NTS is considered adequate.

<b>Summary of Clarifications Required</b>
<p>62. The applicant is asked to submit a revised assessment of the noise impacts of the Realigned Section of A20 Ashford Road against the criteria used for road traffic noise elsewhere in the chapter not just against the NIR'78 thresholds, or provide a further rationale of why this has not been carried out.</p> <p>63. The Applicant should either conduct an assessment according to BS 4142:2014 to assess the noise from the existing Lympne Industrial Estate in order to ensure they are complying with the NPPF requirement regarding the "Agent of Change" principle or provide a further rationale of why this has not been carried out.</p>
<b>Summary of Potential Regulation 25 Information Requests</b>
<p>64. The ES does not actually assess the likely significance of the effects of construction noise and vibration relying. Instead it relies on conditions to use the CEMP and COP'74 prior approvals to set limits, A "Rochdale Envelope" approach should be adopted i.e. state the assumptions on which a reasonably worst case assessment can be made and use this to assess and mitigate the potential likely significant effects on the basis that in reality they are unlikely to be worse.</p>

## 13.0 CHAPTER 14: SOCIO-ECONOMIC EFFECTS AND COMMUNITY

### 13.1 Scope of Technical Chapter

- 13.1.1 The scope is generally appropriate and proportionate to the type, location and scale of development proposed. The scope does contain one omission as impacts on crime and anti-social behaviour are not mentioned or included in the baseline or assessment. This was included within the scope set out within the Scoping Report, so should be included as part of the assessment. **This is included as a potential Regulation 25 in the summary box below.**
- 13.1.2 The chapter includes a section on impacts on residential amenity during the construction phase which is a good summary of the likely effects of different environmental disciplines. Given the proximity to the AONB, which is likely to be a valued community amenity, a similar assessment should be made for this resource and local PRowS during construction as well as operation. **This is included as a potential Regulation 25 in the summary box below.**
- 13.1.3 In general, the methodology and approach used for assessing economic and social effects are industry standard and clear, which are referenced throughout the chapter. In addition, different spatial areas are used for different effects and this is a recommended approach. The study area or likely area of impact for different effects is clearly explained. The overarching methodology for the assessment is only very briefly described, however, the reviewer would observe the following:
- Defining how sensitivity is assessed and what scales are used. We would expect sensitivity of receptors to consider how resilient they are to changes in conditions caused by the development. While receptors are identified, the methodology does not explain how sensitivity plays a part in determining the level of impact. We would expect both sensitivity and magnitude to be considered to determine impact. **This is included as a clarification in the summary box below.**
  - The chapter does not explain that the former Shepway District Council was replaced by the new Folkestone and Hythe District Council in April 2018. This should be clearly mentioned in the chapter as a point of reference since both local authorities are referred to within the chapter. **This is included as a potential clarification in the summary box below.**

### 13.2 Baseline Conditions

- 13.2.1 The baseline conditions section is relatively thorough at a local authority level, making use of the most up to date information including 2011 Census, other ONS sources and recent primary GP healthcare and school capacity information. However, it should be noted that school capacity information for primary and secondary schools with a deficit in school places were not explicitly outlined (only the surpluses were). This meant that the summary tables for relevant schools did not provide a total surplus / deficit places within the study area. **This is included as a potential clarification in the summary box below.**

### 13.3 Prediction of Impact Magnitude and Significance

- 13.3.1 The assessment is necessarily qualitative, based on professional judgement as would be expected, backed by quantitative data which is set out clearly (including how the figures have been calculated and reference to relevant source documents). The assessors have helpfully provided a summary table which outlines significance of effects.
- 13.3.2 No sensitivity testing appears to have been done of the likely population within the proposed development and it is not clear that the population projection is based on a reasonable worst case scenario for the development, given the range of parameters for different tenures and sizes of units. **This is included as a potential Regulation 25 in the summary box below.**
- 13.3.3 It is not understood if the 8,950 operational jobs (equivalent to 7,195 FTE job) anticipated for the Proposed Development (highlighted in Table 14-17) are 'Gross' or 'Net' jobs. It is important that 'net' jobs are clearly defined as the 'net' would also illustrate the deduction of the quantity of jobs already existing on the site (approximately 70 staff). However, to ensure a robust, worst case scenario is assessed 'Additionality Factors' should also be calculated taking into account leakage, displacement, and multiplier effects for the operational jobs (in accordance with Additionality Guide, 4th Edition, 2014). The leakage assessment will account for the level of benefits (jobs) going to people outside the area of interest, and the displacement (or 'product market displacement') will account for the business conducted on-site taking market share from other local firms producing the same goods or services. Assessment of multiplier effects will, conversely, acknowledge the further economic activity (jobs, expenditure or income) associated with indirect, supply chain economic benefits. It is likely this may have all been calculated in Quod's Otterpool Park Economic Statement. However, this should be made clear in this chapter. **This is included as a potential clarification in the summary box below.**
- 13.3.4 It is not understood whether the employment figures present a reasonable worst case scenario given there is likely to be some uncertainty as to what use class there will be on site as there are some flexible uses included (including employment associated with assisted living, etc). **This is included as a potential Regulation 25 in the summary box below.**
- 13.3.5 In respect to embedded mitigations, the Proposed Development includes a healthcare centre, primary and secondary schools. The chapter outlines that these facilities will be provided as part of the Proposed Development and acknowledges these facilities would cater for the anticipated demand for healthcare and education provision from the new residents. However, the chapter does not provide information into the number of GPs and school place capacities at the new educational facilities (only school requirements but it is not clear whether this is what is contained within the scheme). As capacity information is not provided within the chapter, it is not possible to review whether the conclusions are robust for these assessments. **This is included as a potential Regulation 25 in the summary box below.**
- 13.3.6 In terms of open and play space, the chapter provides high-level District-wide information but fails to acknowledge local level open space and plays pace provision surrounding the application site. The chapter includes district-level information from the local authority's Open Space Strategy (2017) and Play Area Review (June 2017) but information about open space availability locally should form part of the baseline (including type, distances

and facilities). The assessment should look at the specific local sufficiency of open space and how the development impacts this as well as a consideration of the new space provided. The same applies for child play space. **This is included as a potential Regulation 25 in the summary box below.**

### 13.4 Mitigation and Monitoring

- 13.4.1 Potential mitigation measures have been outlined during the construction phase which have been included in a Code of Construction Practice.
- 13.4.2 The chapter does allow appropriate mitigations for the footpath and walking trails improvements that are likely to boost tourism during the operational phase.

### 13.5 Cumulative Effects

- 13.5.1 Given the scale of development which is being planned for this part of the South East (of England), we would expect cumulative effects to form an important part of the assessment for socio-economics. This is especially important for capacity of facilities where the introduction of one development might not have a discernible impact but many in conjunction might. The cumulative assessment should cover as a minimum an estimate of the new population resulting from planned developments within, for example, 1 km of the proposed development, including the development itself and how this cumulative figure might impact on ability to access services and facilities, e.g. education and health.
- 13.5.2 While the cumulative assessment must necessarily be a very high-level analysis, the current cumulative assessment does not meet these requirements. **This is included as a potential Regulation 25 in the summary box below.**

### 13.6 Commentary on the Conclusions of the ES

- 13.6.1 The rationales for the conclusions are easy to follow and appear generally to be sound. It is difficult to fully comment on many of the conclusions of the assessment due to the lack of information mentioned in the sections above.

### 13.7 Commentary on the Adequacy of NTS

- 13.7.1 While the effects on community and socio-economic resources are identified within the NTS, the significance of effects are not clearly detailed. This should be included within the NTS. **This is included as a potential Regulation 25 in the summary box below.**

**Summary of Clarifications Required**

- 65. Details of how sensitivity is assessed and the part it plays in determining significance of effect.
- 66. Clarification of the local authority used for the baseline given that there have been changes to local authorities.
- 67. Clarification on the school place capacity where there are deficits for the primary and secondary schools included.
- 68. Information on whether the job figures are net or gross and if gross, whether Additionality Factors would significantly alter the conclusions reached in relation to the number of net additional jobs at operational phase.
- 69. Clarification on the population generated by the cumulative schemes.

**Summary of Potential Regulation 25 Information Requests**

- 70. Provision of missing crime and anti-social assessment or rationale for not needing to include.
- 71. Assessment of amenity effects on AONB during construction is required.
- 72. Information about whether the population projections reflect a reasonable worst case scenario (alongside sensitivity testing of the population projections).
- 73. Information about whether floorspace figures used are reflecting a reasonable worst case scenario of the job figures.
- 74. Information on the number of GPs that would be employed at the incorporated healthcare centre and information on school capacity of the proposed new schools so that conclusions that there is sufficient capacity can be followed.
- 75. Assessment of impacts on nearby open spaces and play spaces should be included, including baseline information on local open spaces.
- 76. A cumulative assessment which considers the impact of this development combined with the committed development surrounding the development, including quantification of population and consideration of the combined impact on education, healthcare, open space and community facilities.
- 77. Include identification of significant effects in the NTS.

## 14.0 CHAPTER 15: SURFACE WATER RESOURCES AND FLOOD RISK

### 14.1 Scope of Technical Chapter

- 14.1.1 Relevant legislation, planning policy and guidance has been thoroughly reviewed as part of the ES chapter with respect to Water Resources and Flood Risk. International, national and local legislation and policy has been reviewed in detail, including the Water Framework Directive, the Water Act, Flood Risk Regulations, NPPF and PPG from an international and national standpoint. The ES Chapter states that the 2018 version of NPPF has been considered as part of the assessment, it should be noted the 2019 version of the NPPF was introduced in February 2019, though does not intrinsically change any legislative aspects of the framework with respect to flood risk.
- 14.1.2 Relevant Local Policy in the form of the Shepway Local Plan, Folkestone and Hythe SC Core Strategy, Surface Water Management Plan, SFRA and SuDS Guidance have been reviewed as part of the Local assessment.
- 14.1.3 The ES Chapter is supported by a Flood Risk Assessment (Appendix 15.1) and a Water Cycle Study (Appendix 15.2).

### 14.2 Baseline Conditions

- 14.2.1 The baseline section has been developed and includes details on hydrogeology, local hydrology receptors, flood risk and local infrastructure.
- 14.2.2 The baseline adequately covers the all the hydrological features within the site and the immediate surrounding areas, including the East Stour River, Albion Water infrastructure (sewers and potable water supply), aquifers and flood risk. The baseline considers the current condition of the water quality within East Stour from the River Basin Management Plan and an inferred water quality for the tributaries of the East Stour not recorded under the RBMP, the existing drainage infrastructure and water supply, along with flood risk from fluvial / tidal, pluvial, groundwater and infrastructure failure.
- 14.2.3 There are no mentions of any designated sites (SSSI / SAC / Ramsar) within the baseline conditions section of Chapter 15. **This has been included as a clarification in the summary box below.**

### 14.3 Prediction of Impact Magnitude and Significance

- 14.3.1 The ES chapter assesses the prediction of significance through the residual effects anticipated at the scheme following mitigation (both in terms of aspects to be included in the CEMP and the inherent drainage proposals). It is noted in Paragraph 15.1.1. that *'This assessment incorporated relevant design and other mitigation measures that would be employed during construction of the proposed development'* and *'when assigning magnitude, to the impacts identified, the [mitigation measures outlined in 15.4.3] have been assumed to be in place'*.

14.3.2 The assessment of the residual effects (where factoring all mitigation as ‘embedded’ / part of the scheme) and the results derived are sound and appear accurate for the receptors and impacts assessed following the application of mitigation measures.

## 14.4 Mitigation and Monitoring

14.4.1 The ES notes that the mitigation will primarily be secured via a Code of Construction Practice and Pollution Control Plan, embedded drainage strategy and mitigation outlined in the FRA. This is considered an appropriate strategy. The ES does however imply that all mitigation measures are to be embedded into the scheme, i.e. by the CoCP or drainage scheme; as noted above the assessment of significance focuses on the residual construction and operational impacts. The Applicant should confirm that the mitigation outlined will be secured as embedded mitigation to facilitate the residual assessment approach as the main approach to the assessment. **This has been included as a clarification in the summary box below.** The Applicant should clarify if there are any adverse effects anticipated should mitigation measures not be secured. **This has been included as a clarification in the summary box below.**

## 14.5 Cumulative Effects

14.5.1 The assessment of cumulative effects is considered appropriate to the scale of the development and the conclusions derived are sound. The approach analyses those effects considered to be minor or greater in significance against the residual effects derived from the cumulative schemes.

## 14.6 Commentary on the Conclusions of the ES

14.6.1 This review agrees with the conclusions of the assessment in terms of the residual effects outlined, though it is unclear what effects would occur if aspects of the mitigation weren’t secured.

## 14.7 Commentary on the Adequacy of NTS

14.7.1 The NTS is an adequate representation of the details developed and provided through the Environmental Statement chapter.

Summary of Clarifications Required
78. Clarify whether there are any designated sites within the vicinity of the Proposed Development;
79. Confirm that the mitigation outlined will be secured as embedded mitigation to facilitate the residual assessment approach as the main approach to the assessment.
80. Clarify if there are any adverse effects anticipated should mitigation measures not be secured.
Summary of Potential Regulation 25 Information Requests
None.



## 15.0 CHAPTER 16: TRANSPORT

### 15.1 Scope of Technical Chapter

- 15.1.1 Page S16-5 is missing from the ES. This page contained the review of the EIA Scoping Opinion. There are concerns regarding the scope of the chapter (e.g. there does not appear to be the inclusion of equestrian receptors except perhaps under the Public Rights of Way assessment) however the missing page may contain the required response to this. The page should be provided to be reviewed. **This is included as a clarification in the summary box below.**

### 15.2 Baseline Conditions

- 15.2.1 The baseline conditions are considered acceptable.

### 15.3 Prediction of Impact Magnitude and Significance

- 15.3.1 The assessment of construction effects is not adequately justified. There seems to be only a short paragraph classifying the effects as minor adverse without any supporting assessment. Justification for these effects should be provided, using an estimation of the Heavy Goods Vehicles and total traffic likely to arise from construction of the Proposed Development. **This is included as a potential Regulation 25 in the summary box below.**
- 15.3.2 The layout of the ES chapter is very confusing. The terms 'magnitude', 'effect' and 'significance of the effect' have been used almost interchangeably throughout the chapter, as described below.
- 15.3.3 Section 16.2 describes the methodology, including how magnitude and how the significance of effect will be assessed. Table 16-5 shows that sensitivity will be combined with magnitude to give rise to a significance level. This section is considered acceptable.
- 15.3.4 The methodology section also describes how sensitivity of receptors will be derived, and provides the sensitivity of receptors at the Application Site in Table 16-3. This table contains part of the assessment and would have been better placed in the assessment section rather than the methodology section, but this is a minor point and no action is required.
- 15.3.5 Section 16.5 then discusses the residual effects. It appears that Section 16.5.6 to Section 16.5.34 assigns a magnitude to effects, in accordance with the methodology. However, there is a high number of inconsistencies in the description of these sections and the associated tables. Sometimes the magnitude is described as the significance of effect (e.g. Table 16-16), as impact (e.g. Section 16.5.17), as magnitude of effect (e.g. Table 16-17), and as effect or residual effect (e.g. Section 16.5.34). Although these terms could be considered a simple mislabelling, the discrepancies continue in the chapter, and strongly affect understanding.
- 15.3.6 Table 16.5.34 summarises the magnitudes which have been assessed in the previous sections. However, each of the magnitudes has been classified as 'significant' or 'not significant'. There is also formatting bolding the 'moderate' magnitudes to indicate they are a significant effect. In accordance with the methodology section (Table 16-5),

magnitudes of effect cannot be given a significance, but instead are combined with sensitivity to give rise to an effect which is given a significance. The 'moderate' magnitude of effect which is bolded in Table 16-21 would only give rise to a significant effect if occurring to a receptor of medium or high sensitivity.

- 15.3.7 Section 16.5.37 then says, "*The effects shown in Table 16-21 [magnitude] have been applied to the receptors shown in Table 16-3 [sensitivity] to determine the overall effect on receptors. This is provided in the summary section 16.6.*" Therefore, the section which is labelled as a summary is actually the assessment of significance and introduces new information. This table (Table 16-22) is also 10 pages long and difficult to follow.
- 15.3.8 Nonetheless, despite the concerns with terminology and layout, it does appear that the methodology has been correctly applied. For example, Table 16-19 provides a well thought out and adequately justified assessment of overall magnitude of effect on risk of accidents and safety. The assessments of magnitude for driver delay, pedestrian delay and severance are considered acceptable. However, it is difficult to be confident that all effects have been picked up on. Therefore, it is recommended that a table be provided which clearly shows the sensitivity, magnitude and significance of the effects which are greater than negligible. The table should only include effects with a magnitude greater than negligible to avoid repeating lines where only a negligible effect is possible (i.e. Cheriton Road, A261 Hythe Road, A20 Hythe Road west of Swan Lane in Sellindge Village do not need to appear in the table, nor does pedestrian delay need to appear except with respect to A20 Ashford Road b/w Newingreen and M20). It is also recommended that receptors should be grouped together more, to avoid extraordinarily lengthy tables like Table 16-21. The goal of the table is to provide reassurance that the residual effects have been accurately assessed. **This is included as a clarification in the summary box below.**
- 15.3.9 It is not clear whether the maximum population estimate and most intensive peak hour trip generation have been used to assess car parking details.
- 15.3.10 Road and Public Rights of Way closures during the construction phase do not appear to have been considered. The Applicant should clarify whether this is because no closure to PRoW will occur. **This is included as a clarification in the summary box below.**
- 15.3.11 The assessment of the impact of Public Rights of Ways and bridleways in the local area seems somewhat disconnected from the rest of the assessment, and they do not appear in the summary table or in other tables. The sensitivity of receptors on these routes is considered 'minor'. Assuming this means 'low' sensitivity in accordance with the methodology, this is not agreed. Given the usage of these for dog walking and fitness purposes, key contributors to well-being, the sensitivity of these should be medium or high. Given that the effect attributed is of major magnitude and therefore a moderate beneficial effect, the overall significance of effect is considered acceptable. No action is required.

## 15.4 Mitigation and Monitoring

- 15.4.1 The differences between embedded and additional mitigation measures could have been more adequately separated. However, the mitigation measures are considered acceptable and no action is required.

## 15.5 Cumulative Effects

- 15.5.1 The inter-project cumulative effects are considered acceptable. However, intra-project cumulative effects cannot be adequately assessed as it has not been provided. Furthermore, a summary table showing the sensitivity, magnitude and significance of effects greater than negligible, as requested in paragraph 15.3.8, would facilitate the understanding of intra-project effects. until the table requested in **paragraph 15.3.6** is

## 15.6 Commentary on the Conclusions of the ES

- 15.6.1 There are shortcomings with the reporting in the chapter, however it appears that the assessments are acceptable. The table requested in **paragraph 15.3.6** must be provided to be sure.

## 15.7 Commentary on the Adequacy of NTS

The NTS is considered adequate.

<b>Summary of Clarifications Required</b>
81. Page S16-5 should be provided.
82. A table should be provided showing the non-negligible effects.
83. The Applicant should clarify whether the omission of the impact of PRoWs is because no closure to PRoW will occur
<b>Summary of Potential Regulation 25 Information Requests</b>
84. Justification of the assessment of construction traffic effects should be provided.

## 16.0 CHAPTER 17: WASTE AND RESOURCES MANAGEMENT

### 16.1 Scope of Technical Chapter

16.1.1 The scope of the chapter is considered appropriate and covers the relevant areas of waste generation and management.

### 16.2 Baseline Conditions

16.2.1 This section is considered appropriate and covers all relevant baseline conditions.

### 16.3 Prediction of Impact Magnitude and Significance

16.3.1 This section is considered appropriate with relevant methodologies and predictions of impact magnitude and significance.

### 16.4 Mitigation and Monitoring

16.4.1 This section is considered appropriate, covering mitigation for pre-construction, construction and operation. However, the Waste Strategy referenced in this chapter (Appendix 17.1) appears to have been omitted from Volume 8 and should be provided. **This has been included as a clarification in the summary box below.**

### 16.5 Cumulative Effects

16.5.1 The chapter doesn't consider it possible to undertake a quantitative assessment of cumulative effects and instead offers a limited qualitative assessment, which is considered appropriate.

### 16.6 Commentary on the Conclusions of the ES

16.6.1 The reviewer agrees with the conclusions of the assessment based on the information presented in the technical chapter. The conclusions of the assessment are considered appropriate and cover the correct scope in suitable detail.

### 16.7 Commentary on the Adequacy of NTS

16.7.1 The summary of the waste and waste management chapter in the NTS is considered adequate and an accurate reflection of the assessment.

<b>Summary of Clarifications Required</b>
85. Provide the Waste Strategy as indicated in the list of appendices.
<b>Summary of Potential Regulation 25 Information Requests</b>
None.

## 17.0 SUMMARY OF MITIGATION MEASURES

17.1.1 The table below provides a summary of mitigation measures proposed by the Applicant across all topics, both embedded and additional.

***Table 17.1: Summary of Mitigation Measures***

Topic	Phase of Implementation	Embedded Mitigation Measure	Additional Mitigation Measure
Agriculture and Soils	Pre-Construction	None.	None.
	Construction	Soil Management Plan (SMP) as part of a Construction Code of Practice (CoCP), following best practice set out in DEFRA 'Code of Construction Practice for the Sustainable Management of Soil on Construction Sites' (September 2009).	Generic mitigation measures to minimise impacts of constructing the proposed development on agricultural holdings.
	Operation	No mitigation necessary.	No mitigation necessary.
Air Quality	Pre-construction	None	None
	Construction	Air Quality Dust Management Plan (AQDMP) mitigation measures proposed	None
	Operation	None	None
Biodiversity - Habitat general	Pre-Construction	Protective fencing. Method statement and ECoW.	Up-date surveys, where site conditions change.
	Construction	Protection of sensitive habitats.	None
	Operation	Monitoring and Maintenance – new habitats and local wildlife sites( LWS).	None
Biodiversity - Invasive non-native plants	Pre-Construction	Protective fencing. Method statement and ECoW.	Up-date surveys - evaluate current extent.
	Construction	Control and eradication programme.	None
	Operation	Management plan.	None
Biodiversity - Trees and arboriculture	Pre-Construction	Protective fencing. Method statement and ECoW.	Up-date surveys – evaluate quality of tree stock. Arboricultural Impact Assessment
	Construction	None	None
	Operation	None	None
Biodiversity - Invertebrates	Pre-Construction	Up-date surveys to inform mitigation / design – within specific areas.	Up-date surveys – depending on timing of works.
	Construction	Translocation of micro-habitats. Creating of micro-habitats. Green infatuation – creation and protection.	None
	Operation	Protection of sensitive habitats – measures to discourage recreational use.	Otterpool Parp BAP – implemented for management and conservation.
Biodiversity - Badgers	Pre-Construction	Bait marking surveys. Camera trap surveys. EPS licencing for setts to be lost / disturbed.	Fencing to protect existing setts.
	Construction	Sett creation – EPS licencing. Precautionary working methods – on construction sites. Crossing points.	Population monitoring.
	Operation	Management and maintenance of setts and crossing points.	Population monitoring – camera traps.

Biodiversity - Bats	Pre-Construction	Up-date surveys – potential roost assessment (PRA), hibernation surveys, emergence / re-entry surveys and activity surveys. EPS licencing for roosts to be lost / disturbed.	Provision of new roost sites – EPS icencing.
	Construction	Habitat creation – mitigation strategy. Pollution control. Buffer zones. Lighting plan.	Population monitoring.
	Operation	Lighting strategy Measured installed to reduce human disturbance.	Population monitoring.
Biodiversity - Great Crested Newts (GCN)	Pre-Construction	Up-date of population surveys. Phase specific or site wide licence. EPS licences - habitat creation (receptor sites) and translocation. Buffer zones installed around new and retained habitat.	None
	Construction	Habitat manipulation – ECoW, toolbox talks	Population monitoring.
	Operation	Protection of retained and new features – reduction of recreational use.	Population monitoring.
Biodiversity - Water vole	Pre-Construction	Up-date surveys. EPS licencing for burrow and habitat loss / disturbed – translocation and displacement.	None
	Construction	Creation of new habitat. Buffer zones installed around new and retained habitat. Pollution prevention. Noise and light reduction. ECoW – toolbox talks	Population monitoring.
	Operation	Protection of retained and new features – reduction of recreational use.	Population monitoring.
Biodiversity - Birds	Pre-Construction	Nest checks – kingfishers and barn owls. Protect fencing.	Construction traffic route positioned away from sensitive habitat.
	Construction	Improvement of existing habitat. Nest boxes. ECoW – site clearance. Population monitoring through extended survey work.	Phasing of works to limit noise, through Noise Mitigation and Management Plan – to avoid licencing for Kingfisher and Barn Owl.
	Operation	Protection of retained and new features – reduction of recreational use.	None
Biodiversity - Dormouse	Pre-Construction	Management plan. Protective fencing. Method statement and ECoW.	None
	Construction	Habitat creation. Hedgerow improvements. Nest boxes. Method statement and ECoW – site clearance, toolbox talks and hedgerow translocation.	



	Operation	Protection of retained and new features – reduction of recreational use.	
Biodiversity - Reptiles	Pre-Construction	Production of receptor sites - capture and translocation. Reptile Mitigation Strategy. Habitat manipulation.	Improvement of identified receptor sites. Habitat creation and improvement.
	Construction	Habitat manipulation - ECoW.	Habitat Enhancement Creation and Management plan to evolve in relation to phasing of works
	Operation	Protection of retained and new features – reduction of recreational use.	Monitoring and maintenance plan for retained and created habitat.
Climate Change	Pre-construction	None	None
	Construction	Use of localised material balancing	None
	Operation	Measures suggested in Energy Strategy	None
Cultural Heritage	Pre-construction	<p>The exact form and scope of construction mitigation and the precise siting of the new buildings and the proximity of the works to the sensitive heritage assets is not set. Therefore, the mitigation measures are fairly broad but will likely involve the following:</p> <ul style="list-style-type: none"> <li>• Pre-construction preservation 'by record' of archaeological remains involving a series of open area excavations on parts of the Site where there is dense archaeology or archaeological potential is thought to be high.</li> <li>• Preservation 'by record' of a standing building prior to its demolition or adaption by building recording.</li> <li>• Preservation 'by record' involving discrete areas of the Site being subject to archaeological monitoring ('watching brief') during construction.</li> <li>• Preservation 'by record' by earthwork survey.</li> <li>• Archaeologically-led boreholes and test-pits.</li> <li>• For modern remains such as military features - documentary and air photo research, possibly alongside other mitigation measures such as buildings recording.</li> <li>• Traffic management i.e. control of vehicle movement through the site, speed limits and defined routes (refer to ES Transport Chapter 16) to reduce temporary effects to heritage asset setting.</li> <li>• Fencing, hoarding and bunding, damping down of the construction area as well as limiting the hours in which construction can be carried out to reduce the impacts of dust on heritage receptors.</li> </ul> <p>Retention of historic field boundaries is included in the development design.</p>	<p>Physical impacts to non-designated built heritage receptors which would be demolished or changed as part of the Development would be mitigated through historic building recording. Recording would be completed in line with guidance issued by Historic England (Historic England, 2016: Ref 9-21).</p> <p>The scope and extent of the mitigation measures has been agreed with the local planning authority and forms part of the Heritage Strategy being prepared for the Development which will be reviewed and updated throughout the life cycle of the development.</p> <p>Mitigation measures will be implemented through planning conditions. As part of these conditions, the archaeological contractors, working on behalf of the Applicant, will be required to submit and agree a written scheme of investigation (WSI) with the local planning archaeological advisor prior to the commencement of this work. Broad mitigation measures will also be written into the Code of Construction Practice (COCP).</p> <p>A sports pitch will be designed not to cut into the hillside but to be built up so as not to disturb the remains of the ring ditches or any burials that might survive in this location.</p>

	<p>Construction</p>	<p>Temporary impacts to the settings of heritage assets would be caused by construction activity through increased dust, noise and vehicle movement. These impacts would be mitigated through use of fencing, hoarding and bunding, damping down of the construction area. The flow of construction traffic would be controlled through and around the application site using traffic management i.e. control of vehicle movement through site speed limits and defined routes (refer to ES Transport Chapter 16).</p>	<p>The masterplan has been designed to enhance the setting of and views from and to Westenhanger Castle, including:</p> <ul style="list-style-type: none"> <li>• Reinstating and lining with trees original causewayed entrance to the Castle</li> <li>• Thinning out trees on the south side of the Castle moat and removing modern stable buildings to further enhance the views to and from the Castle.</li> <li>• Preserving water features to north-west of the lake.</li> <li>• It is proposed that a Tudor garden associated with Westenhanger Castle will be further investigated and re-created.</li> <li>• Removing the former racecourse buildings, providing a larger open space between the castle and built development to the east than at present, a distance of approx. 110m compared to 60m currently.</li> </ul>
	<p>Operation</p>	<p>Mitigation measures for physical impacts considered for the operational phase are:</p> <ul style="list-style-type: none"> <li>• Embedded mitigation such as preservation 'in situ' i.e. the heritage assets are left undisturbed e.g. by the creation of open space;</li> <li>• Embedded mitigation such as screening by trees, hedgerows and bunds and creation of buffers of open space to preserve setting;</li> <li>• Maintaining traffic management measures implemented at construction phase; and</li> <li>• Maintaining and monitoring open space in order to preserve heritage assets effectively</li> </ul> <p>There are six listed buildings, for which mitigation is embedded in order to preserve their settings, including the retention of hedgerows and the establishment of green buffer zones between existing and proposed new settlement zones. Where relevant, inter-visibility between groups of heritage assets has been retained in the masterplan.</p> <p>The setting of Lypne Conservation Area and its Listed Buildings will be preserved by gradating or otherwise limiting massing and form close to the south-east boundary of the proposed development site.</p> <p>The masterplan has been designed to preserve the views to and from Sandling Registered Park and Garden by bolstering the boundary with Sandling Park, by planting a buffer.</p>	<p>Additional measures alongside the mitigation above would also be put in place. These measures would increase public understanding of the historic environment in the vicinity of the site and connect the local community with the heritage resource.</p> <p>These might include:</p> <ul style="list-style-type: none"> <li>• Community engagement, for example, involving local groups in researching and recording heritage assets;</li> <li>• Involving local interest groups in deciding how assets are preserved and interpreted;</li> <li>• On-site interpretation boards containing information on heritage assets (as derived from the archaeological investigations);</li> <li>• Open days for the public during excavations;</li> <li>• Temporary displays of artefacts found from the application site;</li> <li>• Re-creation of elements of the historic environment;</li> <li>• Dissemination of data derived on the historic environment on the application site to the local population, general public and academia;</li> <li>• Improvement to public access and enjoyment of heritage assets; and</li> <li>• Creation of a Heritage Trail</li> </ul>

Geology, Hydrogeology and Land Quality	Pre-construction	Further intrusive investigations would be undertaken before construction commences, with unacceptable risks leading to further remediation. Appropriate design of structures and foundations to accommodate ground conditions encountered. Further UXO assessment would be required prior to excavation (and construction) works in the identified high/medium risk areas.	None
	Construction	Standard mitigation and enhancement measures proposed for the development during the construction phase by means of a Code of Construction Practice (CoCP). These include: <ul style="list-style-type: none"> <li>• A watching brief protocol with site workers remaining vigilant for signs of contamination, noting these, keeping contaminated soil separate from other resources and protecting receptors</li> <li>• Method statements and appropriate controls to protect receptors, including best practice pollution prevention guidelines</li> <li>• Site Waste Management Plan and Materials Management Plan</li> </ul>	None
	Operation	None as agreed at scoping stage	None
Human Health	Pre-construction	None	None
	Construction	Early phasing of community facilities to help with community cohesion	<ul style="list-style-type: none"> <li>• Code of Construction Practice, including mitigation measures detailed in the IAQM construction dust guidance</li> <li>• Construction Environmental Management Plan (CEMP) to include mitigation for significant adverse effects</li> <li>• Site Waste Management Plan</li> <li>• Construction Traffic Management Plan</li> <li>• Bus routes will be developed through the build out of the development in conjunction with bus operators</li> <li>• Vegetation a visual mitigation of construction for early occupiers</li> </ul>
	Operation	<ul style="list-style-type: none"> <li>• New housing, including affordable housing provision and a range of accommodation to suit retired and elderly people.</li> <li>• Community, education and healthcare facilities.</li> <li>• Green infrastructure and open space</li> <li>• New cycleways and footpaths</li> <li>• Crime reduction measures</li> <li>• Allotments and community orchard</li> </ul>	<ul style="list-style-type: none"> <li>• To reduce pedestrian severance, dedicated pedestrian crossing facilities such as zebra or signalised crossings are provided on key desire lines, such as the walk from Lympne to the Village Hall</li> <li>• Structural planting to separate neighbourhoods within the settlement itself and provide a visual and physical buffer from the M20 and railway</li> </ul>
	Pre-Construction	None	None

Landscape and Visual Impact	Construction	<ul style="list-style-type: none"> <li>• Advance planting – structural planting undertaken around the site prior to commencement of construction</li> <li>• A Code of Construction Practice (CoCP) would be secured by way of a planning condition</li> <li>• Site wide embedded design measures covering landform, vegetation removal, built-development layout density and character, streetscape design, lighting and green and blue infrastructure</li> <li>• Appropriate designs of construction fencing and hoarding surrounding construction areas</li> <li>• Measures to limit construction site lighting to that required for the activity, its extent and its duration only (meeting health and safety requirements), including horizontal cut-off optics and zero floodlight tilt angles to prevent light spill, and avoiding the location and direction of lighting near to and towards existing residential properties where possible</li> <li>• Avoidance of earth/spoil stockpiles over 6m in height</li> <li>• Location of site compounds, material stockpiles, construction related parking and other visually obtrusive activities away from sensitive receptors</li> <li>• Implementation of advance planting proposals surrounding areas of current of future construction.</li> </ul>	None
	Operation	<ul style="list-style-type: none"> <li>• A landscape management and maintenance regime would be implemented until the planting area is fully established which includes: replanting dead/dying/diseased/defective plant stock, thinning of planting stock to promote growth, watering in times of drought; ensuring a 1.0m diameter weed-free zone around each plant</li> <li>• Long term management and stewardship of strategic green infrastructure for specific landscape character areas identified within the site</li> </ul>	None
Noise and Vibration	Pre-construction	<p>Submission of a CEMP for approval.                  Submission of CoPA'74 prior approval applications.</p>	None
	Construction	<p>Subject to the detailed design of the works but will include application of the principle of Best Practicable Means to the minimisation of noise and vibration; albeit this does not mean noise and vibration will be minimal.</p>	None

	Operation	<p>Subject to the detailed design of the scheme. But likely to include:</p> <p><b>Noise Sensitive Uses:</b></p> <ul style="list-style-type: none"> <li>• Where possible using distance separation between housing etc and major roads and railways.</li> <li>• Boundary noise barriers and bunds for major roads and railways.</li> <li>• Layout and orientation of buildings to act as barrier to rest of the scheme.</li> <li>• Placing private outdoor amenity spaces on the “quieter” side of buildings so they are screened from major roads and railways.</li> <li>• Maximising the sound insulation provided by the building envelope to achieve appropriate internal noise levels (subject to appropriate alternative means of ventilation and control of overheating other than by way of opening windows).</li> </ul> <p><b>Noise Generating Uses</b></p> <ul style="list-style-type: none"> <li>• Locating noise generating uses in specific areas of the scheme.</li> <li>• Where possible using distance separation between housing etc and major roads and railways.</li> <li>• Boundary noise barriers and bunds around outdoor noise generating activities at ground level e.g. service yards and depots etc.</li> <li>• Use the layout and orientation of buildings with noise sensitive uses inside to act as barrier to noise sensitive parts of the scheme.</li> <li>• Maximising the sound insulation provided by the building envelope of buildings containing noise sensitive uses to achieve appropriate noise levels at nearby noise sensitive receptors.</li> </ul>	None
Socio-economic Effects and Community	Pre-construction	None	None
	Construction	None	Implementation of mitigation measures outlined in the Code of Construction Practice
	Operation	<ul style="list-style-type: none"> <li>• Nursery</li> <li>• Primary School</li> <li>• Secondary School</li> <li>• GP / Healthcare Centre</li> <li>• Community Centre</li> <li>• Sports Pavillion</li> <li>• Indoor Sports Hall</li> </ul>	Appropriate mitigation for footpath, walking trail and parking improvements
	Pre-construction		

<p>Surface Water Resources and Flood Risk</p>	<p>Construction</p>	<ul style="list-style-type: none"> <li>• Code of Construction Practice (including a Pollution Control Plan) and outlining the following best practice measures;                     <ul style="list-style-type: none"> <li>• Avoiding the storage of any potentially polluting materials in close proximity to any waterbodies, including stockpiles of soil to reduce potential for sedimentation. Where this is not possible works would be undertaken in accordance with approved method statements and in accordance with environmental permitting requirements/restrictions in order to safeguard the water environment.</li> <li>• Soil stripping managed to ensure the minimum area of exposed soil at any one time.</li> <li>• Fuels and chemicals would be stored, and refuelling would take place within bunded areas to prevent leakage, and these would be located away from waterbodies. Drainage from these areas would incorporate an isolation facility such that the outlet could be sealed in the event of a spill.</li> <li>• Provision made for water treatment to remove sediment before discharge to a surface water feature.</li> <li>• Concrete would be laid only following the suitable preparation of the ground surface and temporary shuttering used to contain potential leaks.</li> <li>• Designated washing out areas would be set up for concrete lorries with impermeable liners to protect the soil and groundwater below.</li> <li>• Waste water generated from the construction compound(s) would be disposed of via appropriate means, for example pumped out and removed from site by tanker.</li> </ul> </li> <li>• An emergency spillage response plan would document measures to be implemented</li> <li>• To promote the sustainable use of water resources, measures would be implemented to promote general water use efficiency and particularly to reduce the use of potable water (including rainwater harvesting and greywater recycling)</li> </ul>	<p>None</p>
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	Operation	<ul style="list-style-type: none"> <li>• The proposed Development would utilise Sustainable Drainage Systems (SuDS) to manage surface water across the proposed Development, in terms of both water quality and quantity.</li> <li>• The proposals would ensure that greenfield (existing) discharge rates would not be exceeded during rainfall events up to a 1 in 100 (1%) annual probability including an allowance for climate change. SuDs infrastructure would be included in green infrastructure spaces that would be present throughout the proposed Development.</li> <li>• Several infiltration areas have also been included in the design where the ground conditions are suitable. Swales, soakaways, permeable paving, rain gardens and green roofs would provide more localised surface water management. The Site would aim to be an exemplar regarding the provision of SuDS and multi-functional green space, promoting Water Sensitive Urban Development (WSUD) principles.</li> <li>• A variety of methods are proposed to be employed for different sources of runoff to remove hydrocarbons, metals, sediments and other impairments on water quality. Pre-treatment would be utilised to supplement filtration, bioremediation, detention and vegetation uptake processes.</li> <li>• Development in the floodplain across the Site would be limited to three new road bridges over the East Stour to connect the north riverside area to the south. To ensure these bridges do not cause constrictions to flow, which could increase flood risk onsite and upstream, the bridges would be designed in accordance with best practice and where required, hydraulic modelling would inform their design.</li> <li>• An outline WCS has been prepared (Appendix 15.2) to assess the impacts of proposed development on the existing water resources, receiving water environment and existing infrastructure, including the proposals for the sustainable planning of water use and wastewater treatment. A detailed WCS would also be undertaken prior to construction to ensure that the proposed Development would have no adverse impacts on water resources, water quality and flood risk. Water Sensitive Urban Design (WSUD) principles would be set out in the detailed WCS and put in place to restrict the maximum amount of extra potable water consumed by each new household to the 90 litres of water per person per day target, in line with the relevant policies.</li> </ul>	None
Transport	Pre-construction	None.	Construction Transport Management Plan



	Construction	None.	None.
	Operation	Road upgrades, segregated cycle lanes, installation of pedestrian crossings and other embedded mitigation measures on the surrounding road network.	<ul style="list-style-type: none"> <li>• Final Travel Plan</li> <li>• Signal cycle time optimisation</li> <li>• Aldington Road improvements</li> <li>• Stone Street improvements</li> <li>• Signalised junction of Stone Street with the A20</li> </ul>
Waste and Resources Management	Pre-Construction	Waste minimisation through design (Waste Hierarchy)	None
	Construction	Site Waste Management Plan Code of Construction Practice	None
	Operation	Waste Strategy	None
<b>Additional Recommended Measures</b>			
<p><b>Climate Change</b></p> <p>There are many opportunities to better consider ways to reduced GHG emissions and better adapt to the changing climate. Recommended ones include:</p> <ul style="list-style-type: none"> <li>• Consideration of modular buildings to retain flexibility. Use of BIM to identify appropriate materials with lower embodied carbon. Construction traffic management plan. Use of consolidation centres for construction materials, and discussion with other cumulative schemes to maximise opportunities for reusing materials.</li> <li>• Outline Climate Change Adaptation Plan, with details of how specific measures will be taken forward to RMAs and managed by the facilities manager.</li> </ul>			

## **APPENDIX W: Post Consultation Planning Report**

## Otterpool Park Y19/2057/FH – Post Consultation Planning Report

### Contents

1. Vision for Otterpool Park, masterplanning & spatial issues
2. Delivery of Otterpool Park
3. Transport & movement
4. Green Infrastructure, biodiversity, landscape and visual impacts
5. Review of ES / Phasing / Parameter Plans
6. Securing Design Quality / Three Tier Approach
7. Governance and long-term stewardship
8. Cultural Heritage and archaeology
9. Housing
10. Economic development, town/local centres and retail
11. Sustainability (waste, water and energy)
12. Community Infrastructure and development
13. Air quality, noise & contaminated land
14. Implementation and monitoring

### Appendices

- Appendix A – Place Panel Report dated 29 April 2019
- Appendix B – Assessment of Green Infrastructure Proposals
- Appendix C – Extracts from Mott MacDonald Walking/Cycling Report
- Appendix D – Initial Review Report (IRR) of ES (Temple Group)
- Appendix E – Review of Built heritage Assets (RSK)
- Appendix F - Review of Economic and Retail Evidence (Lichfields)
- Appendix G – Review of FRA, Drainage Strategy & WCS (Herringtons)
- Appendix H – Environmental Health comments (AQ & Noise)
- Appendix I - Review of Contaminated Land (Merebrook)
- Appendix J – Pre-application letter dated 19 June 2018

### **1. The Vision for Otterpool Park**

A unifying vision of the place that Otterpool Park will become does not emerge strongly in the outline planning application. This is an overarching point made repeatedly by the LPA and the Place Panel during pre-application discussions. There remains a need to define the new garden town's identity. Once defined, a clear narrative – or 'bigger picture' – should permeate through to the various neighbourhoods making up Otterpool Park.

As identified by the Place Panel, the masterplan area designated for Otterpool Park provides exceptional potential for a strong and distinctive character and identity but this does not come through strongly enough in the planning application. Further work is recommended to expand on the aspirations for design quality by defining more clearly what this means locally and uniquely to Otterpool Park. The overarching themes of creativity, countryside and connectivity could provide a potential framework but what these labels might mean in spatial terms is not clearly demonstrated in the application and the overarching spatial concept for the new settlement remains unclear.

The semblance of an identity is evident in some documentation, such as the Cultural and Creativity Strategy, but a great deal of the relevant information is fragmented through many other documents. There is the potential for Otterpool Park to be an exemplar in terms of green infrastructure, natural capital, heritage and culture. The proposal recognises the importance of green infrastructure but lacks the coherent narrative and overall ambition that would befit its aim of being an exemplar garden community. Currently the environmental statement, impact assessments, analysis and concepts are detailed, but the rationale between existing and proposed and how these elements are brought together to forge an identity needs to be more clearly articulated at this stage.

The LPA makes specific suggestions about how the distinct elements of green infrastructure, heritage and culture could be interwoven and articulated more forcefully. The LPA also makes suggestions below about how this work could be progressed to address the issues raised by the Panel to provide a thread from the outline planning application, to Tier 2 design and technical work, Tier 3 reserved matters applications and then to delivery.

### *Masterplanning and spatial issues*

We think a stronger spatial concept based on a green infrastructure grid sitting within a clear hierarchy such as a town centre supported by distinct villages/neighbourhoods stitched into the countryside, would make for a more viable and compelling long-term proposition. Once identified, the spatial narrative needs to be more clearly conveyed through appropriate graphics and diagrams. We think this clarity will help to achieve a more cohesive masterplan against which future details can be judged and guard against fragmentation.

More specifically, this report raises a number of cross-cutting issues which will require spatial changes to the masterplan. The rationale for these changes is explained elsewhere in the report but specific attention is drawn to the following:

- The need for a reappraisal of the bifurcation of the A20 to move towards one-through route in the context of a wider design strategy for the A20 showing how communities north and south will be connected;
- Development of a clear spatial concept for the town centre (within a site-wide concept); bringing forward Tier 2 work to clarify and justify the location of the town centre and its relationship to the A20 and the setting of the castle; integrating the park, town centre and A20 (see town/local centre & heritage sections);
- In preparing a fresh and visionary Green Infrastructure Strategy that brings together green infrastructure, culture and heritage proposals, set out a clear rationale with tiers and typologies of open space acting as focal points for each community, neighbourhood or village; clarifying the role of Westenhanger Park within this context; re-imagining the landscape typology along the railway as a linear park incorporating active design principles and linked to a wider network of running/walking trails;
- In describing the overarching spatial concept, clarifying the rationale for the heights strategy together with landmarks, legibility, key views, gateways into and the 'experience' of moving towards and through the Garden Town;

preparing a design strategy for the A20 that helps integrate communities and character areas;

- Develop a 21<sup>st</sup> Century transport vision based on a network of mobility hubs connected via green infrastructure to the rail station, focussing on convenience and experience;
- Strengthened east-west cycle/pedestrian links including additional pedestrian/cycle links from Barrow Hill neighbourhood to the northern section of Harringe Lane to better connect with Sellindge and improved cycle connections to Folkestone via the A20; strengthened links to identified north-south 'quietways';
- Demonstrating how water could play a much stronger role in animating open space and help to structure a more climate-resilient masterplan; we encourage a more naturalistic approach to the east-west watercourse in particular so that it crosses the threshold into the town centre, helping to integrate the town centre and park;
- In clarifying the spatial concept and preparing a green infrastructure strategy, combining the local centres in the south of the masterplan area so that they intersect at Otterpool Lane to form a single more viable local centre for the wider masterplan area, centred on multi-functional open space and linked to a wider green infrastructure network; amending the plans to ensure zones Z3A and Z3B connect via primary roads;
- Local open spaces and sports provision acting as 'event spaces' for individual neighbourhoods – we think the open space shown in the Barrow area should play a much stronger place making role that helps define the Barrow neighbourhood;
- A review of the structuring principles of the triangle of land in phase 2C in response to the landscape, transport, heritage and green infrastructure issues raised – we think the need for dualling of the A20 in this location should also be reviewed in this context.

## 2. Delivery of Otterpool Park

The identification of a delivery vehicle for Otterpool Park remains a major concern for the planning authority, an issue repeated by the LPA throughout pre-application discussions. We refer again to our pre-application letter dated 19 June 2018 (see Appendix J) for an indication of the LPA's expectations in relation to the role of the master developer and the request for an Overarching Delivery Management Strategy as part of the planning application submission which has not been provided. This is evident throughout the strategy documents, particularly the Planning and Delivery Statement, which does not contain any outline of the approach to delivery as requested. There are loose references to a 'master developer' approach but the approach is not defined. The LPA has previously shared examples from elsewhere about how this can be demonstrated and secured in the application if progress is to be made on a range of fundamental matters at Outline stage, such as long-term stewardship and the structure of any s.106 agreement or planning conditions.

A clearly identified route to delivery is essential to give confidence regarding housing delivery. This will help to inspire confidence that Otterpool Park can be delivered. A supportive planning policy framework is essential if progress is to be made in the successful determination of the application. The LPA suggests that the parties work

together to develop a joint Delivery Statement submitted as part of the evidence base to support the Core Strategy Review. This should address all the key elements of delivery and the issue of housing delivery rates, as they relate to the unique circumstances at Otterpool Park.

### **3. Transport and movement**

We are particularly disappointed by the overall ‘predict and provide’ approach to transport and movement and require a fundamental rethink of the Transport Strategy befitting of a 21<sup>st</sup> century Garden Town. Since it is not possible to predict all aspects of future movement and transport flexibility must be built into the transport strategy at this stage to allow swift and effective adaptation as development progresses. A dynamic ‘monitor and manage’ approach is needed. The Transport Strategy submitted repeats planning policies but fails to set out an ambitious and forward looking transport strategy for a 21<sup>st</sup> Century Garden Town to underpin the Transport Assessment and Travel Plan. We refer to the detailed comments from Kent County Council in relation to transport and movement – the LPA’s comments here reinforce the key transport issues.

Travel behaviour is changing and working patterns evolving. The desire for on-demand mobility and shared mobility services is changing with evidence car ownership and driving licence ownership is falling amongst younger generations. Technology is accelerating this shift and therefore a 30-year project of this nature should not merely attempt to ‘predict and provide’ transport infrastructure based on historic trends. There is too much reliance on motor vehicle user needs before considering the wider transport user hierarchy. A fundamental rethink of the Transport Strategy is required starting with revisiting the transport user hierarchy and exploiting opportunities to reduce travel demand and the need to travel as part of a mixed-use new settlement.

#### *Sustainable transport*

A package of sustainable transport measures beyond a first phase will need to be timed to ensure that transport impacts are agreed and carefully managed with a range of stakeholders, including Kent County Council and public transport operators. Much greater conviction and prioritisation is needed for softer cycling and walking measures, particularly in early years.

Clear and costed early proposals for improvements should be clearly set out at this stage along with commitments to fund improvements to existing walking and cycling routes. This should draw more heavily from the Mott Macdonald work on walking and cycling routes and the response from KCC (PROW) on existing heavily used walking routes. The key priorities and mitigation measures from this study are appended to this report (see Appendix C). The use of e-bikes, as part of a wider approach to mobility hubs, should also be exploited so that cycling is an inclusive option for all residents and visitors.

#### *Westenhanger Station*

We feel the role Westenhanger station could play as a major transport hub, how it connects to the neighbourhoods that make up Otterpool Park and overall potential for significant modal shift has not yet been fully grasped. An enhanced role for

Westenhanger Station and the promotion of a High Speed stop is crucial if a sense of excitement and arrival to Otterpool Park, the promotion of sustainable transport and a 'Place Premium' is to be achieved. We feel the station could play a much stronger and more integrated role in the everyday life of the town if recast as a multi-modal mobility hub connected to a network of smaller mobility hubs within the town. A clearer demonstration of the interface with high quality public realm as part of a wider network of 'event' spaces will need to be demonstrated through the Tier 2 design work and principles identified through the Green Infrastructure Strategy. The principles that will guide this need to be agreed at this stage through the Strategic Design Principles.

A revised transport strategy should give further consideration to a mobility hub at the station which could combine with workspace, cycle facilities and other complementary commercial uses as part of a mixed funding model of delivery. The central mobility hub should be clearly connected to smaller neighbourhood hubs through technology and wayfinding; smaller supporting mobility hubs within local centres should combine facilities for car clubs, bike sharing and electric charging points – acting as feeder 'first/last mile' facilities. The strategy for mobility hubs should focus on experience and convenience to influence travel behaviours - common branding and attractive walking and cycling routes to and from can help with this. We consider the heavy reliance on bus stops to be inadequate and unlikely to shift travel behaviour. This is critical for early phases of development, as travel routines are established and can be difficult to undo later.

We refer to the comments submitted by HS1, Dartford Council and others in relation to rail journeys and agree that further analysis is required. Line and Rolling Stock capacity should be assessed against the Rail Utilisation data and forecasts. Station Infrastructure Capacity of the existing expanded station also needs to be analysed and timings for the delivery of improvements confirmed. We need to better understand the potential impact of the longer-term strategic measures for Public Transport. An overall mitigation package should be set out with a strong suite of non-car improvement measures, the results of which should show particular mode share increases for rail and other modes. We recommend further assessment as part of a wider review of the Transport Strategy, focussing more on sustainable movement patterns and appropriate mitigation secured via s.106 agreement.

#### *Road network & Newingreen junction*

Policy SS7 Place Shaping Principles states that “*Road infrastructure should be designed for a low speed environment, with priority given to pedestrians and cyclists through the use of shared space in ultra-low speed environments and dedicated cycle routes and separate pedestrian walkways where appropriate. The use of grade separations, roundabouts, highway furniture and highway signage should be minimised*”. We agree that an optimum solution to Newingreen junction that balances capacity, safety, placemaking and landscape objectives needs to be agreed. Whilst we acknowledge the specific technical challenge of accommodating HGV movements resulting from Link Park we feel the current approach to transport planning is too reliant on distributor road planning, lacks a sense of place and has generally resulted in overly dominant roads.



The dimensions of roads are heavily prescribed with no limits of deviation and too little understanding of the character and feel of streets - the parameter plans and development specification should be stripped back to allow for further design work. The bifurcation of the A20 is an example of this and a resulting 'island' effect compromises development area as well as resulting in potentially hostile public realm. We strongly urge a rethink of this arrangement and re-commit to working jointly to find a solution based on one-through route.

We repeat our concerns expressed at pre-application stage relating to highway design which remain unresolved. In particular it is still not clear what measures will be taken to prevent the A20 becoming a barrier between the north and south sides of the settlement, how it will interact with identified character areas or when these measures will be delivered. The LPA would like to see more detail on how the A20 will be redesigned to reduce road speeds to 30 MPH maximum and how priority for crossing the A20 will be given to cyclists and pedestrians. This work should form part of a wider design strategy for the A20.

We would encourage more analysis of movement in and around the town centre as part of the Tier 2 work. As requested at pre-application stage, this should also involve a heat map type analysis including an assessment of existing walking patterns to existing large employers such as Holiday Extras. We feel a route between Holiday Extras and the proposed town centre could be more prominent and attractive. This business area could usefully be expanded to include an education campus which would have the effect of maximising activity and bringing the schools closer to the town centre. We are concerned about the current position of the primary school in close proximity to a busy through route. The current proposed walking route from the secondary school to the station is not an attractive or direct one as it appears to involve crossing two roads and two pedestrian islands.

We agree that Stone Street should have restricted vehicle access for residents only but also be a pedestrian and cycle link to the station. This should be linked to a wider network of 'quiet ways' suitable for walking and cycling such as Harringe Lane. We also draw attention to the lack of footpaths along Otterpool Lane which also needs to be addressed.

#### **4. Green Infrastructure, biodiversity, landscape and visual impact**

There is the potential for Otterpool Park to be an exemplar in terms of green infrastructure and natural capital. The proposal recognises the importance of green infrastructure but lacks the coherent narrative and overall ambition that would befit its aim of being an exemplar garden community.

Although the DAS deals with green infrastructure in part, it is too generic and a great deal of the relevant information is spread through many other documents. Currently the environmental statement, impact assessments, analysis and concepts are minutely detailed, but the rationale between existing and proposed, its distinctiveness and how the existing landscape and views will be protected, exploited and enhanced, does not seem to be fully articulated. The reader is required to piece together information from many sources and infer the rationale behind the proposals. We agree with Natural England regarding the need for an overarching green infrastructure strategy document

which brings together the green infrastructure proposals and rationale, which then references the many evidence documents where appropriate.

The green infrastructure strategy could also better articulate the ecosystem services, green infrastructure functions and natural capital provided in the development and how these meet identified need, both in the new settlement overall and in the green spaces (as recommended by Natural England).<sup>1</sup> An overarching green infrastructure strategy would also make it easier to understand how the existing green infrastructure has influenced the proposed masterplan and how the proposals are going to mitigate and enhance green infrastructure.

In this scenario the tiers and typologies of open space would help to act as focal points for each community, neighbourhood or village. We recommend this is revisited as part of the Green Infrastructure Strategy to demonstrate complementary strategies for public open space, sports and play. We wish to see public open spaces acting as much stronger focal points and meeting places for each village or neighbourhood together with smaller open spaces providing opportunities for outdoor recreation and socialising closer to home. This will help to define each neighbourhood's identity. The key principles should be encapsulated in the Strategic Design Principles and subsequent more detailed Strategic Design Code.

In particular, we think the housing to the south, west and east of Otterpool Manor lacks cohesion and a focal point – allied to our comments on local centres we think the spatial arrangement needs to be revisited to provide a consolidated local centre centred on public open space to form a heart and soul of the emerging community.

Appendix C provides an evaluation of the green infrastructure approach and proposals contained within the Outline Planning Application. The report primarily contains comments relating to areas of the green infrastructure proposals where improvements could be made or where further attention is required and these are summarised below:

- Overarching green infrastructure strategy - evidence and rationale are fragmented – need for a comprehensive document to bring green infrastructure strategy proposals together and fully explain rationale to reader.
- Greater integration of green infrastructure into the Cultural and Creative Strategy - further development of this to fully capture wider culture of landscape and historic significance and how the unique setting is captured in the green infrastructure strategy. Embedding green infrastructure, wildlife and the uniqueness of place in the Cultural and Creative Strategy more fully. We also request a copy of the Otterpool Park Cultural Visioning Study that has informed the strategy submitted;
- Greater detail on connections beyond the application boundary - some elements explored in masterplan, but not clear that concepts explored are delivered in proposals and how green infrastructure links beyond the 'red line'.
- Biodiversity net gain based on built development units - achievement of net gain through including developed area may carry risks – see biodiversity comments below.
- More ambition and greater community engagement possible in urban wildlife provision - scope for improvements to built environment for a wider range of species. Community engagement, understanding and adoption of 'wildlife

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<sup>1</sup> Environmental Statement Vol 4 p69

friendly' ethos essential to success of urban wildlife provision and some of the mitigation approaches.

- Better connectivity improvements, access management and buffering to Harringe Brooks Wood - further detail required on access management, improved buffering and connectivity would improve the proposals.
- Improved connectivity - further detail is required on wildlife corridors and species used to assess permeability. Improved connections between woodlands and consideration of woodlands beyond application boundary. More detail on pollinator network.
- More detail on tree and plant species - greater clarity on species, how these reflect local habitats, species and landscape. Further rationale required on choice of soft landscaping palette.
- Assessment of risks on tree and plant species – climate change and ash dieback - assessment of climate change on choice of species and on existing retained green infrastructure. Assessment of impact of ash dieback on retained green infrastructure and landscape.
- Management of recreation with dogs and recreational impacts on habitats - credible strategy for management of dog exercise required, including limiting access to biodiversity areas within and outside the application boundary.
- Assessment of potential recreation impact on Dungeness Complex - review assessment using most recent data and assess whether SARMS fully mitigates impact.
- Greater clarity around access and recreation provision - connections, surface treatments, signage and how shared use will be accommodated, including those with more limited mobility. Clarity on access connections beyond the site. Further detail on how access to green infrastructure will support health and wellbeing.
- Development of design principles and rationale for key open spaces. What functions are they providing and why? Could allotments and community orchards be combined as community gardens (or why are they separated)?

### *Play space, sports provision and active design*

Page 87 of the Design and Access Statement provides an indicative table of sports pitches by quantum. The plot locations referred to in the table are unclear but the overall quantum appears to meet global requirements. We welcome the idea of doorstep to countryside but we think the overall approach to play space and sports provision would be more compelling if it related to an overall spatial concept (see earlier comments). This would help to 'anchor' sports and play provision within each 'place' and community.

We refer to Sport England's comments on sports provision and in particular the suggestion relating to a community tennis facility and specific need for floodlit provision. We would like to discuss how this suggestion can be taken forward.

On a related point we support the principles of Active Design cited by Sport England and note the inclusion of the Brooklands example in the guidance. We refer to our earlier request for consideration to be given to incorporating a linear park alongside the railway as part of the Green Infrastructure Strategy. We also think this linear park should link to the existing green space sandwiched between the railway line and the

motorway which could also form an attractive loop trail route for walkers/runners and would encourage sustainable movement between the station and Sellindge. Improvements should be secured via s.106.

### *Landscape and Visual Impact*

New settlements can form part of a strategic approach to meeting a wider range of social, environmental and economic goals, particularly in order to make optimal use of the capacity of sites with higher levels of public transport accessibility and make a significant contribution towards housing supply. However, we recognise strategic scale development will always give rise to some adverse landscape and visual effects; a new settlement of this scale should always be of the highest standards of design and planning.

We think there are compelling reasons for the decision to locate a new settlement in this location but recognise the location of taller elements, their alignment, spacing, height, bulk, massing and design quality should form part of a cohesive new Garden Town. Otterpool Park will be viewed and experienced from a range of static and kinetic perspectives and angles; on foot, cycle, from cars, public transport, as well as important viewpoints.

We note the concerns expressed by both Natural England and the AONB Unit in their response relating to the overall quantum, heights and densities proposed in the development in this location in addition to the concerns regarding the methodology. In relation to the overall quantum of development, reference is made to the quantum of development proposed within the plan-period i.e. 6,375 homes up to 2036/7. However, we also note the support in the NPPF for accommodating a supply of large numbers of new homes through planning for larger-scale development, such as new settlements. There is also explicit recognition within the NPPF that the delivery of large-scale developments may need to extend beyond an individual plan period (see footnote 35) and we think planning beyond plan periods for new settlements represents good strategic planning.

We refer to the comments on the methodology outlined in the Environmental Statement Review by Temple Group and agree with the comments from Natural England that the methodology and assessment have not been undertaken in accordance with best practice and should be improved to provide a robust and realistic assessment. In particular, the quality and scale of the viewpoint images is insufficient to provide a good representation of the existing view - the field of view being too great for a single image to make the viewpoint worthwhile.

In respect of heights and densities we feel that the optimum density for a site should be determined by a range of factors and a design-led approach rather than a numerical calculation or derived from a single constraint, such as a particular viewpoint or land ownership. In this approach, the appropriate form and scale of new development is established through an iterative design process that takes account of the site context in terms of the surrounding landscape, townscape, proximity and access to services and capacity of supporting existing and planned infrastructure, particularly public transport. We recognise that an overall envelope of development is

required at this stage against which 'reasonable worst case' environmental impacts need to be fully tested.

A parameter plan is included and associated heights and densities shown. However, we think the rationale for the approach to heights should be clearer at this Outline stage, with flexibility for sculpting and shaping of building heights through the detailed design process and controlled through the three tier approach. We underscore our earlier comments about the need for an overarching spatial concept to help inform the approach to heights and establish a clear hierarchy for town. This will help improve the legibility of the area, identify potential landmarks (such as water tower), contribute to a rich built form that also contributes positively to the way in which Otterpool Park is viewed and experienced from a wide range of spatial viewpoints.

We view the current location of linear employment space alongside the railway line to be inaccessible, visually intrusive from a landscape impact point of view and risks detracting from first impressions of Otterpool Park as an attractive place to live. We think a reappraisal of the approach to Green Infrastructure alongside the entire length of the railway line is required with displaced employment space west of the castle being incorporated into the town centre and potentially additional live/work space.

In addition, parts of the site exhibit similar landscape characteristics to the adjacent AONB, in particular the triangle of land between the A20 and Stone Street at the eastern end of the application site, where the landscape is more undulating in character than much of the application site area, increasing its importance as forming the setting to the adjacent AONB. Its landscape importance is recognised with its inclusion within the locally designated Special Landscape Area (SLA). We agree with AONB Unit in specific respect of the need for an improved GI structure in this area and greater need for a filtering of the view through informal layouts. A reappraisal of the approach to GI structural planting in this area is required taken together with comments elsewhere in this report regarding the need to retain the informality of the existing Hillhouse Farm courtyard, review the need for dualling of the A20 and ensuring there is sufficient capacity for SuDS and water storage. We refer to pre-application advice from AONB Unit in respect of the Colour in the Landscape work (as reported under Character shaping principles and Actions). We would support the applicant in commissioning this work to inform the preparation of a Strategic Design Code.

Furthermore, the sloping nature of sections of this part of the site are likely to result in a need for the formation of development platforms that could further negatively impact on landscape character. The application also proposes the realignment of the existing A20 into this area and it being increased in width to a dual carriageway. Given the landscape sensitivities of this part of this site and our wider reservations about the approach to transport we think this intervention should be reconsidered. In addition, we think the Green Infrastructure Strategy should reassess the approach and experience of arrival to the Garden Town more generally and more structural planting introduced in this area to address the concerns raised by Natural England.

### *Appropriate Assessment*

We refer to the advice of Natural England in respect of Habitats Regulations Assessment and the request for further information in order to fully assess the proposals. Specifically, attention is drawn to the advice regarding air quality impact pathway which needs to follow the approach adopted through the Core Strategy Review to ensure in-combination effects are considered for likely significant effect at screening stage in line with the recent Wealden judgment<sup>2</sup>.

### *Sites of Special Scientific Interest (SSSI)*

We support the assessment and recommendations presented by Natural England in respect of Otterpool Quarry SSSI. We welcome the biodiversity enhancements within a Country Park setting but would like to see how this typology is linked to other open spaces through the GI Strategy. We particularly draw attention to the comments regarding long-term stewardship and management and want to see this addressed in the long-term stewardship model as a 'locked asset'.

### *Biodiversity*

We refer to the detailed comments provided by KCC Ecology Unit and Natural England. In relation to biodiversity net gain we strongly welcome the potential 20% net gain, but seek clarifications in relation to the methodology deployed in questions raised in our review and by Natural England. We also agree with the points made regarding the lack of biodiversity credits in the triangle of land east of Stone Street and underscore our requirement for a review of the GI structure in this location. In addition to the Ecological Management Plan we will seek to impose requirements to monitor net gain in a phased manner.

We support the suggestions made by Natural England in relation to community-led efforts to encourage and look after local wildlife and habitats. We think there should be a role for the stewardship vehicle here and also the community development officer, particularly in early years of development.

## **5. Review of Environmental Statement / Phasing / Fixes**

The LPA has provided feedback from an initial review (IRR) of the Environmental Statement (Appendix D). The review identifies whether the ES meets the requirements set out in Schedule 4, (at least the information referred to in Part 2, and information referred to in Part 1 as is reasonably required) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (hereafter referred to as the EIA Regulations).

The report constitutes the IRR which collates the findings of the review of the ES. Each section of the report provides a list of clarifications and potential Regulation 25 request information requests required from the Applicant. Importantly, these are only potential Regulation 25s at this stage – this is to reflect the importance of these points, but also provides the Applicant with an opportunity to contest / respond.

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<sup>2</sup> Wealden District Council v. (1) Secretary of State for Communities and Local Government; (2) Lewes District Council; (3) South Downs National Park Authority and Natural England

The EIA Regulations require in particular that an ES includes the information referred to in Reg 18(3) and, pursuant to Reg 18(4)(b), it must “include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment”.

Once the changes envisaged in this report have been accommodated it is likely the IRR stage will need to be repeated in order to assess the ES as revised project. Once this has been completed the applicant will be invited to provide a response to the IRR addressing the clarifications and potential Regulation 25 request information requests raised. Any response provided by the Applicant will then be reviewed by the Local Planning Authority.

### *Phasing and EIA*

As a general comment, the application takes an approach to EIA and phasing which is more prescriptive than is required by law, and which is likely to give rise to future issues regarding flexibility and the need to tackle future variations to an outline planning permission.

The parameter plans, the Development Specification and the phasing plans prescribe more detail at this stage than is supported by detailed analysis. This is particularly marked in the case of the Development Specification and the phasing plans. The LPA recommends a restructuring of the application to ensure the right level of detail at the right stage in the process. The assumptions made as to phasing and other details at the outline stage should not be so prescriptive that they “over prescribe” for no good reason, as the unnecessary fixing of detail at this stage is likely to lead to the need for s73 variations as the build out progresses. Such variations have cost and time implications for the local planning authority. Any resulting change to the proposals may also require further EIA – which process would need to assess the project as amended, not just the amendment itself.

Flexibility regarding phasing (and otherwise) is acceptable for EIA purposes provided:

- 1 the Environmental Statement is clearly based on that level of flexibility so that chapter authors have reflected it in their reports; and
- 2 a form of condition is developed and imposed on the permission which provides a clear mechanism for phases to come forward.

In assessing further amendments to the scheme the applicant should make clear in the front end of the Environmental Statement what assumptions are being made as to phasing.

The first phase of development will set the tone and shape of future phases – the scale and design quality of the first phase should therefore be a priority. In spatial terms, the LPA continues to have concerns about the arrangement shown in the first five years and its ability to meet planning policy requirements around connectivity, community development and self-sufficiency. The three-tier approach to the outline planning application will assist in managing the detail of phasing - identification of a phasing strategy and Delivery Strategy will also be required by planning condition. The principles that will guide the sequencing at each phase should be established clearly at this outline stage and be incorporated into the Development Specification. The first



phase / phases of development must create places that are successful in their own right if the increased land values required for subsequent phases are to be secured.

## **6. Securing Design Quality / Three Tier Approach**

With a large scale project such as Otterpool Park, it is inevitable that there will be some change in the legal, political and/or physical environment between the preparation of the planning application and the completion of the development, resulting in any planning consent gradually becoming incompatible with these changing factors and with market demands. It is highly unlikely that a large development project such as this will ever be delivered precisely as originally considered.

As per pre-application advice, the LPA recommends restructuring the application to provide for long term flexibility and moving towards a “three-tiered” approach. This would allow the detail that is “fixed” at this stage, and the corresponding assumptions underpinning the EIA, to be reviewed. A mechanism will be introduced by the LPA through the conditions on any OPP to define and provide for a Tier 2 of submission documents that seek to identify/define further detail in relation to a smaller number of larger phases/development zones, which would provide the framework for the eventual (“tier 3”) reserved matters submissions within those phases/zones.

Adopting the above approach would involve the following:

- the removal of the phasing plans to allow for longer term flexibility;
- stripping various elements of the detail from the Development Specification or at least converting quanta into minimum/maximum ranges;
- in lieu of this detail incorporating a ‘bridging’ document to provide context within which later detail can be developed and conditioning them both (see below).

In our view, aspects of the Development Specification and Parameter Plans are overly prescriptive. We question the purpose of development zones, and the benefits of this approach are not clear to us for a project of this scale. The plans are not sufficiently supported by urban design analysis in the Design and Access Statement to explain and justify how the proposals have been arrived at.

We recommend a recalibration of the parameter plans to remove unnecessary prescription whilst bringing forward Tier 2 work in order to provide a design feedback loop into the Tier one work. This will allow more time for in-depth urban design and movement analysis as detailed design is worked up in a structured way. It should therefore also be possible to strip back some elements of fixed detail in the parameter plans at this stage and to reserve them for more detailed Tier 2 style submissions.

### *Securing Design Quality*

In adopting the three-tiered approach an appropriate design cascade can be followed featuring: an overarching vision and site-wide strategies/principles at Outline stage leading to detailed masterplanning and Design Codes and then to further design detail at Reserved Matters Stage.

The Design and Access Statement includes a section called 'Towards a Design Code' (although in other places the term 'Masterplan Principles' is used). This chapter is deemed to be too generic and therefore not capable of being secured by planning condition. The LPA recommends revisiting and revising metrics and drawing out spatial principles into a separate document to form part of the Tier 1 work – Strategic Design Principles.

These principles will need to evolve from the work recommended elsewhere in this report, particularly the Green Infrastructure Strategy, but also needs to draw together the relevant spatial principles identified across a range of documents. There are a number of examples of this across a range of disciplines including:

- **Heritage** sections of the Environmental Statement (p.35 Appendix 9.2 Cultural Heritage Desk-Based Assessment) e.g. the visual connection between the Castle and Upper Otterpool Manor is described but is not mentioned anywhere within the Design and Access Statement.
- **Biodiversity** - a number of principles are mentioned for dark corridors and lighting principles such as minimum 50metre buffer for Harringe Woods and minimum 25m either side of hedgerows – see comments from KCC Ecology and Natural England – these need to be secured as a principles at this stage.
- **Noise** – 'agent of change' principles between existing industry and introduction of new residential uses.

These principles are not intended to fix a specific design outcome at this stage but instead establish the principles for a site-wide Strategic Design Code and Tier 2 design work. We recognise that this document will need to secure principles that respond directly to discussions with a range of parties, including local residents. It will also need to directly address specific (spatial) issues raised by a range of statutory agencies and other organisations particularly Natural England, AONB Unit and KCC Ecology/Archaeology. The document should distil principles from the extensive technical work to date to guide the future design of individual parts of the site. The following list provides a minimum for what should be included in this document:

- Station/square hub, other mobility hubs and key open spaces such as a market square
- Town and local centres
- Green Infrastructure principles for the strategic open spaces, edges, thresholds, key arrival/exit points into the Garden Town, smaller GI spaces within residential areas, interface/boundaries with AONB and SLA
- SuDS, biodiversity and play spaces
- Castle setting and other heritage assets
- Employment areas
- Heritage assets, including settings for listed buildings, the Castle and Roman Villa
- Interface with established industry or other non-residential uses and adoption of 'agent of change' principle

## 7. Community Development / Long Term Stewardship & Governance

### *Long-term stewardship*

A central plank of the Garden Towns legacy is the creation of an asset base that supports initiatives, activities and facilities that the community governs. We want to make sure that the stewardship and governance arrangements we put in place for Otterpool Park will be equally effective in the future; benefitting the existing communities as well as the new residents. The Governance strategy presents a useful summary of the options and the likely list of community assets but we are concerned that no preferred option is identified or route to delivery identified. The applicant, working jointly with the Councils, will need to identify a clear option for further development before any progress can be made in this area or in relation to any prospective s.106 agreement.

This Strategy should show how a governance structure will be put in place to ensure communities are involved in all stages of the development process and that facilities and infrastructure will be funded, managed and maintained and that they continue to provide a service and an asset to the community in perpetuity. The agreed option needs resources and legal commitments guaranteed at this outline stage but flexibility so that partners still have choices about the longer-term arrangements.

We require commitments to 'locked' assets which require timely delivery and early restrictions on non-developed land alongside resources for maintenance, combined with a phased approach which allows assets to be legally transferred to Community Bodies as the development proceeds and neighbourhoods or phases are completed. Clarity will also be needed in respect of heritage assets (see comments from Historic England and Natural England) - the Geological SSSI and the Roman Villa are examples of this.

We welcome the commitment to culture and the identification of a long-term artistic and cultural strategy. This will need to be secured via the s106 agreement and reviewed on a regular basis with robust monitoring arrangements in place. It will also need funding in place to make it a success and will need to be aligned with the proposed approach to long-term stewardship, once clarified.

The delivery of the Green Infrastructure package will necessitate the employment of full-time rangers – we would like to explore details of the scope of the ranger roles (see pre-application advice for letter for the Welborne example). Further exploration of funding models that could be used to secure a funding stream for on-going management will be required; this could include adoption of a hybrid comprising an initial endowment with service charges and secured through the s106 agreement

Green Infrastructure stewardship measures will also need to include:

- Implementation or supervision of the works set out in the management plan including setting out and installation of infrastructure, implementation of planting proposals and on-going management of existing and new habitats.
- How GI will be established in line with an agreed sequencing and delivery plan (this should form part of the agreed sequencing principles referred to earlier in

this report). Following the completion of establishment works when the significant areas will be accessible to new residents.

- Landscape monitoring of newly planted areas, particularly for the first five years after planting.
- Support for community-led efforts to encourage and look after local wildlife and habitats of Otterpool Park, particularly through use of educational interpretation and guides, setting up of local environmental groups, and residents information packages (see comments from Natural England).
- Commitment to early provision of a farm shop/cafe and/or other community meeting space to help foster a strong sense of community early on.

Governance arrangements need to be secured at the time of planning permission and implemented from the outset of the development. They will need to ensure that both current and future residents can shape and influence the development and that long-term arrangements are put in place for the stewardship of assets on the site.

### *Community development*

The development of a new garden town settlement at Otterpool Park must go beyond the management of green space, spaces and buildings; putting local people at the heart of this process can generate increased local support, creativity and entrepreneurialism. Provision for a vibrant social life is one of the leading characteristics of historic garden city/town developments and Otterpool Park should also be characterised by its social and cultural vibrancy.

The LPA is concerned to secure firm and tangible commitments to community development within the application, particularly in the early stages of development. We stress the importance of ensuring that early ‘pioneers’ at Otterpool Park feel a genuine affinity to the place and its long-term success.

The community engagement strategy thoroughly documents historic community engagement activity. The applicant’s commitment to community engagement over a number of years is strongly supported. Given the longevity of the development we think it is essential this commitment continues and is carried through into delivery and embedded in the long-term stewardship vehicle as a specific objective.

There are a range of measures we think should be explored and secured at this stage to foster greater community development. We refer back to our comments at pre-application stage and repeat our request for these elements to be embedded within the Delivery Management Strategy. The elements to be included:

- The delivery of the Green Infrastructure package will necessitate the employment of full-time rangers – see governance section; the suitable partner identified (see governance section) to manage and maintain the green infrastructure at Otterpool Park will need to engage with residents as properties are occupied and the new community develops;
- Explore the option of a future ‘Discovery or Community Day’ – allowing existing and prospective residents to fully explore the area, community archaeology and other historic assets to generate interest and ownership, hosting sporting events or 10k running events;

- Community development officer tasked with coordinating activities and fostering community spirit;
- Commitment to early provision of a farm shop/cafe or other community meeting space within the first phase, to help foster a strong sense of community early on.

## **8. Cultural Heritage and Archaeology**

The 1990 Planning (listed Buildings and Conservation Areas) Act creates at Section 66(1) a statutory duty to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. This applies to the Grade 1 listed parts of the castle. The NPPF states at paragraph 193 that great weight should be given to the conservation of designated heritage assets. This also applies to non-designated archaeological remains that are demonstrably of equivalent significance to scheduled monuments. This weight applies irrespective of whether that harm is substantial or less than substantial.

Otterpool Park has a powerful heritage of great historical significance with buildings, structures and features of national importance and a distinct sense of place. The development of a Heritage Strategy affords a significant opportunity in terms of establishing a cultural identity to generate economic, social and environmental value. Historic buildings are a valuable material resource and can contribute directly to the prosperity of the economy. The proposals should therefore build on the sense of place afforded by the historic environment. Successful redevelopment will generate economic value as well as valuing and protecting physical survival of buildings for their own sake. Successful conservation can also secure the economic vitality of associated new buildings.

The LPA welcomes the commitment to prepare a Heritage Strategy. This should be worked up as a priority, working jointly with KCC and Historic England and making clear links across to the Cultural and Creativity Strategy and Green Infrastructure Strategy. In common with other strategy documents, it must establish a clear strategy as to how heritage will play an on-going role in shaping the identity of Otterpool Park and contribute to the overarching place-making objectives. We make specific suggestions regarding the potential content of the Heritage Strategy in Appendix E.

In general, existing buildings across Otterpool Park have tremendous potential for reuse within their existing envelopes; we accept that retaining and accommodating heritage buildings to provide for new economically viable uses may, however, mean some sensitive intervention. In making judgements about retention, adaptation and reuse we should aim to identify viable uses that are compatible with the special interest of the historic buildings, their fabric, interior and setting. We would encourage a contemporary, bold and imaginative design approach that complements and enhances existing features ensuring the old and new are fully respected and integrated into the masterplan. We think these aims should be clearly spelt out in the Heritage Strategy, working together with Historic England and KCC Heritage and commit to working jointly with the relevant parties to develop a viable long-term strategy for the Castle in particular.

### *Westenhanger Park and the Castle*

In relation to the Castle itself we appreciate the time and effort that has gone into integrating this nationally important feature as a focal point. We reiterate our preference for the Castle to be incorporated within the red line but accept this is not essential so long as a suitable alternative legal mechanism can be demonstrated that secures the long-term future of the Castle, addresses its setting and the implementation of a Conservation Management Plan.

We agree with Historic England that proposals should reflect and benefit from the proper assessment of the historic buildings – one that evaluates and understands their character, value and significance, together with the potential for their integration within development proposals. As recognised by the Otterpool Park Charter (2017) Westenhanger Castle should become a focal point that helps define the character of the wider settlement – retained buildings and features should observe important spatial relationships and allow important views to survive. However, we do not favour the artificial creation of a ‘heritage park’ with old buildings set apart, disconnected from each other – historic buildings should be interwoven within the fabric of a clear physical, landscape and historical framework for development of the area. We must balance the need to conserve the historic environment with the economic, social and environmental benefits of development.

Views to and from the castle contribute to the way the asset is understood and experienced. We recognise the historic importance of the approach to the castle from the south and also the longer views from Stanford. However, we note these historic views have been severely eroded over time by the severance of the M20 and railway lines, the imposition of inappropriate tree screening which severely restricts views to and from the castle and the now redundant racecourse buildings. There is a significant opportunity to reverse some of these recent interventions and fully reveal the castle and we would encourage this as an early ‘win’. However, it must also be acknowledged that the full surviving extent of the deer park will never be restored owing to the severance of the transport infrastructure. We note Historic England’s references to other examples, such as Greenwich Park, but also note the circumstances are very different and also note other examples of extraordinary heritage resources being given a new lease of life within a new, contemporary, context.

We caution against attaching too much weight to views from a single static viewpoint looking north from the (current) position of the A20 to the detriment of other spatial viewpoints which also contribute towards the understanding and appreciation of historic assets. We fear this could lead to an artificial and contrived ‘viewing corridor’ experience which fails to marry old and new. We do not preclude the potential for high quality development in this location but encourage a wider analysis of how the Castle, and its setting within the park, will be experienced and its relationship to buildings. We think this should be firmly placed within the context of a clear vision for the park as part of the Green Infrastructure Strategy.

In order to present a full consideration of cumulative effects across the site as a whole, it is recommended that the applicant collect LiDAR data for the visual envelope around Westenhanger Castle, and use this to generate a Zone of Theoretical Visibility (ZTV)

from ground level and the upper levels of the castle. The ZTV could be compared to relevant viewpoints from and to the castle, with reference to the way in which the castle was built, developed and used, to produce wirelines and photomontages from significant viewpoints from and to the castle in order to demonstrate the overall effect of the development as proposed in the masterplan. This analysis should respond, and speak to, to the outputs of the Green Infrastructure Strategy which defines the role of the park sub-regionally and informs spatial principles for the future detailed design of the park.

We share a specific concern about unbroken development shown along the south side of the A20 and how the return view from the castle (through the causeway) towards the A20 will be experienced and would like to see further analysis of this. We see a much wider range of spatial viewpoints as important to the 'experience' of the setting of the castle within its historic deer park setting and do not feel these have as yet been fully exploited. This will include movements towards and away from the Castle, edges and thresholds in and around the park, views from within the Park towards the North Downs (and broadcast tower), views from higher ground such as Otterpool Manor to which it has a visual, if not historic, connection.

It is important that proposed housing does not obscure key views of the castle and its associated barns. Where housing encloses the boundaries of the park the buildings should be of a suitable scale and provide a mixture of formal and informal edges to the park. Housing in these buildings will be offered superb views of the castle and the park adding value to the development and a finer grain approach to the town centre could offer glimpsed views of the castle. Plots surrounding the park should also be capable of accommodating a range of different, and potentially innovative, housing typologies. It is important that principles to guide enclosure, edges and scale are all clarified so that groups of buildings in and around the setting of the castle form a unified 'backdrop' to the castle rather than collections of individual and unrelated objects.

The strategic open space between new housing and the Castle needs to be a transition zone - the planting and design of the spaces should complement and strengthen this transition. Imaginative design proposals are encouraged and we feel the Green Infrastructure Strategy should establish clear parameters and principles to guide future detailed design and define the role of the park within the context of the wider GI strategy. We think the proposed canals could appear artificial and suggest a more naturalistic approach to the treatment of the water courses across the park so that it crosses thresholds into built development and helps bring together the town centre and the park into an integrated whole.

The introduction of appropriate, and innovative, housing typologies surrounding the park could create a rich historic environment for the future but this needs to be demonstrated more clearly. The parameter plan relating to the setting of the castle is too large a scale to fulfil its intended function and we think there is a case for a specific parameter plan which incorporates the findings of Tier 2 town centre work and the Green Infrastructure strategy. We think the bringing forward of elements of Tier 2 work (particularly urban design and movement analysis) together with additional views analysis and the Green Infrastructure Strategy will help to evolve and refine the arrival experience and setting of the castle from a wider range of places so that it can realise



its full economic, social and environmental potential. The drama and interest generated by the castle could also be further exploited by the undulating topography and unexpected views from places such as the train station, walking east from Sellindge and up the hill at Otterpool Manor.

In order to address these issues the LPA believes key elements of the tier 2 work, namely the development of design concepts for the town centre, integration of, and relationship to, the A20 should all be brought forward at this outline application stage, in order to further assess and test the setting and views of the castle. The outputs of this work should then be brought together with the Heritage/Green Infrastructure Strategies and additional views analysis and used to feedback into the parameter plans. Specifically, a dedicated and better scaled plan is required for the setting of the castle itself in response to these comments.

#### *Non-designated built heritage assets, including grade II listed buildings*

There are 33 Grade II listed buildings and 84 non-designated built heritage assets within or adjacent to the redline boundary and considered for assessment. A baseline for relevant structures is presented in a Cultural Heritage Desk-Based Assessment (DBA), a Historic Landscape Characterisation and Farmsteads Analysis, and a Historic Buildings and Structures Appraisal (referred to as a 'listing screening report'). Likely significant effects are presented in the Environmental Statement Chapter 9, Cultural Heritage. Each of these documents have been reviewed by officers and RSK, and a site visit undertaken. The full review and draft advice note is presented at Appendix E.

There are no instances apparent in the proposals where significant heritage assets would be lost. In many ways the proposal can be cited as an example of best-practice, demonstrably adhering to relevant and current heritage guidance. Further work lies ahead with regard to detailed mitigation commitments, and in the provision of detailed design parameters (colour palette and architectural materials), where the appearance (rather than the layout) has the potential to affect the significance and appreciation of retained built heritage assets in and surrounding the site boundary. This will need to be addressed through the Strategic Design Code and Tier 2 detailed masterplanning. In sum:

- Eight built heritage assets are considered likely to meet Historic England's criteria for listing. A further group of non-designated built assets would be deemed to be protected as they lie within the curtilage of existing listed buildings. We agree with the listing screening exercise and it is our opinion that the report is detailed and accords with best-practice, and should be used as the first step in the process towards listing.
- We have reviewed the listing screening report and ES and generally agree with the conclusions and recommendations for mitigation. It would be expected that the Heritage Strategy outlines a methodology for making the preserved military assets safe, whilst still enabling the public to visit, experience and understand them.
- We recommend that the applicant makes a commitment in the Heritage Strategy that any built military heritage asset that lies within open space in the masterplan

(as opposed to just those of listable quality), are preserved, made safe, and incorporated into the development, rather than implementing demolition.

- Where it is not possible to preserve and incorporate historic buildings and structures within the proposed development, the remaining military buildings assessed could be demolished, subject to a suitable programme of mitigation, comprising where relevant detailed documentary research / air photo analysis for RAF Lympne as a whole, to place impacted buildings and structures into context, to be presented in a grey literature report and summarised in an illustrated pamphlet and made readily available to the public.
- The pamphlet would describe a specific military heritage trail through the site between interpretation boards which would allow the reading of the historic military landscape within the site and beyond. It is recommended that the research and pamphlet is peer-reviewed by a military history or local specialist.

Historic England recommend that buildings should be listed, and this is agreed. Historic England should confirm whether these works are programmed to be carried out as soon as possible, and if the listing screening report provided by the applicant is not suitable to provide the information needed, outline its deficiencies. Based on the applicant's submitted listing screening report, Historic England should be able to recommend where any buildings and structures need to be inspected on the inside in order to make their decision, and this may result in the provision of an addendum to the report.

The buildings considered to be of listable quality have been assessed as such in the Environmental Statement, taking their significance and special character into account and applying mitigation commitments as if they were listed buildings; as such the listing process could be carried out post-consent without a need for reassessment. Whilst effects are acknowledged, it is agreed that harm has been minimised in the masterplan proportionately and as far as reasonably possible.

The buildings and structures located within the site boundary that do not meet Historic England's criteria for listing can justifiably be demolished in order to allow for a cohesive masterplan to be more fully realised without the constraint of incorporating low-value existing buildings. We see no value or precedent in the construction of new buildings on the footprint of buildings for which demolition has been agreed as acceptable. A 'Level 1' photographic survey of low-value assets to be demolished, carried out as part of a Historic Building Recording exercise, would be proportionate to their significance and loss, and we would expect that the appropriate recording level (in accordance with Historic England's *Understanding Historic Buildings, A Guide to Good Recording Practice*, 2016) for other buildings and structures to be demolished would be presented and justified in the forthcoming Heritage Strategy.

### *Farms and outfarms*

Of nine farms considered, four are identified as likely to meet Historic England's criteria for listing and are physically preserved due to their exclusion from the redline boundary.

We have reviewed the listing screening report and Environmental Statement and agree with the conclusions other than that the red brick barn at Hillhurst Farm could be demolished. It is our opinion that this is an historically and aesthetically positive element of the farm's setting and should be preserved in the masterplan, potentially given a viable use as a public space. Otherwise, it is agreed that the remainder of the structures at Hillhurst farm could be demolished subject to building recording mitigation.

### *Archaeology*

Across the wider masterplan area the LPA agrees with Kent County Council that priorities for early archaeological investigation should be agreed by overlaying the areas for investigation against the key structuring elements of the masterplan.

We also agree with Kent County Council that it is essential that there is sufficient and genuine flexibility in the masterplan to allow for the preservation in situ of as yet unknown, but potentially important archaeology. We do not think sufficient detailed assessment, such as trial trenching, has been undertaken to prescribe the level of detail shown on the parameter plans with any degree of confidence. This is particularly evident in and around parts of the site with high possibility of nationally important archaeology such as around Barrow Hill. We refer back to our comments on the three-tier approach and the ability to accommodate evolving detailed design by working through detail in a structured way. This will mean introducing more flexibility into the parameter plans, particularly the form and nature of GI in and around the barrow group at Barrow Hill, the spaces around the newly discovered Roman Villa and the single Barrow located just north of the former racecourse straight.

We also agree that there is an exciting opportunity for people to become actively involved in the site's heritage, linked to our comments on community development, and the employment of a community archaeologist/clerk of works.

## **9. Housing**

The emerging Local Plan sets a requirement for a minimum of 6,375 new homes in a phased manner (to 2036/37) with potential for future growth to 8,000 – 10,000 beyond the plan period. We support the overall quantum of development which supports these objectives and is aligned with the scale of development envisaged in the NPPF for large scale new residential development, including new settlements. We accept that these numbers must be subject to an ongoing iterative masterplanning process which balances a range of constraints and opportunities.

We agree with the vision for homes that will be designed to be spacious, flexible and adaptable over time; to meet changing needs of their occupants. At the same time ensuring the homes are accessible to as many people as possible by offering a broader range of tenures than many smaller developments could deliver. A development of this scale has the ability to keep delivering through a number of economic cycles, in line with the Letwin Review. As noted elsewhere in this report, we also think home working will play an increasingly important role, and the potential to reduce the need to travel with it.

Overall, whilst we support the overall objectives of the Housing Strategy we feel it could go much further in assessing the evidence from the Local Plan, the local and wider housing market, the local economy, anticipated business growth, as well as age profile and demographic information. This evidence is detailed in the Housing Strategy and Montague Evans Report to some extent but we make further suggestions below.

### *Affordable housing*

Policy CSD1 requires all housing development to include a broad range of tenures and a minimum of 22% affordable dwellings on-site. In addition, the starting point is a tenure split of 30% affordable housing shared equity and 70% affordable rent/social rent.

We welcome a commitment to achieving a global affordable housing outturn of 22% as stated in the Development Specification but caution that the policy wording requires a minimum of 22%. We note the reference to flexibility to achieving a site-wide target across the phases. A review process is proposed that will seek to maximise the provision of affordable housing through the lifetime of the development with the objective of achieving policy compliance as a minimum. The review would be undertaken on an 'open book' basis and will result in an approved project appraisal for each phase together with a phase affordable housing delivery plan.

The LPA will introduce, via condition, a requirement to submit a reconciliation statement, to demonstrate how each phase is consistent with, and will not prejudice, the delivery of site-wide targets. We note the Housing Strategy is silent in relation to affordable housing tenure split which is a concern for the planning authority; we require clarification on this point.

### *Local Housing Needs*

As part of defining the housing mix a concerted effort is needed to ensure the evolving housing needs of local people will be met. This is a strong theme in resident responses to the application. We suggest jointly commissioning a local housing needs survey at Parish-level. This will help to understand how the needs of the established community could be better met. It will establish an evidence base for refining the scheme mix so that more opportunities are available for local people to remain local, given their current and future household circumstances. The survey would be updated every five years or in line with each phase, ensuring changing needs of local people continue to be addressed. A Local Allocations Plan could then evolve from this survey. This will ensure local allocations are approached using up-to-date surveys of housing needs.

### *Housing mix, type and tenures*

We think it is important a diverse range of homes and tenures is secured, offering homes for rent, intermediate and retirement housing, to ensure consistent delivery and still provide balanced and mixed communities. It is important that the proposed housing mix included in the planning application responds to the targets set out in draft policy CSD2 of the Local Plan Review regarding the tenure and sizes of the proposed

dwellings that need to be provided in each phase of the development. Addressing the undersupply of affordable homes at all unit sizes is critical.

The Strategic Housing Market Assessment (SHMA) is the starting point for housing need and the size mix should be disaggregated by tenure – the market mix should be separated out. Provision for 2 & 3-bedroom units should also be disaggregated in line with the SHMA. We recognise that new settlements need flexibility but must also take account of identified housing need amongst other factors. We recommend flexibility in the range of + / -10% is appropriate in the circumstances. The agreed range will need to be properly assessed in the Environmental Statement (particularly socio-economic chapter).

On 26 June the Government released new guidance on housing for older persons; the Housing Strategy will need to be reviewed in the light of this. The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support. These differences are acknowledged in the Housing Strategy but we are concerned by the narrow commitment to extra care units only in the Housing Mix Table. Other intermediate forms of key worker housing should also be incorporated and the applicant is asked to confirm commitments to the requirements of Policy SS6, including 10% homes for the elderly within each phase.

Additionally, the provision of self-build and custom-build homes needs to meet the requirements of policy SS6 of the LPR.<sup>3</sup> All neighbourhoods are expected to provide a mix of home typologies; but the principles that will guide the approach to typologies and mix across the site remains unclear.

We understand further work is underway to develop an Action Plan / Work Programme to deliver custom and self-build. This should illustrate how the work will be prepared, by whom, and the overall strategy for distribution - how will locations be determined? Attention is drawn to Policy SS6 a. which states *“a proportion of proposed dwellings shall be provided as self-build or custom-build plots...with each substantial phase contributing a proportion of self-build and custom-build housing”*.

We are also keen to ensure that the types of homes offered continue to meet those needs and aspirations. As part of this, we would encourage exploration of how in the governance proposals we can introduce and support elements of community-led housing or alternative models such as co-living.

## **10. Economic development, town/local centres and retail**

### *Town and Local Centres*

Pre-application discussions relating to the town centre centred on the relationship between the station, ‘high street’, castle and the pond. Officers continue to view this as the logical heart to the development; the place to which most people are likely to gravitate and where people are most likely to want to dwell. We agree with the Place

<sup>3</sup> [https://www.folkestone-hythe.gov.uk/media/4892/Core-Strategy-Review-Consultation-Draft-Plan---March-2018/pdf/Consultation\\_Draft\\_Plan\\_March\\_2018.pdf](https://www.folkestone-hythe.gov.uk/media/4892/Core-Strategy-Review-Consultation-Draft-Plan---March-2018/pdf/Consultation_Draft_Plan_March_2018.pdf)

Panel that a clear, overarching concept for the town centre has yet to emerge and we support the proposal to run a targeted design competition to develop the town centre's identity, function and movement. We think this will need to address the configuration of the A20 which will have a major impact on the town centre and has yet to be successfully resolved. We are concerned the planning application presents a contradictory picture about the role and location of the town centre. In some parts of the application it is referred to as the area running south from the station but in supporting plans it has been expanded to include the local centre and employment-led area in the north east corner of the site. This has the effect of fragmenting the town centre and risks the creation of two competing centres with ill-defined roles. A clear hierarchy is needed for the town with the town centre offering high quality public spaces and a range of reasons to be there: leisure, culture, music, education, history, food & drink, workspaces and retail.

We continue to have serious reservations about the number, location and deliverability of local centres in the south of the masterplan area. Whilst walking distances should be an important factor in determining the location of local neighbourhoods it is not the only factor and the location of two segregated local centres either side of Otterpool Lane is unconvincing. There must be a clear spatial logic so that it results in distinctive and deliverable new neighbourhoods. We think there is a clear opportunity to integrate the neighbourhood centres located within zones Z2B and Z3A so that they intersect where movement networks meet at Otterpool Lane and centred around multi-functional open space. The level of uncertainty surrounding archaeological constraints and the relationship to Link Park Industrial Estate, further underscores the need for changes to this arrangement. We refer to our earlier comments regarding the need for these centres and neighbourhoods to sit within an overarching spatial concept; we think a review of these centres based on a strategic Green Infrastructure concept which threads together key open spaces within an overall settlement hierarchy i.e. a town centre and two villages, stitched into the existing countryside, would make for a more viable and compelling long-term proposition.

### *Economic Development and Retail*

A summary of the review of economic development and retail evidence by Lichfields is provided below (see Appendix F). The planning application's expected phasing significantly exceeds the indicative policy figure. The potential implications of this over-supply should be considered. The alignment of employment and population growth as required by Policy SS6 is not fully evidenced, which is interrelated with potential positive or negative impacts in the wider area. The Economic Statement does not fully address potential disbenefits that could occur in the wider area.

The strategic employment function within the District should be more clearly demonstrated. The quantitative assessments set out in Lichfields' ELR (2017) and ELNA provide an appropriate basis for assessing these wider implications.

The quantitative retail assessment is broad brush and no analysis of food/beverage provision has been provided. The assessment fails to comply with NPPF paragraph 89 (b), and the step-by-step approach set out in the PPG has not been followed.

The applicants should provide a more detailed impact assessment for comparison, convenience goods retail and food/beverage. The RNLA 2018 is up to date and provides an appropriate basis for assessing expenditure patterns and likely levels of trade diversion for comparison and convenience good retail and food/beverage uses.

The RIA should be based on realistic assumptions regarding expenditure retention and trade draw from beyond the new settlement, which should underpin estimates of trade diversion from the main affected centres. The RIA should provide commentary on the likely implications of trade diversion for each centre's vitality and viability, drawing on the findings of the centre health checks. The RIA should adopt an appropriate design and horizon year and should take account forecast population and expenditure projections, as set out in the RNLA 2018 (updated or refined if necessary), and the degree to which growth will offset impact.

The applicant should provide more information on what planning conditions will be required to ensure a traditional town centre, with a broad mix of uses to serve local needs is delivered. These planning conditions should help to provide robust justification of the particular market and locational requirement for the scale and nature of the proposed town centre. The proposed condition should be linked to a clearly defined town centre including the proposed location west of Stone Street. The development of the town centre should be appropriately tied to the parameter plans by being clearly demarcated on a plan.

Parameters for the mix of Class B floorspace and distribution between the hubs and business park should also be included and the proposed location within the settlement.

The rationale and spatial distribution of town centre and employment uses needs to be fully explained. These uses should be located to adequately serve the new settlement and in line with the overall strategy that is proposed.

## **11. Sustainability (including waste, water and energy)**

### *Energy strategy*

A range of energy efficiency and low carbon and renewable energy supply options have been appraised against the energy strategy targets for a number of typical housing typologies that are representative of the range of densities and forms that are likely to be accommodated at Otterpool Park. The energy and carbon savings have also been aggregated for an illustrative mix of homes at full build out. The general approach to the energy hierarchy is supported and the submission of a comprehensive energy strategy, with supporting assessment of heat network feasibility is welcomed. However, there are a number of important outstanding issues.

### *Be Lean*

It is proposed to set a target of 5% improvement on Building Regulations. We note that the targets for demand reduction measures at the earliest stage of development are not as challenging as previously proposed. We are particularly disappointed that pre-application advice in relation to the application of targets for Part L Fabric Energy Efficiency Standard (FEES) for the development as a whole has not been taken



forward. The need to secure ambitious energy efficiency targets for improvements at this Outline stage is reflected in a number of consultee comments and we agree with comments from Hythe Town Council in this respect. The LPA repeats its earlier advice on this matter which will need to be addressed at this stage. We recommend homes are built to high standards of fabric energy efficiency and that the energy savings achieved for an improved fabric specification are based on specifications proposed for meeting efficiency standards recommended for use in relation to Government policy.

This will be critical to securing a fabric first approach as required by Policy SS8 (d) before assessing other technology-based demand reduction measures. Given the long-term nature of the project the legal agreement will need to establish contemporaneous standards to keep pace with changing regulations in a quick moving field.

### *Be Clean*

We note that since submission of the application the Government has announced a Future Homes Standard <https://www.theccc.org.uk/2019/03/13/ccc-welcomes-government-commitments-to-new-low-carbon-homes-and-green-gas/> which will ensure that new UK homes will be built without fossil fuel heating from 2025. We think this underlines the need for the strategy to be ready for no fossil fuel inputs and for this direction of travel to be clearly set out at this Outline stage. This would set a long-term, site-wide framework for the development whilst ensuring flexibility for the deployment of a range of appropriate technologies to be deployed at each phase. We therefore question the statement in the Energy Strategy that natural gas should be specified for first phases of homes and have reservations about the sustainability of this approach. The strategy also concludes that reusing site food waste would not be viable and that a collection facility would be required. We refer back to our earlier comments regarding the loss of an existing waste site (with permission for Anaerobic Digestion) at Otterpool Quarry. We support the conclusions regarding the potential to exploit waste heat from the sewer mains and would like to see a firm commitment to these measures. Changes are required to align this with an integrated solution to water management. This is consistent with the LPAs clear preference, expressed elsewhere in this report, that a site-wide approach to water incorporating an on-site water recycling treatment centre represents the most sustainable and integrated long-term option.

It is clear from the analysis of heat network options that it would be hard to finance the required heat network infrastructure, carbon savings from any initially installed gas CHP engines are likely to fall rapidly, and that alternative heat generation plant is relatively expensive and risky. Further study and effort to implement a heat network might be warranted if it offered significantly greater or longer lasting carbon savings than other alternatives. However, comparison with dwelling based solutions suggests that packages of measures combining high fabric energy efficiency standards and renewable energy technologies offer equivalent carbon savings that are more robust in the medium to long term, and at lower up-front capital costs than a solution based on district heating. We question the way in which the counter-factual heat network options presented assume no grant funding as a number of public funding opportunities are available which could transform the projected IRR. We would support further

exploration of more innovative models. We highlight the idea of a hydrogen fuelled network for this development and existing communities and note that SGN are interested in partnering with interested parties for hydrogen trials, which could be class-leading example. We think this is worthy of further exploration. Notwithstanding this option, we concur with the overall conclusions.

### *Be Green*

The projected reduction in grid electricity emission factors underlines the need to maintain flexibility to allow each phase of development to adopt the most effective package of technologies at the time it comes forward. In the early phases, good fabric energy efficiency standards, air sourced heat pumps, PV and solar water heating represent a cost effective approach to meeting the proposed carbon targets. The Strategic Design Code should seek to ensure that suitable amounts of unshaded roof area for PV will be available, either in banks on flat roofs or on roofs with an orientation within 45 degrees of south and inclination close to 30 degrees.

The potential role of solar thermal appears to have been downplayed but could work well in combination with Air Sourced Heat Pumps. We think the application of this technology should continue to form part of the deployment of technologies at a phase level to achieve the most sustainable and deliverable solution. This is particularly the case where suitable roof space remains available. We support the suggestion of trials within a first phase.

If the grid decarbonises as projected, an excellent standard of fabric energy efficiency along with air source heat pumps will become an increasingly attractive solution. In that scenario, design guidelines should also seek to ensure that there is space for heat rejection equipment to be fitted outside the treated dwelling space and in locations that avoid visual impacts on the public realm.

The SAP emission factor for supplied grid electricity is currently 0.213 kgCO<sub>2</sub>/kWh; grid carbon intensity is projected to fall to ~0.114 kgCO<sub>2</sub>/kWh by around 2030. Savings from applying PV will fall as the electricity grid decarbonises, but there is scope to offset this by scaling up PV installation, i.e. using more of the available roof area up to the established practical limits. Savings from heat pumps are expected to rise markedly, and carbon savings from cheaper air source heat pumps start to outstrip those of gas CHP when grid carbon intensity drops.

The summary shows that the application of ASHP technology could meet the energy strategy targets proposed for Otterpool Park: 20% reduction in against Building Regulations (2013) on a site-wide basis and an aspiration towards zero carbon (regulated energy).

### *Be Smart*

We welcome the recognition that smart technology could play a part in reducing energy and carbon emissions. We think this should be incorporated into the wider approach to monitoring and underline our view that a site-wide integrated water management approach offers the potential for existing and new residents to view the

usage of water incorporating the internet of things, smart meters and latterly blockchain technology.

Overall, whilst there is a thorough discussion of possible options and related policies, the strategy lacks a clear direction of travel and the conclusions need to further narrow down to a preferred option. It is acknowledged that this is a very fast changing field in technology but revisions are required to ensure development will be ready for no fossil fuels and is fully integrated with a site-wide water management approach. Once the techno-economic model is clarified this will help to provide a clear pathway for the development in terms of an energy preference whilst retaining flexibility for the deployment of a range of renewable technologies at a phase level.

### *Integrated water management*

The scale of a new settlement creates a unique opportunity for a step change in the provision of water supply, wastewater treatment and water infrastructure. Water issues in general are a common theme in consultee responses and we concur with the call for a holistic approach to water management by Hythe Town Council. We welcome the applicant's commitment to extensive pre-application discussions with a wide range of partners involved in the design, delivery and management of water and would like to see this continue.

We think Otterpool Park could become, subject to decisions at this Outline Stage, one of the country's leading examples of integrated water management, responding directly to consultation comments regarding water management. We think there is a clear synergy with long-term stewardship and an opportunity to build-in a philosophy and culture of sustainable water management from the outset, involving local schools and educating new residents on water conservation measures.

We also support the commitment to early progression of a detailed Water Cycle Strategy and think there is an opportunity to broaden this to a more holistic Integrated Water Management Strategy which sets a framework for how water and wastewater will be managed in the long-term.

The draft Water Resources Management Plan 2019 (dWRMP19), to which Affinity Water refer in their response to the application, was published in March 2018. This document sets out how the company intend to manage the balance between supply and demand for water over the next 25-year period (2020-2045) and beyond. Affinity Water encourage an adaptive planning approach which allows management of the available water resources more efficiently and enhances the ability to flexibly plan for a range of different possible futures. The plan endorses an approach that focuses on demand management and long-term regional strategic solutions. Innovative demand management options including supporting wide scale water efficiency through collaboration, behavioural change initiatives and media campaigns are specifically encouraged. We firmly agree with pursuing an innovative approach and believe Otterpool Park offers the ideal opportunity to pioneer this on a site-wide basis.

The application submission contains a 'basket' of potential water management options to meet the requirements of Policy SS8 of the Local Plan and the specific requirement to achieve a maximum use of 90 litres per person per day of potable water (including

external water use). The LPA welcomes the inclusion of land in the north-west corner of the masterplan area for a proposed water recycling centre but notes that three potential wastewater options remain with no preferred option identified. The expectation of the LPA is that a highly sustainable and innovative approach to water supply and water recycling will be secured at this Outline stage.

The LPA does not support a conventional approach, and strongly supports the provision of a new Onsite Treatment Works (Option 2). We see clear disadvantages in adopting a conventional approach by taking forward option 1 which would represent a missed opportunity. We think Option 2 should be taken forward now as a preferred option with a commitment to a work programme and exploration of funding opportunities. The LPA commits to working jointly with KCC, EA, Homes England and other partners to exploring forward funding opportunities to deliver the optimum solution.

### *Drainage and flood risk*

In relation to the Flood Risk Assessment, Drainage Strategy and relevant chapters of the Environmental Statement we refer to the detailed comments provided by Herringtons (please see Appendix G).

The assessment makes a number of recommendations, summarised below:

- Details should be submitted to demonstrate how the proposals can meet the requirements of the Sequential Test.
- The FRA should include a review of groundwater emergence and the potential impacts on the proposed development and surrounding area, suggesting any appropriate mitigation measures required.
- The FRA should include a review of climate change with respect to the watercourses crossing the site. The additional information provided should include an assessment of the impact associated with an increase in peak river flow and the report should reference any appropriate mitigation measures required.
- The flood extent should be re-defined using the results of the additional analysis discussed in the two points above. The revised flood extent should be used to refine the proposed layout of the site, ideally locating more vulnerable development in the areas at lowest risk of flooding.
- A full set of drainage calculations to support the submitted drainage strategy should be provided for review.
- A detailed drainage layout plan and accompanying drawings should be submitted in support of the proposed drainage strategy. The information provided should include an appropriate level of detail with respect to the proposed discharge points and an assessment of the localised drainage sub-catchments across the study site, based on the topography.

- Considering the extent of development and the potential impact with respect to surface water flooding, it is recommended that the Lead Local Flood Authority are consulted to discuss the preferred options for draining the development.
- The ES assessment should account for future changes in the water environment, taking in to consideration the increased risk of fluvial flooding attributed to climate change.
- Additional, more detailed analysis will be expected to be submitted once a masterplan has been prepared.

### *Waste management*

The LPA wish to see a Waste Strategy that includes initiatives to reduce household waste and increase recycling rates to a standard that is significantly better than established towns in Kent. Overall, we feel the strategy could be more ambitious in its response to Policy SS8 (f). We feel the current strategy targets current rates of recycling rather than pushing beyond 60%. The bring sites provision would need to be reviewed as this replicates the domestic household collection scheme rather than offering alternatives. We would support innovations such underground bins for flats although it would be a question of scale of properties served and at what stage they would be built.

We recognise that waste infrastructure and additional capacity for waste management is an issue for Otterpool Park and across Kent more widely. We refer to Kent County Council's response in respect of this issue.

The application includes proposed redevelopment of the existing waste site at Otterpool Quarry and therefore Policy DM8 of the Waste and Minerals Local Plan: *Safeguarding Minerals Management, Transportation & Waste Management facilities* is engaged. This sets out the only circumstances where non-minerals and waste development proposed within or in proximity to (within 250m) safeguarded minerals management, transportation or waste management facilities would be considered acceptable.

Proposals applicable under this policy will need to provide assessment information, as appropriate to the nature and scale of the proposed development, in a Minerals and Waste Infrastructure Assessment. This is not addressed in the Planning and Delivery Statement and the LPA repeats the requirement for this to be completed.

## **12. Community Facilities & Infrastructure**

We refer to KCC's comments relating to infrastructure delivery. The LPA agrees with KCC that it is important to adopt a monitor and manage approach to education provision. This will allow flexibility and additional land to meet unexpectedly high demand. This land would be safeguarded using s.106 obligations until such time as it is shown that it will not be needed. We refer to the requirements set out by KCC and the agree that this should include provision within the masterplan (and therefore parameter plans) for a second secondary school as modelling produced by KCC suggests this could be required over the course of the build out. In these

circumstances it is better to 'over-provide' and monitor over the course of the development.

### *Health and education*

We refer to KCC for specific requirements in respect of education. It will be necessary to establish an Education Review Group through the s.106 agreement. We also refer back to earlier comments regarding the need for flexibility in site sizes (subject to minimum sizes provided by KCC) which should be reflected in the parameter plans. In addition, we have concerns about the current location of the secondary school relative to the proposed realignment of the A20. In reviewing the overall relationship between the town centre, A20 and other land uses we recommend a closer and more direct relationship between the schools and the town centre. This could be accommodated in a larger education and business campus close to the existing office space in Newingreen.

A wide range of consultee comments from the general public and other organisations underscored the importance of healthcare provision and the nationwide, and local, shortage of GPs. We support the applicant's ambition for health and wellbeing to be embedded into the design and delivery and particularly welcome the pursuance of a new model of healthcare that seeks to break down traditional partitions between services. We strongly support the Treatment Centre or Multispeciality Community Provider (MCP) model to provide a more integrated service outside of hospitals. We see the need for this to be delivered earlier than is currently proposed, or for temporary provision to be agreed with the CCG, and will seek to secure this through the legal agreement. We would like to discuss further potential locations.

## **13. Air Quality and Noise**

Please refer to detailed comments in the Temple Group report and comments from F&HDC Environmental Health (see Appendix H). We reinforce our view expressed at pre-application stage that the application needs to demonstrate compliance with the 'agent of change' principle introduced to NPPF2 which provides greater support for existing land use. Existing waste and employment sites enjoy policy support as existing /permitted land uses and specific attention is drawn to the NPPF requirement that 'unreasonable restrictions' should not be placed on existing businesses as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed. Further safeguards are needed on this point through the Spatial Principles document requested elsewhere in this report. This also needs to address the noise issues raised by Temple Group in its review and incorporate other ES mitigation measures.

## **14. Contaminated Land**

We refer to the advice note provided by Idom (please see Appendix I). The report supports the conclusions of the technical reports relating to land contamination and recommends a series of planning conditions detailed in the report. These should be

implemented on a phased basis, with each phase only required should a potential risk be identified by the preceding phase.

### **15. S106, Implementation and Monitoring**

We reiterate our previous request for a note outlining the applicant's proposed approach to the s.106. One of the factors relevant here will be the Council's dual role as LPA and owner of part. The Local Planning Authority will also need to understand the likely direction of travel for the arrangements between the landowners before we can advise on the best way of structuring the obligations. There are different ways of approaching this but the LPA is clear that a robust mechanism is required that avoids the Council covenanting with itself. We refer again to our earlier comments regarding the need for urgent clarity on the overall approach to delivery before any progress can be made in this area.

Subject to the above matters being resolved, progress on the s.106 will need to align with a revised timescale for determination of application and reflect identified mitigation and the overall planning balance. A range of factors will influence what can be addressed via S.106 and any parameters/limitations (beyond standard test of reasonableness. A full review of all potential s.106 'asks' resulting from consultation responses will need to be undertaken. The Temple Group EIA mitigation list also provides a useful starting point for matters to be agreed through condition and/or legal agreement but this will need to be reviewed again following any revisions to the application. We wish to draw specific attention to the 'legacy' arrangements and management, maintenance and governance arrangements. The approach to long-term stewardship will need to be clarified and work towards a preferred option front-loaded in order to make progress on s.106 matters.

#### *Conditions and monitoring*

We appreciate the likely desire to streamline conditions in accordance with the national policy direction and support the general aim for minimal 'hurdles' by avoiding unnecessary conditions to get investment underway. However, we also underline the need for technical details to be worked up in a structured and efficient way to avoid abortive work. We propose a broad approach to planning conditions that we believe will secure the right level of detail at the right stage whilst minimising the potential for continuous review and amendment, particularly the need for future S.73A applications which could be onerous for the Local Planning Authority and challenging to monitor.

The OPA will be subject to detailed conditions and obligations to ensure that the development is built and managed in accordance with the policy requirements and commitments made by the applicants through the planning process. This will be supplemented by the Tier 2 work and design codes, which will be required by enforceable planning conditions and with which the detailed proposals for plots and buildings will need to be consistent. There will also be bespoke review groups including key stakeholders (for example of Transport and Education) which will monitor the delivery of the development and triggering and delivery of mitigation measures.

The LPA recognises the monitoring and enforcement of these conditions and obligations are of major importance to both current and future residents who will want



to be sure that all developers deliver what they have committed to. In normal circumstances, the developer pays a charge to the Local Planning Authority (LPA) which then monitors the discharge of conditions and Section 106 obligations. We think there is scope to explore a more transparent model of monitoring in an open source format that it capable of being made digital to make it easier for residents to understand and monitor the timing and delivery of critical infrastructure. This could involve the establishment of a website, or online platform which identifies the status of all conditions, and reports from review groups, and presents all the information submitted to the LPA. There is also the potential for conditions to be regularly reported on to a Steering Group, or successor body and/or the Community Bodies. This transparency would help ensure that standards are adhered to and where necessary enforced.

#### Appendices

- Appendix A – Place Panel Report dated 29 April 2019
- Appendix B – Assessment of Green Infrastructure Proposals
- Appendix C – Extracts from Mott MacDonald Walking/Cycling Report
- Appendix D – Initial Review Report (IRR) of ES (Temple Group)
- Appendix E – Review of Built Heritage Assets (RSK)
- Appendix F - Review of Economic and Retail Evidence (Lichfields)
- Appendix G – Review of FRA, Drainage Strategy & WCS (Herringtons)
- Appendix H – Environmental Health comments (AQ & Noise)
- Appendix I - Review of Contaminated Land (Merebrook)
- Appendix J – Pre-application letter dated 19 June 2018

11 July 2019

Case Officer - James Farrar

## **APPENDIX X: KCC comments on previous application**



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**BY EMAIL ONLY**

Phone: 03000 415981  
Ask for: Barbara Cooper  
Email: Barbara.Cooper@kent.gov.uk

11 July 2019

Dear ██████████

**Re: Otterpool Park Development Ashford Road Sellindge Kent (Ref: Y19/0257/ FH) -  
Outline application with all matters reserved**

Thank you for inviting Kent County Council (KCC) to comment on the outline planning application for the comprehensive, residential led mixed-use development at Otterpool Park comprising:

- **Up to 8,500 residential homes including market and affordable homes; age restricted homes, assisted living homes, extra care facilities, care homes, sheltered housing and care villages**
- **Demolition of identified existing buildings**
- **A range of community uses including primary and secondary schools, health centres and nursery facilities**
- **Retail and related uses**
- **Leisure facilities**
- **Business and commercial uses**
- **Open space and public realm**
- **New planting and landscaping, and ecological enhancement works**
- **Sustainable urban drainage systems**
- **Utility and energy facilities and infrastructure**
- **Waste and waste water infrastructure and management facilities**
- **Vehicular bridge links**
- **Undercroft, surface and multi-storey car parking**
- **Creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site**
- **Improvements to the existing highway and local road network**

- **Lighting**
- **Engineering works, infrastructure and associated facilities**
- **Interim works or temporary structures required by the development and other associated works including temporary meanwhile uses.**

The County Council has consistently supported the District Council's ambition to deliver a new garden settlement at Otterpool Park, and has worked closely with the District Council in the preparation of a submission of an Expression of Interest and the Locally-Led Garden Villages, Towns and Cities Prospectus.

The County Council is aware that Folkestone and Hythe District Council has carried out a comprehensive assessment of the need for new homes to accommodate growth within the district, as part of the emerging Core Strategy Review (CSR). The CSR includes detailed policies to guide new strategic development on this site and ensure that it is a beacon of best practice environmentally, follows garden town principles and creates a strong and cohesive community. The County Council also notes the District Council's published Otterpool Park Charter, that sets out its aspirations for the new settlement.

The County Council notes that this outline application will form part of a three tier planning approach taken by the applicant; approval of an outline application, approval at key phases (including Design Codes) and finally Reserved Matters applications. It is also noted that within the documentation submitted under this outline application, the applicant has made a distinction between plans/documents submitted for approval and those providing context and background to support the application. However, at this stage in the outline application process, KCC currently has a number of concerns with the proposal, as outlined below.

- KCC, as Local Highway Authority, advises that there are a number of significant outstanding issues to be resolved with the application as currently submitted and a holding objection is placed until these matters have all been addressed in full by the applicant at the earliest opportunity. These matters are set out in chapter 1. KCC, as Local Highway Authority, is happy to meet the applicant to discuss these issues further.
- The level and quality of information that has been submitted by the applicant has in some instances restricted the ability of the County Council to properly assess the proposal and its associated impact on local infrastructure. The quality of the application material has also been impacted by the level of evaluation of both the site and the proposal.
- The County Council is concerned with some of the assumptions that the application has been based upon, such as the level of infrastructure provision. There must be agreement between the County Council and the applicant on the assumptions that the proposal is founded upon and this is set out further within the response.
- There will need to be a flexible approach assumed for the planning and delivery of this scheme to reflect potential changes in service provision, infrastructure requirements (both community and environmental) and funding. The three tier planning approach would support this. The County Council questions the approach taken by the applicant

in submitting very detailed information (such as within the phasing and parameter plans) that relate to the lifetime of the development at this early stage in the planning process. Instead, such detail should be reviewed at agreed stages throughout the development process. At this stage, the plans should show a clear understanding of the genuine vision for Otterpool Park and seek to create a more cohesive approach for the proposed development to ensure long term sustainability of the project. The County Council fully reserves the right to comment on the detail of the Parameter Plans and Phasing Plans (or any subsequent revisions) until such a time when the assumptions are agreed.

- The concerns with the Parameter and Phasing Plans include, but are not limited to, the education assumptions. The County Council has concerns relating to the proposed education provision for the site, at both primary and - more significantly - at secondary stages. As set out within this response, the County Council does not agree with the number, nor the size of, the sites currently proposed as safeguarded for education facilities. Nor is the County Council satisfied that the proposed levels of forms of entry are appropriate for a garden settlement. The applicant is urged to discuss the provision of education facilities with the County Council as the earliest opportunity to seek appropriate resolution.
- The County Council recognises that the delivery of a large scale new settlement over a long period presents its own challenges for the applicant, District Council and County Council. It creates a particular challenge for the County Council in modelling the future population and determining the likely infrastructure needs for the entire development scheme; including education and community facilities, transport and low carbon infrastructure need to deliver net zero emissions by 2050 and environmental considerations. The County Council is concerned that the applicant has not allowed for the appropriate level of infrastructure within the masterplan that will be required for the development to be sustainable and low carbon, nor considered fully the requirements for long term governance / stewardship of the infrastructure on the site. There is also a lack of consideration of some infrastructure items (for example, social care, special educational needs and public health), which will need to be fully addressed by the applicant. The applicant should also note that any changes to housing quantum will require remodelling and the applicant will have to build this into timescales for delivery.
- All County Council services and infrastructure must be captured in the planning, phasing and delivery of the new settlement, to ensure that services are funded, delivered to a high standard and well maintained in the long term. The commitment to infrastructure delivery is critical to the acceptability of the scheme. In recognition of both the scale and complexity of this project, the County Council looks to contribute effectively to detailed negotiations and will expect to be a signatory to the section 106 agreement for this outline application as agreed in the Planning Performance Agreement (June 2016) paragraph 13.6.

The matters set out within this response are necessary to mitigate the impacts of the Otterpool Park garden settlement proposal on the provision of those services for which the County Council has a statutory responsibility.

The County Council would welcome engagement at the earliest opportunity with the applicant, District Council and relevant stakeholders to discuss the matters raised in this response. The County Council will also engage with the relevant parties, to review and understand any relevant infrastructure funding that may be available to support the viability of this development and ensure the necessary infrastructure is delivered. KCC will continue to work closely with the District Council and other stakeholders and with the applicants to ensure that Otterpool Park is delivered to a high level of design, providing necessary infrastructure and a sustainable community.

The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the submitted material, set out clearly in a subject chapter format.

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The County Council continues to support the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting. This strategic location offers a unique range of opportunities to deliver a sustainable settlement of the highest quality, founded on garden city principles. Otterpool Park can offer an exceptional response to the demonstrable need for new homes by maximising the existing strengths of the area and embracing new and emerging environmental technologies to deliver a healthy, inclusive and thriving community.

However, as this response highlights, there are a number of matters that require addressing ahead of determination of this planning application to ensure delivery of this aspiration. The resolution of these matters is essential to ensure that KCC is satisfied that the garden settlement will deliver a sustainable community. KCC wishes to ensure that its infrastructure and services continue to be funded and delivered to a high standard and that a sustainable settlement is created at Otterpool Park. We welcome further meetings with the applicant to discuss the issues raised within this response to ensure they are satisfactorily addressed.

The County Council would like to thank the Council and its officers for the collaborative approach they have taken to date and look forward to continuing this cooperative relationship for the benefit of both existing and future residents of Folkestone and Hythe and the wider County.

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

Yours sincerely

A large black rectangular redaction box covering the signature area.

Corporate Director – Growth, Environment and Transport



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# **1. Highways and Transportation**

This planning application follows on from almost two years of pre-application discussions between the applicant and KCC in its role as Local Highway Authority.

A Transport Assessment and Framework Travel Plan has been submitted with this planning application. There are, however, a number of significant concerns with the Transport Assessment as currently submitted. These are addressed in the order presented in the Transport Assessment.

## **1.1 Transport Assessment**

The scope of the submitted Transport Assessment is as agreed with KCC Highways and Transportation.

The highway capacity study area is as agreed with KCC Highways and Transportation. This is set out in Figure 1 of the Transport Assessment.

A VISSIM (micro-simulation) model has been produced by the applicant to assess local junctions that are most impacted by this development. The VISSIM model however is not included in the Transport Assessment. KCC is therefore not able to confirm the adequacy of the model, the model outputs or whether or not the proposed mitigation that is outlined is acceptable. A Local Model Validation Report also needs to be submitted, which validates the base model and outputs in the VISSIM model.

The proposed assessment years are acceptable, as they include the end of the Local Plan period at 2037, full build out of the 8,500 dwellings and associated land uses as submitted in this current planning application at 2044 and full build out of the 10,000 dwellings at 2046.

### **2018 Baseline Highway Capacity**

There are a number of junctions within the Study Area that operate in excess of capacity. For traffic signal junctions, this equates to a Degree of Saturation (DoS) of more than 90% or for priority or roundabout junctions, a Ratio to Flow Capacity (RFC) of more than 0.85. These are as follows:

- A20 Ashford Road / A261 Hythe Road in the AM Peak. The Hythe Road arm has an RFC of 0.87 together with a queue of six vehicles and an average delay of 89 seconds.
- M20 Junction 9 (Ashford) in the PM Peak. The Trinity Road arm has a DoS of 92% together with a queue of 16 vehicles and a delay of 45 seconds. The M20 Eastbound off-slip arm has a DoS of 91.3% together with a queue of ten vehicles and an average delay of 37 seconds.
- B2064 Cheriton High Street / A2034 Cherry Garden Avenue in both the AM and PM Peaks.

The B2034 (Beachborough Road) arm has a DoS of 91% in the AM Peak and 94% in the PM Peak together with queues of 23 and 27 vehicles respectively and delays of 99 and 95 seconds. The A2034 (Cheriton Road) westbound arm has a DoS of 94.1% in the PM Peak together with a queue of thirteen vehicles and delay of 77 seconds.

- Old Dover Road / St Lawrence Road / The Drive (Canterbury) in both the AM and PM Peaks. Three arms operate in excess of capacity in the AM Peak (Old Dover Road westbound, Old Dover Road eastbound and St Lawrence Road) with DoS's of 98%, 95% and 99%. One arm operates in excess of capacity in the PM Peak (Old Dover Road eastbound) with a DoS of 101%.
- Nackington Road / Old Dover Road (Canterbury) in the AM Peak. The Nackington Road arm operates in excess of capacity with a DoS of 97% together with a queue of 25 vehicles and a delay of 94 seconds.

### Road Safety – Personal Injury Data

The personal injury accident data search is considered out of date as it does not include the most up to date 5-year crash period. The applicant is required to obtain the most up to date 5-year statistics and then re-submit this accordingly. The Local Highway Authority needs to understand if there are any new highway safety issues on the local highway network since the previous crash search was undertaken.

The Newingreen Junction (Junction of Ashford Road, Hythe Road and Stone Street) does however appear on KCC's 2018 Crash Remedial List due to the significant number of crashes at this junction within the past three years. There are no small-scale interventions that can be done at this junction to improve the safety record and the Highway Authority is currently exploring large scale changes to the junction, both to improve capacity and safety at this junction. The County Council notes that the applicant has not submitted a mitigation plan for this junction.

### Otterpool Park Transport Strategy

*Walking and Cycling Strategy* - The Walking and Cycling Strategy discusses off-site connection improvements to Hythe, Folkestone, Westenhanger Station access and destinations to the north of HS1 and the M20. No detailed plans have, however, been submitted showing what improvements are proposed to these destinations from the application site. Detailed plans are required to be submitted showing these improvements, together with a Stage 1 Road Safety Audit if this subsequently results in changes to the public highway. KCC in its position as Local Highway Authority would welcome further discussions with the applicant in this regard.

*Bus Network and Services* - KCC supports the proposal within the Transport Assessment for the provision of bus services to serve the Otterpool Park site. The strategy plan showing two indicative routes (serving the northern and southern parts of the development site) will ensure that the vast majority of homes will be within a 400 metre walking distance of a bus stop.

Detailed discussions are required with Kent County Council's Public Transport Team and Stagecoach East Kent to agree the necessary Section 106 funding for routes, frequencies and appropriate trigger points for when these new services will be introduced. The delivery of bus stop facilities; including shelters, raised kerbs and bus stop clearways will also need to be secured through the proposed section 106 agreement. As such, further discussions with the applicant are required.

*Highway Access Strategy - Upgrade of the A20 Ashford Road* - The existing A20 link between the U-Turn roundabout south of M20 Junction 11 and the Newingreen Junction is currently operating well in excess of its 13,000 daily vehicle movement theoretical capacity, with estimated flows of over 18,000 vehicles a day based on the 2018 base year. As such, any significant development on this section of the A20 would be expected to make significant improvements to the road. This application is proposing a dual carriageway urban road with a 40mph speed limit. This will provide sufficient capacity for this section of the A20 for both the application proposal and the eventual 10,000 dwellings, as set out in the Core Strategy Review. An alignment plan has been submitted showing the detail of the proposal (OP-ARC-XXX-DR-T-0001 Revision P4). However, the plan is not of sufficient detail for KCC to confirm the adequacy of it. There are no details of the tie in with the existing A20 at the Newingreen junction, the cross-section details cannot be read and there are no details of the proposed footpath / cycle path crossing across the new road. The alignment plan should also be of a better scale for the Local Highway Authority to consider what is being proposed. KCC would also request clarity on whether the applicant is seeking the approval of this plan as part of the outline planning permission.

*Newingreen Link* - A new Newingreen Link is proposed through the site to tie in the existing A20 with a new junction at a point to the west to Newingreen. In principle the diversion of the A20 through the site is supported by KCC as this takes traffic away from the congested Newingreen junction. An alignment plan has again been submitted showing the detail of the proposal (OP-ARC-XXX-DR-T-0002 Revision P4). However, the plan is not of sufficient detail for KCC to confirm the adequacy of it. There are no details of the tie in with the existing A20 to the west of the Newingreen junction and the cross-section details cannot be read. The alignment plan should also be of a better scale for the Local Highway Authority to consider what is being proposed. The applicant should clarify as to if they are seeking the approval of this plan as part of the outline planning permission. Furthermore, there is the need for Nu-Steel articulated vehicles to transverse this link and associated junctions, so vehicle tracking needs to be undertaken for a 50 metre long articulated vehicle to show that it can use the link road and junctions.

*Otterpool Park Footpath Layout (Drawing Number: OP-ARC-XXX-DR-T-0006)* - A combined footway / cycleway is also required along the northern side of the A20 in between the proposed western signal junction with the A20 and where the footway / cycleway is currently proposed on the drawing. This can however be provided later on in the development when the development to the northern side of the A20 comes forward. It is not acceptable for pedestrians / cyclists to have to cross the A20 twice to reach the proposed footway / cycleway on the northern side of the A20. The drawing and intention should therefore be amended showing a 3.5 metre wide combined footway / cycleway on the northern side of the A20.

### Future Baseline Highway Conditions

Committed / Planned Developments - The Nickolls Quarry site off Dymchurch Road, Hythe needs to be included as a committed development. Only a small proportion of the houses permitted have since been built on this site.

The list of committed highway schemes is acceptable.

### Development Trip Generation

The Trip Generation by Land Use tables (Tables 28-30) do not include details of multi-modal trip rates for each residential unit, extra care unit or the various other use classes as would normally be expected in any Transport Assessment. It is not currently clear how these trip generation figures have been calculated. A summary table therefore needs to be produced showing the proposed multi-modal trip for each residential unit / extra care unit / hotel bedroom / 100sqm of commercial use and the proposed D1/D2 uses according to the proposed land use class. This will enable KCC to undertake its own TRICS assessment of the proposed land use classes. Only sites with a population range of up to 125,000 within a 5-mile radius should be used, as these will represent the population characteristics of the Otterpool Park site.

The business park TRICS outputs submitted currently use sites with a far greater population range and therefore needs to be re-run accordingly.

The proposed extra care housing (C2) should be assessed against Sheltered Housing in TRICS. This is because there will be an element of care that is provided on-site and is not a general C3 residential use like retirement flats. A new TRICS analysis is therefore required, based on sheltered housing land use class in TRICS.

The proposed trip generation cannot be agreed until this analysis is undertaken.

### Development Trips by Mode

The methodology used to calculate development trips by mode is acceptable to KCC, as Local Highway Authority.

The proposed internal and external trip mode splits by trip purpose is acceptable to KCC, as Local Highway Authority.

Table 34 - Allocation of Mode Splits by Trip Purpose to Land Use - The proposed modal split allocation for A2 Business Land Use, Trip Purpose (Personal Business) should be 'personal business' rather than 'leisure'" and should be revised.

The proposed internal and external trips by mode cannot be agreed until the total multi-modal trip rates are agreed. Furthermore, it is not clear how these trips have been calculated in Tables 35-37 based on the trip generation summary in Table 31. It is requested that the applicant provides detailed justification as to how these trip rates have been calculated.



### Development Trip Distribution

The assumptions made in the development trip distribution are acceptable to KCC, as Local Highway Authority. The likely effect on key roads as set out in Tables 41 to 43 can however only be agreed once the proposed trip rates and internal / external trips have been revised and agreed as set out above.

### Effects on Sustainable Transport Modes

*Effects on Pedestrian Network* - Part of this section discusses proposed improvements to PRow HE 281 across the A20 as a result of the proposed dualling. It is proposed that this crossing is staggered, and a central refuge is provided. This is acceptable to KCC Highways and Transportation given the improvements to visibility for pedestrians and the need to minimise delay to vehicular traffic. Nonetheless, there will be an increase in demand of the above PRow that goes through Sandling Park and this is evidenced in Table 49 which suggests that there could potentially be 79 pedestrian movements in the AM Peak and 60 pedestrian movements in the PM Peak. The potential for surfacing improvements to this PRow and PRow 291 (Bridleway) should be investigated in conjunction with the KCC Countryside Access Improvement Plan Officer in order to make this a more attractive all-weather pedestrian route to Hythe.

*Effects on Cycle Network* - The A261 Hythe Road is likely to attract the greatest number of external cycle trips. It is however not conducive to cycling due to it being a heavily trafficked, high speed road with poor alignment. The Transport Assessment does however highlight there will be an increase in demand for cycling routes to Hythe and so the potential to create an improved cycling route should be investigated. A more attractive route for cyclists does exist via Stone Street, Aldington Road and then the restricted byway known as Old London Road. This will however require the complete re-surfacing of this restricted byway to make it more attractive for cyclists. The potential for surfacing improvements should also be investigated in conjunction with the PRow team at KCC.

*Effects on Bus Network* - It is expected that the proposal will generate a significant increase in the use of the number 10 service that runs between Ashford and Folkestone. Table 51 of the Transport Assessment predicts that the proposal will generate almost 300 bus passengers per hour in the AM Peak and almost 220 bus passengers in the PM Peak. The Transport Strategy for the application suggests a bus service frequency of four to six buses an hour. For almost 300 bus passengers an hour it is suggested that at least six buses an hour are required to serve the site. There is also predicted to be an element of internal bus-only trips in the AM Peak with almost 100 bus passengers and in the PM Peak almost 80 bus passengers. These could either be accommodated on the suggested improvements to the 10 service or by the provision of a brand-new shuttle service that runs around the application site. As such, KCC, as Local Highway Authority would welcome further discussions with Stagecoach East Kent, Folkestone and Hythe District Council and the applicant to discuss funding requirements for these service improvements.

*Effects on Rail Network* - Any improvements to the facilities and increase in the use of Westenhanger station as a result of the proposed development will need to be considered by Network Rail, South Eastern (the train operating company) and the KCC Principal Transport Planner for Rail within the Transport Policy team. KCC would however welcome discussions on the bus service interchange, improved cycle parking and improved access for all to the station. This is a very important issue and needs to be addressed prior to the determination of the outline planning application.

### Junction Capacity Assessments

A plan needs to be submitted showing the location of the new junctions on the A20 Ashford Road and B2067 Otterpool Lane. It is currently not clear where some of the junctions that are proposed in Table 54 will be located. Paragraph 11.1.7 is incomplete as the location of these junctions has not been previously noted in the Transport Assessment.

KCC, as Local Highway Authority, does not typically accept priority cross-roads junctions as many tend to have a poor safety record. A priority cross-roads junction is proposed (Junction 38 in Table 4). This is not acceptable for a road with a national speed limit (60mph). An alternative junction design therefore needs to be designed.

A number of junctions are proposed to go over capacity (either a Degree of Saturation (DoS) of more than 90% or a Ratio to Flow Capacity (RFC) of more than 0.85) in future year assessments which include the proposed development. These scenarios are based on a Do-Minimum (levels of traffic growth on the highway network and the numbers of dwellings and jobs in the Core Strategy Review spread throughout the District) and Do-Something (levels of traffic growth on the highway network and the proposed development at Otterpool Park). These scenarios are as follows:

- M20 Junction 11 in the 2037, 2044 and 2046 Do-Something scenario.
- Hythe Road (A20) / The Street in a 2046 Do-Something scenario.
- Aldington Road / Stone Street in the PM Peak in a 2044 and 2046 Do-Something scenario.
- A20 Ashford Road / A261 Hythe Road in all future year scenarios.
- A20 Ashford Road / Stone Street in the AM Peak in a 2037, 2044 and 2046 Do-Something scenario.
- Aldington Road / Lympe Hill in the AM Peak in a 2044 and 2046 Do-Something scenario.
- A259 / Dymchurch Road / Military Road in all future year scenarios.
- A259 Prospect Road / A259 East Road / Station Road / High Street in the AM Peak in all future year scenarios.

- M20 Junction 13 in the 2037 Do-Something PM Peak, 2044 Do-Something AM and PM Peaks and 2046 Do-Something AM and PM Peaks.
- M20 Junction 9 in the PM peaks for a 2037, 2044 and 2046 Do-Something scenarios.
- B2064 Cheriton High Street / B2063 Risborough Lane in all future year scenarios.
- B2064 Cheriton High Street / A2034 Cherry Garden Avenue in all future year scenarios.
- A259 Prospect Road / Stade Street in all future year Do-Something scenarios.
- Barrow Hill 1-way in all future year Do-Something scenarios.
- A260 Spitfire Way / White Horse Hill / A20 Slip Roads in all future year Do-Something scenarios.
- Alkham Valley Road / A20 slip roads in all future year Do-Something scenarios.
- A260 Canterbury Road / Alkham Valley Road in all future year Do-Something scenarios.
- A20 Ashford Road small roundabout in a 2037 AM Peak Do-Something scenario and AM and PM peaks in a 2044 and 2046 Do-Something scenario.
- Nackington Road / Old Dover Road / St Lawrence Road / The Drive in the PM peak in all future year scenarios.

The above junctions are discussed below:

#### *M20 Junction 11*

M20 Junction 11 goes over capacity between the 2037 and 2044 Do-Something scenario. In a 2044 Do-Something scenario in the AM Peak Hour the M20 Westbound Off-Slip has an RFC of 0.94, queue of twelve vehicles and a delay of 34 seconds and the M20 Eastbound Off-Slip has an RFC of 0.87, queue of six vehicles and a delay of 28 seconds. In the PM Peak Hour the M20 Westbound Off-Slip has an RFC of 0.96, a queue of fifteen vehicles and a delay of 46 seconds, the M20 Eastbound Off-Slip has an RFC of 1.27, a queue of 120 vehicles and a delay of six minutes and the B2068 Stone Street has an RFC of 0.94, queue of nine vehicles and a delay of 73 seconds.

A mitigation scheme is therefore required for this junction. A mitigation scheme is proposed which involves part signalization of the roundabout and new lane markings on the roundabout and the eastbound on and off slips. This brings the junction to within capacity with a maximum DoS of 84.9% on the M20 Westbound Off-Slip. Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation and Highways England can assess the proposed mitigation scheme.

### *Hythe Road (A20) / The Street*

This junction is only predicted to operate in excess of capacity in a 2046 Do-Something scenario with The Street arm going over the 0.85 RFC in the AM Peak and PM Peak. The PM peak hour is especially bad for delay and queuing with an RFC of 1.05 and a delay of approximately three and a half minutes. As described above this arm of junction only falls apart between 8,500 and 10,000 dwellings being proposed at the Otterpool Park site. The current application is for 8,500 dwellings and so it would not be reasonable to request that this current application delivers a mitigation scheme at the junction. A new link road is also being provided from the William Harvey Hospital emergency access and Hinxhill Road, which connects directly onto the A20 (Hythe Road) opposite the Tesco service access. This will reduce traffic flows on The Street as Hinxhill Road is proposed to be closed to vehicle traffic as a result of this link road being constructed. In order to assess the impact of this scheme being delivered, KCC will require the applicant to undertake new junction assessments of this roundabout (ARCADY) in 2037, 2044 and 2046 to determine the impact of the development on this roundabout. If the modelling results are worse than predicted, then a mitigation scheme to provide two-lane queuing on The Street arm is likely to be required.

### *Aldington Road / Stone Street*

This junction is predicted to operate in excess of capacity in a 2044 and 2046 Do-Something scenario with Stone Street arm going over the 0.85 RFC in the PM Peak. It should be noted that the roads are labelled incorrectly in Tables 68 and 69 and it is the Stone Street arm of the junction that will go over capacity in a 2044 and 2046 Do-Something scenario. As the delay per vehicle is more than twenty seconds (increase in delay from twelve seconds to 46 seconds and a queue increase of four vehicles from a 2044 DM scenario to a 2044 DS Scenario) a mitigation scheme is required.

### *A20 Ashford Road / A261 Hythe Road and A20 Ashford Road / Stone Street*

This junction is predicted to operate in excess of capacity in all future year scenarios even with the proposed flaring improvement scheme on the Hythe Road arm of the junction as agreed through the Quinn Estates application in Sellindge (Y16/1122/SH). The Hythe Road arm is the worst affected arm of the junction, with queuing on Stone Street also way in excess of normal acceptable capacity limits. The Do-Something scenarios have a much worse effect on capacity than the Do-Minimum scenarios. As part of the current proposal, the Newingreen Link road to the north of the Newingreen junction is proposed. This will tie back into the A20 further west of the junction and would divert a substantial amount of traffic routing along the A20 away from the junction. This in itself will have a significant positive impact on traffic conditions at the Newingreen junction. The proposed development will however attract increased vehicle trips along both Hythe Road and Stone Street. Both arms of the junction are over capacity in the Do-Minimum 2037 scenario and the addition of development traffic along these roads especially in the AM Peak will further worsen delays at the junction despite the diversion of the A20 through traffic to the Newingreen Link road. The 2044 Do-Something scenario as set out in Table 73 predicts intolerable queuing on the A261 Hythe Road arm and the Stone Street arm in the AM Peak and so it is evident that a further mitigation scheme is

required at this junction.

The mitigation scheme as proposed requires the signalisation of all arms of the junction. Table 75 demonstrates a signalisation scheme is proposed to operate within practical capacity on all approaches. The signalisation scheme increases capacity and reduces delay compared to a Do-Minimum scenario. A mitigation scheme in the form of a traffic signal junction is therefore accepted in principle by KCC, as Local Highway Authority. No plans are submitted of this proposed mitigation scheme, nor a Stage 1 Road Safety Audit. These are required so that KCC can assess the proposed mitigation scheme. Unfortunately, the LinSig Data for the PM scenarios found in Volume 4 of the Transport Assessment does not match with the model outputs found in tables 74 and 75 and so the output tables should be changed accordingly.

#### *Aldington Road / Lympne Hill*

The junction modelling results predict that the junction will operate within practical capacity in the 2037 Do-Minimum and Do-Something scenarios. The 2044 Do-Something scenario predicts the junction will go over capacity in the AM Peak with the Lympne Hill arm having an RFC of 0.9, a queue of seven vehicles and a delay of 57 seconds. In a 2046 Do-Something scenario, the junction will go over capacity in the AM Peak with the Lympne Hill arm having an RFC of 0.92, a queue of eight vehicles and a delay of 65 seconds. Since traffic counts were undertaken for this junction in 2016/2017, a traffic calming scheme has been implemented on Lympne Hill and Aldington Road with a reduction in the speed limit to 30mph, speed cushions and a raised table at the junction of Aldington Road / Lympne Hill. KCC hopes that this will reduce traffic along West Hythe Road and Lympne Hill. Due to the fact that the Lympne Hill arm of the junction will only be operating slightly over capacity it is agreed that no mitigation will be proposed at this current time. In order to assess the impact of the traffic calming scheme that has been delivered, KCC will require the applicant to undertake new junction assessments of this junction (PICADY) in 2037, 2044 and 2046 to determine the impact of the development on this junction at this time. If the modelling results are worse than predicted, then a mitigation scheme to provide additional capacity at this junction will be required.

#### *A259 / Dymchurch Road / Military Road*

This junction is currently approaching capacity at the signalised pedestrian crossing point located by Sainsbury's on Military Road. This crossing point is a key pinch point on the gyratory in Hythe as Military Road is lined as two lanes wide but operates as single lane only due to the presence of parked vehicles on the southern side of the carriageway. The parked vehicles also cause a merge issue at the eastern side on Military Road as two streams of traffic enter from the A259 and the A261 (London Road). Only a single lane of traffic can continue along the A261 Military Road and through the pedestrian crossing. From site visits undertaken, this causes long queues on Military Road when the pedestrian crossing is called.

In a 2037 Do-Minimum scenario the stop line will operate above practical capacity with a DoS of 94% in the AM Peak and 93.3% in the PM Peak. This causes a maximum queue of 27 vehicles in the AM Peak. This almost blocks back to the junction and the issue of vehicles having to merge in turn will further worsen queuing.

The 2037 Do-Something scenario demonstrates that the stop line will go over a 100% practical capacity with a DoS of 102.8% in the AM Peak and 101.6% in the PM Peak. This causes a maximum queue of 57 vehicles and will result in blocking of the junction and also the potential to block the junction of Dymchurch Road / Scanlons Bridge Road to the south. The Scanlons Bridge right-turn into Military Road is also over capacity at 101.5% in the PM Peak due to the signal timing optimiser restricting traffic entering Military Road due to reducing the amount of available green time. This congestion and queuing would only get worse in a 2044 and 2046 DM and DS Scenario.

The applicant is proposing a mitigation scheme to ensure that the junction is brought back to capacity. This involves parking restrictions along the southern side of the carriageway between Sainsbury's access and the signalised pedestrian crossing point. The restrictions are also required between the pedestrian crossing point and the bus stand at the eastern end of Military Road. This will enable a two-lane section of carriageway from Sainsbury's access to the end of Military Road. It is suggested that parking restrictions are also required on the southern side of Military Road between the junction with Scanlons Bridge Road and Sainsburys access. This proposed mitigation scheme will bring the junction back to within capacity under all future year Do-Something scenarios. It should be noted that no person has a right to park on the highway as the sole purpose of the highway is for the movement of vehicles. Furthermore, there is a pay and display car park in close proximity to Military Road where vehicles can be parked. Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme.

#### *A259 Prospect Road / Station Road / High Street*

This roundabout junction is currently operating within capacity. It will only go over capacity in a 2037 Do-Something scenario on Prospect Road with an RFC of 0.87, a queue of six vehicles and a delay of 21 seconds. This is not considered to be severe. Even in a 2044 Do-Something scenario on Prospect Road, the RFC only goes up to 0.88 together with a queue of seven vehicles and a delay of 22 seconds. Again, this is not considered to be severe enough to require a mitigation scheme.

#### *M20 Junction 13*

The roundabout junction is currently operating within capacity. It will only go over capacity in a 2037 Do-Something scenario on Castle Hill Bridge in the PM Peak with an RFC of 0.89, queue of seven vehicles and a delay of 20 seconds. In a 2044 Do-Something PM Peak scenario, the RFC on Castle Hill Bridge goes up to 0.95 together with a queue of thirteen vehicles and a delay of 35 seconds. The Churchill Avenue arm also goes over capacity within the AM Peak with an RFC of 0.88 together with a queue of seven vehicles and a delay of 17 seconds. In a 2046 Do-Something PM Peak scenario, the RFC on Castle Hill Bridge goes up to 0.96 together with a queue of fifteen vehicles and a delay of 38 seconds. The Churchill Avenue arm is also over capacity in the AM Peak with and RFC of 0.88, together with a queue of seven vehicles and a delay of nineteen seconds.

In paragraph 11.11.8 of the Transport Assessment, a mitigation scheme is discussed for

Churchill Avenue to provide a greater length of two-lane queuing on the approach to the roundabout. This apparently allows Churchill Avenue to operate at capacity. Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme.

Given the sensitive location of the Castle Hill Bridge to the M20 Eastbound off-slips, a robust monitoring regime of the roundabout is also required. KCC will require the applicant to undertake new junction assessments of this roundabout (ARCADY) in 2037, 2044 and 2046 to determine the impact of the development on this roundabout. If the modelling results are worse than predicted, then a mitigation scheme on the Castle Hill Avenue arm is likely to be required.

### *M20 Junction 9*

The roundabout is predicted to operate in excess of capacity in a 2037 Do-Minimum scenario on the Trinity Road with a DoS of 95.1% a queue of 21 vehicles and a delay of 36 seconds. The 2037 Do-Something scenario is better in terms of capacity with the DoS at 93.3%, together with a queue of eighteen vehicles and a delay of 30 seconds. This is likely to be because of a decrease in demand of vehicles exiting Trinity Road and a greater number of vehicles coming off the roundabout from a westbound direction. In a 2044 Do-Minimum scenario, the Trinity Road arm goes up to a DoS of 97.9% together with a queue of 27 vehicles and a delay of 48 seconds. In a Do-Something scenario, the Trinity Road arm goes up to a DoS of 99% together with a queue of 30 vehicles and a delay of 56 seconds. The M20 Slip Road westbound DoS goes up to 99%, together with a queue of seventeen vehicles and a delay of 86 seconds. The M20 Slip Road eastbound DoS goes up to 93% together with a queue of fifteen vehicles and a delay of 41 seconds.

The result of the increase in queuing on the Trinity Road arm of the roundabout means that there is the potential for blocking back to the Rutherford Road roundabout as a result of the increase in queuing from 27 vehicles to 30 vehicles in lanes 2 and 3. As such, a mitigation scheme is required for the Trinity Road arm of the roundabout.

Issues regarding increased queuing on the slips roads are a matter for Highways England who manage the Strategic Road Network (SRN). However, it should be noted that the increase in delay on M20 Slip Road westbound in the PM Peak is more than 40 seconds when compared to a Do-Minimum scenario. As such, a mitigation scheme on this arm of the roundabout is likely to be required.

The applicant is proposing a mitigation scheme at the roundabout by extending the exiting flare on Trinity Road by 30 metres. This increases the capacity on the approach and also provides additional stacking space. The applicant is also proposing to amend the lane allocations on Trinity Road such that the middle lane can be shared for ahead and left turn movements. This will require lane marking and road sign changes. A uniform cycle time for the junction is proposed of 65 seconds in the AM Peak and 72 seconds in the PM peak hour for a 2044 Do-Something scenario. This subsequently results in the AM Peak operating within practical capacity. The PM Peak is predicted to operate above practical capacity with a

maximum DoS of 93.5%. This is however better than the Do-Minimum scenario and therefore represents a net benefit in capacity. In a 2046 Do-Something scenario there is again a reduction in the DoS on Trinity Road but a slight increase in the DoS on the M20 Slip Road westbound. On balance the queuing across the junction goes down and so does delay.

Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme.

Regrettably, the LinSig data in volume 4 of the appendices also does not tally up with the model outputs in the Transport Assessment. This should be clarified by the applicant.

#### *B2064 Cheriton High Street / Risborough Lane*

This signalised junction is currently operating just within capacity, based on a 2018 base year. The junction is predicted to operate well in excess of capacity in a 2037 Do-Minimum scenario. The Stanley Road arm will operate with a DoS 106.1%, the Risborough Lane arm operate with a DoS of 106.3% capacity and the Cheriton High Street Eastbound arm operate with a DoS of 106% in the AM Peak and Risborough Lane arm operate with a DoS of 126.9% and the Cheriton High Street Westbound arm operate with a DoS of 123% in the PM Peak.

The 2037 Do-Something scenario predicts worsening queuing and delay. The Stanley Road arm will operate with a DoS 111.7 %, the Risborough Lane arm operate with a DoS of 125% capacity and the Cheriton High Street Eastbound arm operate with a DoS of 127.9% in the AM Peak and Stanley Road operating with a DoS of 90.6%, Risborough Lane operating with a DoS of 156.7% and the Cheriton High Street Westbound arm operating with a DoS of 151.5% in the PM Peak.

Separate tables are required for a 2044 DM and DS scenario and a 2046 DM and DS scenario. The impact on this junction of the Otterpool Park proposal in a 2037 scenario can be seen as severe and therefore a mitigation scheme needs to be delivered by the Otterpool Park development. Unfortunately, no mitigation scheme has been submitted currently. KCC, as Local Highway Authority would welcome further discussions with the applicant on this matter.

#### *B2064 Cheriton High Street / Cherry Garden Avenue*

This signalised junction is currently operating at just above practical capacity in the Base 2018 AM and PM Peak with a maximum DoS of 91% and 94% respectively. The junction is predicted to operate well in excess of capacity on three arms of the junction in a 2037 Do-Minimum scenario. The A20 Cherry Garden Avenue arm will operate with a maximum DoS of 96.4%, A2034 Cheriton Road westbound arm operate with a maximum DoS of 94%, B2034 Beachborough Road arm operate with a DoS of 96.1% in the AM Peak. In the PM peak, the A20 Cherry Garden Avenue arm will operate with a maximum DoS of 102.2%, A2034 Cheriton Road westbound arm operate with a maximum DoS of 97.7%, B2034 Beachborough Road arm operate with a DoS of 103.9%.

A mitigation scheme has been put forward by the applicant, which demonstrates that the



junction will operate within capacity in 2037 and 2044 Do-Something scenarios. The applicant is proposing to run the right hand turns from Cherry Garden Avenue and Beachborough Lane together in order to deliver capacity improvements at the junction. This would reduce the number of stages from five to four. Parking restrictions are also proposed on the Cheriton Road westbound exit after the bus stop. This will result in further stacking capacity for the right-hand turn lane. Unfortunately, no plans are submitted of this proposed mitigation scheme, as the junction is very constrained in terms of carriageway available nor a Stage 1 Road Safety Audit. These are required so that KCC, as Local Highway Authority can assess the proposed mitigation scheme.

For the 2046 Do-Something scenario, the junction is predicted to operate over practical capacity in the PM peak, but this is still better than a 2037 Do-Minimum scenario.

The LinSig data for the mitigation scheme in volume 4 of the appendices also does unfortunately not tally up with the model outputs in the Transport Assessment. This should be clarified with the applicant.

#### *A259 Prospect Road / Stade Street*

This T-junction is currently operating within capacity in the Base 2018 AM and PM Peak. In a 2037 Do-Minimum scenario the Stade Street arm goes over capacity in the PM peak with an RFC of 1.05, a queue of ten vehicles and a delay of almost four minutes. In a 2037 Do-Something scenario the Stade Street arm goes over capacity in both peaks with a RFC of 0.95 in the AM peak together with a queue of seven vehicles and a delay of almost three minutes and an RFC of 1.24 in the PM peak, together with a queue of nineteen vehicles and a delay of almost seven minutes. The increase in delays will mean that the junction of Stade Street just to the south of The Tin Tabernacle will be blocked.

In a 2044 Do-Minimum scenario, the RFC will be 0.86 in the AM Peak together, with a queue of four vehicles and a delay of 1 minute 45 seconds. In the PM Peak the RFC will be 1.1 together with a queue of twelve vehicles and a delay of four and half minutes. In a 2044 Do-Something scenario the RFC will be 1.04 in the AM Peak together with a queue of ten vehicles and a delay of 3 minutes 45 seconds. In the PM Peak the RFC will be 1.56 together with a queue of 29 vehicles and a delay of almost eleven minutes.

The traffic flows on Stade Street are relatively low at approximately three vehicles a minute. The PICADY modelling, which has been undertaken assumes a one-hour profile and assumes that traffic flows will have a normal distribution within the peak hour. This means that the demand is 22% higher in the middle 30 minutes of the peak hour compared with the fifteen minutes either side. This means that the junction is predicted to be over capacity for 30 minutes within the peak hour.

This simple junction modelling does not take into account the benefits to traffic on Stade Street from the pedestrian crossing on Rampart Road. This pedestrian crossing is heavily called as it acts as the main crossing point between the High Street and the Royal Military Canal, Seafront and the recreational areas to the south. Because of this, KCC has asked for the junction to be modelled with the pedestrian crossing in LinSig. The junction has been re-

modelled in a 2044 PM peak scenario and has been tested based on the pedestrian crossing being called at different frequencies. The Highway Authority has also requested that a scenario in which 'Keep Clear' markings are added to the A259 Eastbound lane on approach to the pedestrian crossing is considered. This will allow right turners from Stade Street to turn into Rampart Road when the pedestrian crossing is called. The results of the LinSig assessment in Table 117 indicate the frequency at which the pedestrian crossing is called does have an impact on the performance of the Stade Street arm of the junction with junction performance improving at lower frequencies i.e. the crossing being called more. The junction is predicted to operate within practical capacity in the DM 2044 PM peak scenario for all the frequencies that have been tested. For the DS 2044 PM peak scenario, the junction is predicted to operate within capacity if the pedestrian crossing is called once a minute. Keep clear markings improve the capacity of the junction such that the junction only goes over capacity if the pedestrian crossing is only called once every four minutes.

In order to ratify the predicted future modelling results KCC will require the applicant to undertake new junction assessments of this junction (LinSig) in 2037 and 2044 to determine the impact of the development on this junction. If the modelling results are worse than predicted, then a mitigation scheme to provide additional capacity at this junction will be required. This may involve signalisation of the junction to include the pedestrian crossing facility. A keep clear marking scheme should in any event be delivered as part of the Otterpool Park proposal and therefore a plan therefore needs to be submitted showing the extent of the proposed keep clear markings.

#### *Barrow Hill One-Way Operation*

The Barrow Hill funnel junction is located on the A20, just to the south of Sellindge village centre. This junction takes the form of a signal shuttle working scheme under the Ashford - Folkestone railway line. The 2037 Do-Minimum scenario predicts the junction to operate within capacity. In a 2037 Do-Something scenario all arms of the junction are predicted to operate over capacity in both the AM and PM Peaks. The highest predicted DoS in the AM peak hour is 104.8% and 104.4% in the PM peak hour.

In a 2044 Do-Something scenario, the DoS will further increase to 107.7% in the AM peak hour and 117.3% in the PM peak hour.

In order to mitigate the impact of the proposal, the applicant is proposing cycle time optimisation. Cycle time optimisation has been used to find the lowest cycle time required for the junction to operate within practical capacity for each of the future scenarios. In a 2037 Do-Something scenario, cycle times of 68 and 72 seconds are proposed in the AM and PM Peak respectively. In a 2044 Do-Something scenario, cycle times of 72 and 88 seconds are proposed in the AM and PM Peak respectively. This brings the junction down to operating at less than a 90% DoS in both 2037 and 2044 scenario years. The increased queuing will impact on the access to the development site (Y16/1122/SH) to the east of the A20 and potentially block the access. A scheme of keep clear markings is therefore required to ensure that the right hand turn from the A20 into the development site is kept clear and also the right hand turn out of the development site onto the A20 is also kept clear.

There does however not appear to be any LinSig data submitted in the appendices to demonstrate the output tables 123 and 124. These need to be submitted for KCC Highways to check the outputs.

Further discussions are also required with the Signals Team at KCC Highways regarding the potential upgrade on the current vehicle detection system. It may be well that a MOVA style system can be implemented as part of the mitigation scheme, which will enable further efficiency of the junction and allow cycle times to vary depending on queue length and demand. As such KCC, as Local Highway Authority would welcome further discussions with the applicant on this matter.

The 2046 sensitivity test has further amended cycle times in a Do-Something scenario to 80 seconds in the AM Peak and 104 seconds in the PM Peak. A cycle time of 104 seconds in the PM Peak will result of queues of 22 vehicles. This is an increase of three vehicles on the 2044 Do-Something scenario; however, the increase in queuing and delay is not considered to be severe. Again, LinSig data needs to be submitted for the output tables.

#### *A260 Spitfire Way / White Horse Hill / A20 Slip Roads*

This roundabout junction is currently operating within capacity. In a 2037 Do-Minimum scenario, the Spitfire Way arm of the roundabout is predicted to operate just over practical capacity in the AM Peak with an RFC of 0.87, queue of six vehicles and a delay of eighteen seconds.

In a 2037 Do-Something scenario in the AM Peak the Spitfire Way arm RFC goes up 0.88 with a queue of seven vehicles and a delay of twenty seconds. This is not considered to be a severe impact. In the PM Peak the A20 Slip Road RFC goes up to 0.88 together with a queue of 7 vehicles and a delay of 21 seconds.

In a 2044 Do-Minimum scenario the Spitfire Way arm of the roundabout is predicted to operate just over practical capacity in the AM Peak with an RFC of 0.88, a queue of seven vehicles and a delay of 21 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.88, together with a queue of seven vehicles and a delay of 21 seconds.

In a 2044 Do-Something scenario in the AM Peak the A20 Slip Roads arm of the roundabout is predicted to operate with an RFC of 0.89, queue of 7 vehicles and a delay of 31 seconds and the Spitfire Way arm is expected to operate with an RFC of 0.9, a queue of eight vehicles and a delay of 24 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.95, together with a queue of fourteen vehicles and a delay of 41 seconds.

In a 2046 Do-Minimum scenario the Spitfire Way arm of the roundabout is predicted to operate just over practical capacity in the AM Peak with an RFC of 0.89, a queue of seven vehicles and a delay of 22 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.89, together with a queue of seven vehicles and a delay of 22 seconds.

In a 2046 Do-Something scenario in the AM Peak the A20 Slip Roads arm of the roundabout is predicted to operate with an RFC of 0.9, a queue of seven vehicles and a delay of 33

seconds and the Spitfire Way arm is expected to operate with an RFC of 0.91, a queue of nine vehicles and a delay of 26 seconds. In the PM Peak the A20 Slip Road RFC goes up to 0.96, together with a queue of sixteen vehicles and a delay of 46 seconds.

The A20 Slip Road is in the ownership of Highways England so they will comment on the impact of the development on the slip roads.

The impact of the development on Spitfire Way which is in KCC's ownership, is not considered to be severe across all three future year scenarios.

#### *Alkham Valley Road / A20 Slip Roads*

This roundabout junction is currently approaching capacity in the 2018 AM Peak hour and operating within capacity in the PM Peak hour. In a 2037 Do-Minimum AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.06, a queue of 47 vehicles and a delay of approximately two minutes. In a PM Peak scenario, the RFC is 0.85 together with a queue of five vehicles and a delay of sixteen seconds.

In a 2037 Do-Something AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.09, queue of 64 vehicles and a delay of approximately two minutes and 40 seconds. In a PM Peak scenario, the RFC is 0.87 together with a queue of six vehicles and a delay of eighteen seconds.

The impact of the development on this roundabout is therefore considered to be severe in a 2037 Do-Something scenario as the queue will increase by seventeen vehicles and delay increase by 36 seconds.

In a 2044 Do-Minimum AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.11, a queue of 75 vehicles and a delay of approximately three minutes. In a PM Peak scenario, the RFC is 0.86 together with a queue of six vehicles and a delay of seventeen seconds.

In a 2044 Do-Something AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.19, a queue of 120 vehicles and a delay of approximately five minutes. In a PM Peak scenario, the RFC is 0.88 together with a queue of seven vehicles and a delay of nineteen seconds.

The impact of the development on this roundabout is therefore considered to be severe in a 2044 Do-Something scenario as the queue will increase by 35 vehicles and delay increase by 110 seconds.

In a 2046 Do-Minimum AM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.12, a queue of 80 vehicles and a delay of approximately three minutes and fifteen seconds. In a PM Peak scenario, the RFC is 0.87 together with a queue of six vehicles and a delay of eighteen seconds.

In a 2046 Do-Something PM Peak scenario, the Alkham Valley Road (south) arm of the roundabout is predicted to operate in excess of capacity with an RFC of 1.19, queue of 120 vehicles and a delay of approximately five minutes. In a PM Peak scenario, the RFC is 0.89 together with a queue of eight vehicles and a delay of 21 seconds.

A mitigation scheme is therefore required for this arm of the junction in order to prevent a severe impact. As part of pre-application discussions with the applicant the need to increase the flaring on this arm of the roundabout junction was raised as a potential solution with the applicant.

#### *A260 Canterbury Road / Alkham Valley Road*

This T-junction is currently operating within capacity in both peak hours. In a 2037 Do-Minimum AM peak hour scenario, the Canterbury Road Northbound arm (right hand turn movement into Alkham Valley Road) is predicted to operate in excess of capacity with an RFC of 1.08, queue of fifteen vehicles and a delay of just over four minutes. In a PM peak hour scenario, the RFC is 0.96 together with a queue of nine vehicles and a delay of almost two minutes.

In a 2037 Do-Something AM peak hour scenario, the Canterbury Road Northbound arm is predicted to operate in excess of capacity with an RFC of 1.16, a queue of nineteen vehicles and a delay of just over five minutes. In a PM peak hour scenario, the RFC is 0.99 together with a queue of twelve vehicles and a delay of almost two and a half minutes.

No 2044 or 2046 future year scenario assessment tables have been submitted. These need to be submitted.

Taking account of the above, a mitigation scheme is therefore required for this arm of the junction in order to prevent a severe impact. KCC would welcome further discussions with both the applicant, the District Council and Highways England in respect of the above three junctions (Canterbury Road (A260) / Alkham Valley Road; Spitfire Way / White House Hill / A260 3) Alkham Valley Road / A20 Slip Road) to agree a suitable mitigation scheme for the development to deliver, as these three junctions are closely interlinked to one another.

#### *A20 Ashford Road Small Roundabout*

This roundabout is located immediately to the south of M20 Junction 11. This junction is currently operating well within capacity. In both 2037 scenarios the roundabout will continue to operate within capacity.

The junction only exceeds capacity in a 2044 Do-Something scenario, with both arms of the roundabout going over capacity in both peaks. The highest RFC is on the northbound arm of the roundabout in the AM Peak with an RFC of 0.97, queue of 20 vehicles and a delay of 41 seconds. The increase in delay is such that a mitigation scheme is required. A mitigation scheme is currently proposed in the form of signalling the A20 Ashford Road northbound arm. It is predicted that with this mitigation scheme, the Ashford Road southbound arm of the

junction will operate within a maximum DoS of 90%, with a DoS of 89.1% and queues of four vehicles in each lane in a 2044 Do-Something AM Peak scenario.

In a 2046 Do-Something AM Peak scenario, the DoS will reach 90.2% with a queue of four vehicles in each lane. The predicted increase in delays and queues is not considered to be severe.

Unfortunately, no plans are submitted of this proposed mitigation scheme, nor a Stage 1 Road Safety Audit. These are required so that KCC Highways and Transportation can assess the proposed mitigation scheme. The LinSig data in the appendices does not tally up with the output tables in Tables 145-147. This should be clarified with the applicant.

#### *Nackington Road / Old Dover Road / St Lawrence Road / The Drive*

Both of these signal junctions are operating within capacity in a 2037 Do-Minimum and Do-Something scenario. The impacts of the development are marginal with increases in delays of less than 10 seconds in both a 2044 and 2046 Do-Something scenario which is likely to be due to the distance the site is located from these junctions even though the junction is predicted to operate just over capacity in a 2044 and 2046 future year scenario. No mitigation is therefore required for this junction.

KCC does however wish for the applicant to fund the provision of two new directional signs to the New Dover Road Park and Ride site from Faussett Hill and Bridge Road to sign drivers to use this route to access the Park and Ride site. This can be secured through a planning condition should planning permission for this site be granted.

## **1.2 M20 Merge and Diverge Assessments**

As all the slip roads are in the ownership of Highways England it will be their duty to respond on the assessments undertaken and potential upgrades required.

## **1.3 Harringe Lane**

KCC, as Local Highway Authority, has concerns about increased use of Harringe Lane as a result of the development. The lane is single width with a width restriction currently in place except for access. The lane does not benefit from any formal passing places. It is KCC's opinion that the lane should be closed to vehicle traffic in the middle together with turning heads either side of the closure. A plan therefore needs to be produced showing the extent of the closure for vehicular traffic, together with tracking for an 11.4 metre long refuse vehicle. It is understood that this closure request is supported by a resident that lives along Harringe Lane and by the British Horse Society.

## **1.4 Phasing Plans**

KCC, as Local Highway Authority, is concerned with the initial phasing of the site with it being built out in two separate phases. This is not conducive towards encouraging sustainable travel, especially if the essential services and facilities are not provided very early on in the development. It is the Highway Authority's opinion that phases should be built in the same locational area in order to ensure the maximum use of new services and in order to encourage sustainable transport. KCC would therefore welcome further discussions on the submitted phasing plans. Further consideration of the phasing of the development is set out in Chapter 3 of this response.

## **1.5 Travel Plan**

The aims and objectives of the Travel Plan are welcomed, as is the forecast modal share targets upon completion of the site and the action plan measures set from page 44 onwards.

A £500 sustainable travel voucher should also be given to each purchaser of a dwelling on the site so that sustainable travel patterns are encouraged from the outset. The voucher could be used towards any of the following: 1) Rail Travel 2) Bus Travel 3) Purchase of a bike from a local bicycle shop. This should be written into the proposed Section 106 Agreement for the site.

The Local Highway Authority will require a robust monitoring regime over a 25 year period (from the date of the occupation of the 100th dwelling) so that the number of movements associated with the development can be assessed yearly over a 25 year period to ensure that the actual number of movements is not greater than that predicted in the Transport Assessment. Therefore, on-site multi-modal counts will be required at the vehicle and pedestrian site access points at yearly periods over that 25-year monitoring period. Upon final occupation of the last dwelling on-site and all of the commercial units and other on-site uses, the applicant will be required to undertake a fully complaint TRICS survey for the site, including for the proposed residential and non-residential uses. This should be sent to TRICS for validation to enable this site to be uploaded to the TRICS database. The Travel Plan should be secured through the proposed Section 106 Agreement together with a £25,000 monitoring fee (£1,000 per annum over a 25-year period) so that KCC Highways can effectively monitor the travel plan to ensure that the initial trip rates are met.

## **1.6 Design and Access Statement**

The applicant should be made aware of KCC Highways and Transportation standard palette of materials that the Highway Authority will accept on adopted roads. All materials on the public highway need to be sustainable. Only tarmac and block paving will be accepted as hard surfacing materials. As such some of the materials proposed in the hard landscape section of the D&A will not be adoptable by KCC as Local Highway Authority.

## **1.7 Electric Vehicle Charging Point**

All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed. Where communal car parks are proposed (for the district centres, for apartment blocks and other uses) EV charging points should be provided at a rate of 10% active and 10% passive of the total car parking provision. KCC would also welcome discussions regarding the need for on-street electric charging points as the Travel Plan has identified the need for 85 on street spaces to serve the development site. KCC recommends that these 85 spaces are accommodated in car parks, destinations (including supermarkets) and other charging hubs, with only some being provided on the highway where absolutely necessary.

## **1.8 Layout**

The internal layout of the new Garden Town at Otterpool should promote sustainable travel options above that of private car use. Streets and connections within the development should encompass direct and legible walking and cycling routes to all public transport muster points and community hubs. Footways and cycleways, where possible, will be separated from major roads within the site and will be a safe and welcoming environment in which to travel through green corridors and to promote social engagement at every opportunity. Such routes will be equipped with seating at regular intervals to encourage sustainable journeys to be made by all sectors of the community including the elderly or mobility impaired.

Parking across the site will accord to standards as set out by the County Council and District Council. Rear parking courts will not be supported unless they are part of a thoroughfare with more than one means of access, are sufficiently overlooked, have ample turning provision and are the only viable parking option for those properties i.e. footway parking cannot take place at the front of the property. Car barns will only be supported if permitted development rights prevent them from being enclosed to form storage facilities. Garages will not be counted as a parking space. There will be sufficient visitor spaces across the site and best endeavours will be made to secure Traffic Regulation Orders to control commuter parking within the vicinity of the Westernhanger Station if required. Cycle parking will be provided in accordance with the standards for residential dwellings but also at community and retail and public transport hubs within the development.

The developer should avoid cul-de-sac roads and seek to provide a highway grid or loop road arrangement across the site to prevent unnecessary turning and increased mileage which in turn can add to air quality issues, noise pollution and unnecessary additional trip lengths. The roads within the site shall be laid out and constructed to an adoptable standard and the developer should enter into a Section 38 Road Agreement to have the roads transferred into the ownership of the Highway Authority in accordance with KCC Policy.



Primary schools to be provided within the development will be required to provide sufficient car drop off/pick up facilities clear of the public highway in addition to staff parking and a robust travel plan. Opportunities should be sought to share parking across the site with daytime car parks for community uses acting as overnight parking facilities for visitors and unallocated residential provision.

Based on all the above comments, there are a number of significant outstanding issues to be resolved with the application as currently submitted. KCC, as Local Highway Authority wishes to place a holding objection on the planning application until these matters have all been addressed in full by the applicant.

The Local Highway Authority welcomes further discussions with the applicant.

## **2. Transport Policy**

### **2.1 Rail**

KCC welcomes the focus on sustainable transport options and therefore supports the proposed enhancement to the existing Westenhanger Station, which will facilitate a more frequent rail service for the Otterpool Park development. The proposed works involve the extension of the existing down platform from 8-car to 12-car length, the construction of an entirely new up platform opposite the extended down platform (also to be of 12-car length), the provision of a new station building and car park on the south (London-bound) side of the station and connections to the existing highway network. The County Council acknowledges that lift access to platforms must also be provided within the new pedestrian overbridge to ensure accessibility of the station.

The proposal for bus interchange is considered essential, but would need to be supported by a new bus service for the Otterpool Park development. Detailed discussions and agreement would have to be sought with the County Council and bus operator and so the applicant should engage on this matter at the earliest opportunity. Any proposal to expand the car park with decking or structures to provide a multi storey facility will need to be on the south side of the station.

The County Council recognises the potential to enhance High Speed rail services with additional direct services to London being explored, with the aspiration for at least hourly direct services of less than 60 minutes journey time. This is an essential element of the expanded station and would need agreement from the Department for Transport (DfT). There is likely to be an expectation that the applicant guarantees to fund the net marginal operating costs (OPEX) for the first three years.

It is recognised that the proposed development will have an impact on rail patronage, however, it is difficult to quantify the impact at this stage. The implementation of a high speed service at Westenhanger will also have wider implications, which must be considered. Further assessment work should be undertaken in discussion with Network Rail, the new South Eastern franchise operator and the DfT and changes to rail patronage should be monitored over time as the development phases are built out.

The forecast number of rail trips, which is also based primarily on existing trip patterns and service provision, is low. It is expected that existing service provision would be capable of accommodating the increase in patronage suggested by the forecast. There is a need for a revised assessment of passenger demand, based on likely patronage from the new Otterpool population.

Overall, it is recommended that the applicant continues to engage with Network Rail to secure the changes proposed within the Transport Assessment in respect to rail.

## 2.2 Freight

The current Airport Café lorry park located on the Otterpool Park development has provision for thirty spaces for overnight lorry parking. If the outline application is approved, the lorry park will be removed as part of the wider masterplan. The County Council is concerned about the reduction of overnight lorry parking spaces in the area, as the removal of these spaces will lead to displacement of Heavy Goods Vehicles parking in other, more unsuitable locations. KCC would therefore ask that equivalent alternative lorry parking provision is identified within the district. This is in line with Paragraph 107 of the revised National Planning Policy Framework (NPPF) stating the *“importance of providing adequate overnight lorry parking facilities, taking into account any local shortages”*.

The Stop 24 Service Area at Junction 11 of the M20 is adjacent to the planned development at Otterpool Park. This service area provides a vital role allowing motorists and especially HGV drivers rest and welfare facilities. Stop 24 also provides customs clearance to freight vehicles crossing the Channel via the Eurotunnel. If the UK was to leave the European Union without a Deal, then the use of this facility would be greatly increased for customs clearance. FHDC should therefore be sympathetic to the needs of this facility now and in the future

## **3. Provision and Delivery of County Council Community Services**

### **3.1 Infrastructure Requirements**

The County Council has assessed the implications of this outline application in terms of the delivery of its services and is of the opinion that it will have a significant additional impact on the delivery of these 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 a range of specific requirements outlined in the text below as well as in the table in Appendix A.

To determine the specific infrastructure required to mitigate demand arising from the proposed garden settlement at Otterpool Park, the County Council has modelled the population impact of up to 10,000 homes within a garden settlement within Folkestone & Hythe District. Otterpool Park is potentially a fundamentally different development from others within the District. The proposed development may change the nature of people who choose to re-locate to the District. Recent evidence from other large developments in Kent (such as Kings Hill, Tonbridge and Malling and Park Farm, Ashford) suggests Otterpool Park may attract a different and higher proportion of working people with children as people to the district and fewer retired people moving into the district. These requirements outlined below take some of this demographic shift into account. The outcome of this population modelling is included as Appendix B.

The County Council fully supports the approach to plan for the wider framework masterplan. It has modelled three scenarios to determine infrastructure requirements:

1. Up to 8,500 homes (current planning application submitted 1 March 2019)
2. Up to 10,000 homes (wider framework masterplan proposed by F&HDC Core Strategy Review 2019)
3. Up to 1,500 homes (remaining quantum to fulfil the wider proposal)

Any revisions to these housing scenarios will impact the infrastructure requirements and will require time to model.

The scale of development and its projected timescales present a momentous challenge to determine and reflect future changes in service provision in legal agreements relating to the funding for the infrastructure. This challenge will necessitate a flexible approach to ensure infrastructure can be funded and delivered over the long term. The proposed three tier approach to planning will help to respond to this challenge. The County Council would expect to see much greater reference to this approach in any future submissions by the applicant.

Please note that any costs associated with KCC's infrastructure requirements:

- are to be **index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment** (Oct-16 Index 328.3)
- are valid for three 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.

## **3.2 Community Infrastructure**

The applicant's Community Facilities Strategy refers to allowing nearby communities "appropriate access" to the new community facilities provided at Otterpool Park. Just as existing residents at Otterpool benefit from a range of community facilities across the locality, new residents will also benefit from these community facilities in the wider area. To develop the new community and weave it together with the existing community, the applicant must be mindful of providing for existing and new residents alike, with equal access to a range of community facilities rather than restricting access to the new community. One of the key principles of sustainable development is that the accessible services and open spaces should reflect current and future needs and support communities' health, social and cultural well-being<sup>1</sup>. Furthermore, it is important to create mixed and balanced communities<sup>2</sup>.

The County Council notes the submission of the Statement of Community Involvement accompanying the application. It requests that the applicant undertakes greater, more extensive consultation with the local community as the planning application progresses to ensure the community is fully engaged and their views on the full range of topics, including the stewardship and governance arrangements, are captured.

## **3.3 Education**

### **3.3.1. General Principles**

Given the scale of development, it is a challenge to forecast school places arising from this development over the longer term. In light of this, the County Council must safeguard both land within and potentially outside the development, as well as secure developer contributions to ensure there is sufficient education provision over the long term<sup>3</sup>. The Department for Education's recent guidance underlines the need to factor in the demographic profile of new

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<sup>1</sup> National Planning Policy Framework (NPPF) para 7 (b)

<sup>2</sup> NPPF para 62 (b)

<sup>3</sup> Securing developer contributions for education, Department for Education, April 2019

communities when calculating education requirements and the need to secure sites large enough to meet the maximum need generated by the development<sup>4 5</sup>. Pupil yield factors should be based on up-to-date evidence from recent housing developments<sup>6</sup>. Housing development should mitigate its impact on community infrastructure, including schools.

### **3.3.2. Education Review Mechanism**

Given the uncertainty of the exact quantum of school places required over the lifetime of this development, the County Council is supportive of the “monitor and manage” approach proposed by the applicant in the Community Facilities Strategy. The County Council welcomes support from the applicant to monitor housing quantum as part of this approach. However, it is important to remember that it is the County Council who has the statutory duty to ensure that school places exist for all resident statutory school aged children who require one. School place planning remains the responsibility of the County Council as the Local Education Authority.

To support this ‘monitor and manage’ approach, it may be more useful to survey new residents earlier than the proposed 1,000 homes. An initial residents survey at 500 homes may provide more timely information for the purposes of school place planning. It should be noted that the data obtained from such a survey may not be wholly reliable, as the residents would not be under a duty to provide such information. If there is a low response rate to the survey, the figures may be skewed. The review mechanism to ensure demand created by the development can be met will still need to take a formulaic approach<sup>7</sup>, which is then influenced by the survey response.

Further, the applicant’s proposal regarding the determination of “Final Yield” contained in section 3.56 of the Community Facilities Delivery Strategy will need further consideration. Such final yield cannot be determined within the first 30 days of a facility opening. Yield is subject to a variety of factors, all of which change over time. For example, the stated aspiration is that provision is available early in the phases of development, a time when pupil yield may well be lower. The purpose of the Education Review Mechanism is to enable the County Council and the developer to respond proactively to these changes.

The County Council confirms it can provide geographic data to support the Education Review Mechanism. Data protection requirements will determine the level of detail which can be provided.

Documents supporting the applicant’s application refer, on more than one occasion, to the provision of school places to solely meet the needs of children resident at Otterpool Park. It is an important principle that Otterpool Park must be self-sufficient in terms of education provision. However, there must be a recognition that in law, parents have the right to express a preference for the school their child will attend, and the relevant admissions authorities have

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<sup>4</sup> Education provision in garden communities; Department for Education, April 2019

<sup>5</sup> Securing developer contributions for education, Department for Education, April 2019

<sup>6</sup> Securing developer contributions for education, Department for Education, April 2019

<sup>7</sup> KCC’s DRAFT “Education Modelling and Timing” shared with the promoters January 2019

a legal duty to comply with that preference if they are able to do so. In practice, parents of children resident at Otterpool Park may choose a primary or secondary school place at a school outside of the development. The impact of their decision may be that children from outside the development may be allocated a school place within the development. The allocation of school places is determined on a range of criteria, including distance from home to school. Again, the purpose of the Education Review Mechanism is to understand the travel patterns of pupils, to be able to plan accordingly to achieve its core purpose of ensuring children resident within the development can access a local school place.

The cost to the County Council of monitoring school places must be funded through developer contributions. The County Council will confirm its role in reviewing education requirements as part of further discussions with the District Council and applicant.

### **3.3.3. Education Delivery**

The applicant's Governance Strategy refers to a "joint commissioning process" to deliver the school and identify the promoter. As outlined above, the County Council is the sole body with statutory responsibility for commissioning education provision. The provision of education is regularly subject to reviews by government with a view to improving education delivery and it is reasonable to assume that the legal landscape for education commissioning will change, possibly more than once, during the delivery period of Otterpool Park. The County Council must ensure it is able to discharge its statutory obligations and exercise its education function in the way that complies with relevant legislation and planning policy at the time a decision is made about the planning application. The County Council cannot agree to anything which might lead it to act *Ultra Vires* now or in the future, inhibit its ability to discharge its statutory functions, or in a way which would fetter its discretion. Therefore, in accordance with current practice<sup>8</sup>, the County Council requires that the land required for school provision is transferred to it freehold under its General Transfer terms (Appendix C), and at nil cost, together with the required financial contributions to enable it to commission school places<sup>9</sup>.

The County Council notes reference in the applicant's Governance Strategy to an Education Campus and is willing to explore the potential for this, possibly bringing primary, special educational needs and secondary provision together. This Strategy also suggests schools may be required to play a wider role in the community. The applicant cannot seek to dilute a school's primary purpose, to educate children in line with the national curriculum. At this stage schools cannot be expected to meet requirements that go "above and beyond a standard approach". As part of the provision of new schools and associated sports facilities (indoor and outdoor), it is anticipated that such spaces will be available for use by the community outside school hours. However, such use cannot be assumed, and thus cannot be considered as a solution to the leisure and recreation needs generated by new developments. The Department for Education's recent guidance<sup>10</sup> outlines the measures needed to secure the shared use of school facilities only where appropriate.

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<sup>8</sup> KCC Development Contributions Guide

<sup>9</sup> Development and Infrastructure - Creating Quality Places, Kent County Council

<sup>10</sup> Education provision in garden communities, Department for Education, April 2019

The County Council agrees that there is additional construction cost to building schools in phases. Recent capital projects indicate the additional cost on building out 1FE primary school and then a further 1FE to build a 2FE primary school in total can add £2m to the construction cost. These construction costs would need to be met by the applicant.

Whilst the total land take required for each school can be identified at this stage, any further breakdown of floorspace is subject to building regulations and building bulletins. This breakdown cannot be specified within this outline planning application nor within the section 106 agreement.

Decisions about the construction and school design will be made by the determining planning authority at the Reserved Matters stage, in consultation with the applicant. Operational decisions remain the remit of Local Education Authority in consultation with the school promoter, the District Council and other stakeholders.

#### **3.3.4. School Locations**

The County Council notes the indicative locations of the schools on the applicant's Parameter Plans and illustrative drawings. The County Council reserves the right to comment on the suitability of the location of any school until further discussions have been held with the County Council, District Council and the applicant. Please note, the County Council expects each school site to be level, above flood level and adequately drained, in line with the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix C and D respectively.

The County Council notes the inclusion of Phasing Plans and Parameter Plans submitted with the application. The County Council believes the Phasing Plans may be too detailed and unnecessarily fixed at this stage of the planning process. Rather than comment in detail on these plans, the County Council proposes the applicant reviews and amends the Parameter Plans in collaboration with the District and County Council, as well as with other stakeholders. To aid this review, the land take required for a range of school sizes is included as Appendix E. Once the County Council agrees the quantum of education provision, this land take should be reflected in any revised Parameter Plans.

When the applicant starts to masterplan each phase, there must be close liaison with KCC Education and KCC Highways to determine the school layout and specific access arrangements.

#### **3.3.5. Education Requirements**

In light of the recent population modelling<sup>11</sup>, the table below summarises the maximum quantum of education that will be required to mitigate the impact of development arising at Otterpool Park. (Further detail is provided in Appendix F):

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<sup>11</sup> KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019



**School Yields up to 8,500 homes (not including older persons' housing)<sup>12</sup>**

<b>Education Type</b>	<b>Pupil Numbers (up to)</b>	<b>Forms of Entry</b>	<b>Delivery</b>
Nursery and pre-school provision	783	x 15 nursery settings	52 place nursery provision included in each new 2FE primary school. Further provision made through community facilities, and the construction of commercial premises suited to private sector providers.
Primary school provision	2914	x 6.9 two form entry primary schools	x7 2FE primary schools on site Possible early provision off site Release safeguarded sites should it be evidenced that these will not be required
Secondary school provision	1584	up to 10.6 form entry school	Majority of secondary school places will be met on-site via one new secondary school and one secondary school as part of a wider education campus.
Sixth Form (A-Level)	471		Include alongside secondary school provision
Further Education	236		Provided by the private sector and East Kent College
Specialist Education Provision	75	up to x 75 place specialist education provision	Single facility, co-located alongside one of the primary or secondary schools in an 'education campus'

<sup>12</sup>KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

### School Yields up to 10,000 homes (not including older persons' housing)<sup>13</sup>

Education Type	Pupil Numbers (up to)	Forms of Entry	Delivery
Nursery and pre-school provision	949	x 18.2 nursery settings	52 place nursery provision included in each new 2FE primary school. Further provision made through community facilities, and the construction of commercial premises suited to private sector providers
Primary school provision	3533	x 8.4 two form entry schools	x 8 2FE primary schools on site Possible early provision off site Release safeguarded sites should it be evidenced that these will not be required
Secondary school provision	1926	up to 12.8 forms entry school	Majority of secondary school places will be met on-site via one new secondary school and one secondary school as part of a wider education campus.
Sixth Form	558		Include alongside secondary school provision
Further Education	279		Provided by the private sector and East Kent College
Specialist Provision	92	up to x 92 place specialist education provision	Single facility, co-located alongside one of the primary or secondary schools in an 'education campus'

#### 3.3.6. Early Years and Childcare

Kent County Council has a duty to ensure early years childcare provision in Kent as set out in the Childcare Acts 2006 and 2016. Government policy<sup>14</sup> is clear that developer contributions must help fund nursery provision required as a result of new housing growth. In addition, the policy is clear that some of these early year places will be provided through settings with primary schools. It is anticipated that the private and voluntary sector will continue to provide the majority of places in the early years and childcare sector. 52 place nursery provision would be included in each new school. Further provision would be made through community facilities, and the construction of commercial premises suited to private sector providers.

<sup>13</sup> KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

<sup>14</sup> Securing developer contributions for education, Department for Education, April 2019

Potentially eight 52 place provisions will be required by 2031, with 18 nurseries required for the full 10,000 units.

The County Council supports the creation of nursery spaces in other community buildings, and through appropriately placed/design commercial settings. However, there is the need for the Promoters to make a solid commitment to this provision in other settings before the County Council would agree to reduce any developer contributions. Alternatively, the County Council may collect developer contributions for nursery provision and apply those contributions to support the adaptation of commercial buildings for nursery provision.

### **3.3.7. Primary Education**

The wider framework masterplan proposes up to 10,000 homes. Not including the older persons' housing, this quantum gives rise to up to eight 2FE primary schools<sup>15</sup>. The expectation is that Otterpool Park will meet the education requirements created by the development. The proposal is projected to give rise to additional primary school pupils from the date of occupation of this development. These primary school places can only be met through the construction of new primary schools on site, potentially temporary provision on site and the possible enlargement of Sellindge Primary school off site.

The provision for primary education including land and build costs should be secured within the section 106 agreement.

The County Council requires a financial contribution towards the construction of the primary schools on site. A 2.05 hectare site is required for each 2FE school and nursery. The County Council requires the appropriate land to be made available on site. The County Council requires that the land required for school provision is transferred to it freehold under its General Transfer terms (Appendix C).

The County Council's standard rate for financial contributions towards primary schools is based on a standard school design. The County Council notes the applicant's aspirations for "outstanding community infrastructure"<sup>16</sup>, alongside further design ambitions laid out in the Otterpool Charter<sup>17</sup>. If enhanced school design increases the capital cost of construction, as well as the longer term maintenance, both would require mitigation by the applicant.

The County Council notes the applicant's suggested delivery options for primary school sizes. The County Council welcomes the safeguarding of land adjoining the proposed primary school sites to enable expansion, should this be required. The County Council advocates this approach to all Local Planning Authorities as good planning policy. However, as discussed previously with the applicant, KCC's planning guidelines identify that primary schools are best delivered as 2FE provision (420 places)<sup>18</sup> where possible. This allows for the most efficient deployment of resources and is preferred by most parents. Whilst KCC's planning principles

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<sup>15</sup> KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

<sup>16</sup> Promoters' Design and Access Statement

<sup>17</sup> Published November 2017

<sup>18</sup> Kent Commissioning Plan for Education Provision in Kent 2019-2023

do not preclude the creation of larger primary schools<sup>19</sup>, and indeed Kent has a number of 3FE primary schools, KCC would not wish for this to be considered the default solution to meeting the needs of Otterpool Park should pupil yields exceed the standard County averages.

KCC's demand modelling has shown that other large development sites generate greater school place demand than other smaller sites. The County Council would wish to see a better balance of proposal to meet this likely demand, through a combination of safeguarded 2FE school sites and land adjoining proposed primary sites. The intention of the Education Review mechanism must be to continually assess demand, and enable the release of safeguarded sites should it be evidenced that these will not be required. It is also important that any safeguarded land to enable a primary school to expand to 3FE is sufficiently large, of a regular shape (to allow for the space to be fully utilised including for any sports provision), fit for purpose and undivided.

The promoters have indicated a total site size of 2.3ha for 3FE. This is the DfE minimum for 630 pupils<sup>20</sup> (ie 3FE primary without nursery). As the community strategy states nursery classes will be included in primary schools, the minimum site area for 711 pupils is 2.6ha, with a maximum of 3.2ha. Minimum site sizes do not seem to be in keeping with the aspirations set out in the documents accompanying the application, which seem to want to set the bar much higher than this. As land is being safeguarded, and may be released at a later date for development if demand is lower than anticipated, it would seem prudent to safeguard on a maximum rather than minimum basis.

It is important to consider place making principles when planning for school sizes and two form entry schools are most appropriate to a garden settlement. It is also important for the applicant to articulate the overall vision for Otterpool Park itself as a new place for people to live, work and visit and how this vision then ties into provision for schools as well as other community infrastructure. The provision of 630 school places in the first primary school is not in keeping with the applicant's garden settlement place making aspirations nor potentially the new community's ambitions. Otterpool Park's overall landscape setting should influence the size of each primary school, ensuring it is appropriate to its surroundings. Three forms of entry are more typically located in more urban settings where housing densities are greater.

The County Council notes the indicative locations of the primary schools on the applicant's illustrative drawings. The County Council will reserve the right to comment on the suitability of the location of the primary schools until further discussions have been held with the District Council and the applicant. Please note, the County Council expects each school site to be level, above flood level and adequately drained, in line with the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix C and D respectively.

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<sup>19</sup> Kent Commissioning Plan for Education Provision in Kent 2019-2023

<sup>20</sup> Promoters' Planning and Delivery Statement

There may be the opportunity for the applicant to fund off site provision for the initial demand for primary school places arising out of the development. This will be dependent on the timing of delivery. There may also be a requirement throughout the development to fund temporary provision and travel costs for pupils until the primary school reaches a certain size. This will be dependent on the pace of housing delivery both on site at Otterpool Park and potentially at other residential sites in the locality.

The County Council may also require a proportionate contribution towards the acquisition of land off site for the purposes of providing early or temporary primary school places or both. The site acquisition cost will be based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change as the Local Education Authority has a duty to ensure provision of sufficient primary 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.

### **3.3.8. Secondary School**

The proposal is projected to give rise to a need for additional secondary school places from the date of occupation of this development. As indicated in the table above, KCC's population modelling indicates up to 10,000 homes at Otterpool Park may generate up to thirteen forms of entry of secondary school demand across the lifetime of the development.

The County Council anticipates meeting part of the demand created by Otterpool Park through the expansion of The Harvey Grammar School (a selective boys' school) and Folkestone School for Girls (a selective girls' school). Other off-site solutions may be possible and necessary, especially in the early years of the development. The local authority is able to propose expansions of the schools it maintains, but not that of free schools and academy schools, which are outside local authority control. Any decision to extend academies or free schools will be subject to a decision by the Secretary of State and therefore cannot be guaranteed. It should be noted that all secondary schools in Folkestone and Hythe District, and all but one in Ashford Borough are, at the time of writing, outside of the control of the County Council.

The provision for secondary education, including land and build costs, should be secured within the section 106 agreement. The County Council may require a proportionate contribution towards the acquisition of land off site for the purposes of expanding these schools to provide secondary school places. The site acquisition cost will be based upon current local land prices, subject to indexation and increases in market value. Any section 106 agreement would need to include a refund clause, should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Sustainable travel patterns and transport choices are central to the applicant's vision for Otterpool Park. This requires the majority of secondary school places are being provided on site rather than necessitating travel across the District or into neighbouring districts if any spaces are identified.

The applicant has put forward a requirement for one 10FE secondary school. Secondary school sizes can be as large as 10FE, however there are only two such secondary schools in the County. Ten forms of entry are not the County Council's preferred choice of secondary school size, and parents are not keen on schools this large. Secondary schools with six to eight forms of entry are the preferred size because of the allocation of resources. Planning for a school with almost 2,000 pupils on a single site is not in keeping with the landscape led master-planning principles and the applicant's place making ambitions for Otterpool Park. Therefore, the County Council remains of the view that the District Council should be looking to protect in policy two secondary school sites within Otterpool Park. In line with the County Council's comment above, one of these being a campus solution, or even an all-through school is something the County Council would be willing to support.

The County Council is not aware of any other opportunities to secure land locally for the purposes of a second secondary school. At this stage, the County Council is unable to identify additional land outside of the site that could be secured for education purposes or through future planning applications. This planning application presents the most appropriate opportunity to secure the required land take within the development and contributions to deliver the secondary school places required to mitigate the impact of this development and the wider masterplan framework. The County Council's preferred option is to identify and safeguard a second site within the development that could deliver secondary school places alongside other education provision for example primary or special educational needs places.

Therefore, the County Council expects to see a second secondary school site identified within the development and included within future submissions by the applicant. Land take required for a variety of secondary school sizes are included as Appendix E.

Please note that the County Council expects each school site to be level, above flood level and adequately drained, in line with the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix C and D respectively.

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.

### **3.3.9. Special Educational Needs**

Approximately 3% of pupils have Education, Health and Care Plans that set out the provision needed to support the child, and this provides statutory protection. The major growth areas have been Autistic Spectrum needs, Speech and Language needs, and Social, Emotional and Mental Health needs.

Otterpool Park development is expected to generate the need for up to 92 additional special school places (assuming 10,000 homes). There is no capacity to provide these school places off site. It is envisaged these places may be provided via a new special school in Otterpool Park, co-located alongside one of the primary or secondary schools in an education campus.

The applicant would be required to provide the land on site and capital funding to deliver this special educational needs school and for this to be secured within the section 106 agreement, alongside the other infrastructure requirements.

### **3.3.10. Sixth Form**

Given the applicant's planned housing trajectory, there will be a requirement to provide sixth form places on site at Otterpool Park from 2031. Any new secondary schools on site at Otterpool Park and any Grammar school expansions off site to mitigate the impact of development will require sixth form provision. The specific requirements are outlined in the table above or on page 35 and 36.

This provision for sixth form places, including land and build costs funded by the applicant should be secured within the section 106 agreement.

### **3.3.11. Further Education**

Further Education addresses vocational post-16 education needs, i.e. people being educated in a setting other than a sixth form. The needs arising from Otterpool Park will be met by the private sector and East Kent College.

## **3.4 Other Community Infrastructure**

To mitigate the impact of the development, the County Council requires a quantum of space in community facilities to deliver its services; including social care, community learning, early help (younger people from birth to 25 years) and public health. These services are delivered either directly by the County Council or commissioned through a range of other local organisations. The County Council is willing to consider gifting a capital asset (the community space) to whatever stewardship body may be chosen in return for use of that space when required and developer contributions towards any maintenance charge. When not required by these groups, the stewardship body can rent this space to other local community groups to generate income for itself.

The exception to this is libraries, which will require dedicated space in a community facility, as detailed below.

The County Council recognises there needs to be flexibility built into delivery mechanisms to ensure that service providers can respond to the changing needs of the community and

changes in how services are delivered. The County Council has worked closely with other providers on previous community facilities to identify the potential components of a community hub and will continue to work with the District Council and the applicant on the proposal for Otterpool Park, though discussions are at a very early stage.

Other providers such as health and the voluntary sector also have a key role to play using community space to deliver services at Otterpool Park. The County Council would support the provision of flexible space, which different service providers could access as the community's needs evolve over time. The County Council will also consider the scope for co-locating services and dual use of facilities, though there may be some limitations to integration with other uses as a result of child protection and asset management considerations. Practical opportunities to co-locate will be considered, particularly where there are wider community benefits.

The community spaces must be designed to be accessible to a full range of users. Each facility will require a changing place,<sup>21</sup> and larger facilities will require sensory facilities. They must be fully accessible to all and fully compliant with the Equality Duty Act (2010) and any relevant building regulations such as British Standard BS8300 which includes but is not limited to ramp access, electric opening doors and height adjustable kitchen worktops etc. Any community facility must also provide capacity and capability for charging electric vehicles. Specific detail is provided under Appendix G. The applicant is requested to fully involve KCC in the design of the community facilities to ensure they are appropriate for all users and uses.

The County Council would be grateful to receive further detail of the health hub and community facilities in light of the requirements set out in this response and would welcome future discussions with the District Council and the applicant at the earliest opportunity.

### **3.4.1. Community Learning**

The provision for Community Learning (formerly known as adult education) is not mentioned specifically in the planning application, however this development will create a demand for this service.

To accommodate the increased demand on this service, the County Council requests space to deliver classes within a community setting on site, as well as developer contributions to equip the space and set up the classes. The service will include the delivery of adult numeracy and literacy classes. The community space will need to be suitable for a full range of users and accessible to a range of clients.

This provision for community learning, including capital build costs, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the section 106 agreement.

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<sup>21</sup> Changing Places toilets for severely disabled people to be made mandatory in new buildings used by the public, under government proposals. Buildings covered will include shopping centres, supermarkets, sports and arts venues  
<https://www.gov.uk/government/news/new-public-buildings-to-have-changing-places-toilets-for-severely-disabled-people>



### **3.4.2. Libraries**

KCC is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

To mitigate the impact of this development, the County Council will need to provide additional library services to meet the additional demand directly created by the development. The County Council therefore requires a fully equipped, dedicated space within a community facility on site to deliver library services. The library space will need to be suitable for a range of uses and accessible to a range of clients. It can be co-located with other community uses.

This provision for libraries, including capital build costs, equipment, book stock, rent free use of space and initial start-up costs funded by the applicant, will need to be secured within the section 106 agreement.

### **3.4.3. Early Help**

Early Help includes services for young people from birth to 25. To accommodate the increased demand on KCC services, the County Council requires space with a community facility or facilities to deliver and commission children's centre services, other specialist children's services, youth services as well as wider public health services. The County Council also requires external space co located with the community facility to provide outdoor play space for example a skate park Some of these services could be co-located within the proposed health hub as well as other community services.

This provision for Early Help including capital build costs, equipment, rent free use of space and initial start-up costs funded by the applicant should be secured within the section 106 agreement.

### **3.4.4. Social Care**

The applicant must recognise the importance of placing delivery of social care and public health alongside the wider health agenda. There is a requirement to ensure all these services are appropriately provided for at the proposed garden settlement. This will include provision of employment and community space for delivery of both social care and public health funded by developer contributions.

The proposed development will result in additional demand upon social care, which includes services for older people and adults with Learning or Physical Disabilities. All available care capacity is fully allocated already and there is no spare capacity to meet the considerable additional demand arising from this development. In addition, the social care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from this new development.

The County Council welcomes the 648 extra care housing units to accommodate older persons' housing needs identified in the application. Alongside care home and extra care facilities, there will also be a requirement for sheltered housing. To further mitigate the impact of this development, KCC requires:

- a proportionate monetary contribution **per household** towards assistive technology
- space within the community facilities to deliver social care services local to the development delivered by KCC or a third party.
- employment space within proposed health hub as mentioned below
- the applicant must ensure the delivery of:
  - 1% of total units (85 homes) Wheelchair Adaptable Homes as part of the affordable housing element on this site, with nomination rights given in consultation with KCC Social Care
  - 1% of total units (85 homes) Wheelchair Adaptable Homes as part of the private housing on this site, with nomination rights given in consultation with KCC Social Care

The County Council supports the approach of using the Encompass model at Otterpool Park. The County Council could link the community navigation and social prescribing contract to this model once it is in place. This would be dependent on additional funding from Clinical Commissioning Groups.

The application, including the Community Facilities Strategy and the Health Impact Assessment, does not incorporate the positive learning from Healthy New Towns concept, including the experience at Ebbsfleet, North Kent. For example, the application lacks sufficient focus on the needs of those living within the development with dementia.

In their future submissions, the applicant is required to review their proposal to take greater account of social care requirements, including:

- designing Otterpool Park to include those who need support for example due to illness, disability or old age. This would include reviewing and amending the masterplan and the approach to designing community buildings and public realm
- understanding the needs of those who may need to access social care services and ensuring this influences the Community Facilities Delivery Strategy
- community space for delivery of social care services, alongside delivery of health services
- employment space for social care teams, alongside space for health professionals

The applicant should consider the Joint Health & Well Being Strategy (2015 to 2021)<sup>22</sup> and the Kent and Medway Sustainability and Transformation Plan<sup>23</sup>, which provide more detail on the integrated health and social care model for Kent and Medway.

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<sup>22</sup> <https://www.kent.gov.uk/about-the-council/strategies-and-policies/health-policies>

<sup>23</sup> <https://kentandmedway.nhs.uk/stp/>

This provision for social care, including assistive technology, capital build costs for employment and community space, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the section 106 agreement.

### **3.4.5. Public Health**

If the ambition is to embed health and well being from the start of development, there must be a commitment to public health. The Joint Health and Well Being Strategy (2015 to 2021)<sup>24</sup> provides further policy context on both the social care and the public health needs that must be considered by the applicant. In addition, Kent and Medway's Sustainability and Transformation Plan for Kent and Medway<sup>25</sup> provides further detail.

Public health services, some of which will be required to mitigate the impact of development at Otterpool Park from the outset and all of which will be required to mitigate the impact of development over the long term, include:

- Smoking Cessation
- Sexual Health Services
- Substance Misuse Services
- Health Visiting
- School Nursing
- Suicide Prevention
- Child Measurement Programme
- One You (covers obesity, alcohol and smoking)
- Live Well Kent (focused on mental and physical wellbeing)

Demographic profiling within the applicant's Health Impact Assessment relies on existing data from Folkestone and Hythe District. The demographic profile of the proposed garden settlement is likely to differ significantly from the district's current profile. For example there may be a potentially younger profile, which will impact a range of health indicators and must be considered by the applicant. The County Council would like to engage further with the applicant and District Council to ensure that the Otterpool Park Health Impact Assessment considers this potential for demographic change.

This provision for delivery of Public Health services, including capital build costs for employment and community space, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the section 106 agreement.

In order to embed health and wellbeing from the start of development, the County Council recommends that there must be a commitment to public health, including consideration of The Joint Health & Well Being Strategy (2015 to 2021)<sup>26</sup>, and the Kent and Medway's Sustainability and Transformation Plan for Kent and Medway<sup>27</sup>.

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<sup>24</sup> [https://www.kent.gov.uk/\\_\\_data/assets/pdf\\_file/0014/12407/Joint-health-and-wellbeing-strategy.pdf](https://www.kent.gov.uk/__data/assets/pdf_file/0014/12407/Joint-health-and-wellbeing-strategy.pdf)

<sup>25</sup> <https://kentandmedway.nhs.uk/resources/kent-medway-sustainability-transformation-plan/>

<sup>26</sup> [https://www.kent.gov.uk/\\_\\_data/assets/pdf\\_file/0014/12407/Joint-health-and-wellbeing-strategy.pdf](https://www.kent.gov.uk/__data/assets/pdf_file/0014/12407/Joint-health-and-wellbeing-strategy.pdf)

<sup>27</sup> <https://kentandmedway.nhs.uk/resources/kent-medway-sustainability-transformation-plan/>

The County Council notes that any issues with staffing for the local healthcare facilities are likely to be alleviated by more available housing. There is need to consider the staffing for the school public health service and health visiting, as these costs are borne by the local authority. These services would also benefit from the use of meeting spaces in community hubs included with the proposed masterplan for Otterpool Park.

It is important that any building intended for community use can be used as a true community hub and meeting place for the new community. The County Council is also supportive of green spaces for leisure activity as there is clear evidence that these have additional benefits to indoor leisure spaces.

The County Council requests that active travel continues to feature heavily in any design, including the use of bicycles to encourage modal shift. The provision of bus services to the neighbouring towns of Ashford and Folkestone could further encourage modal shift - providing sustainable transport options for commuters and those wanting to access local services.

The County Council also requests that the applicant considers dementia friendly standards and standards such as the Lifetime Homes Design Criteria to ensure that the new development meets the needs of the diverse new community at Otterpool Park.

## **3.5 Other Infrastructure**

### **3.5.1. Off Site Strategic Transport Requirements**

The applicant is advised to refer to the Highways and Transportation section of the Kent County Council response.

### **3.5.2. Public Transport**

The applicant is advised to refer to the Highways and Transportation section of the Kent County Council response.

### **3.5.3. Off Site Public Rights of Way Improvements**

The application, through the Design and Access Statement, requires Otterpool Park to be an exemplar garden settlement. This exemplar status will be achieved, in part, through enhancing existing landscape features so they can be enjoyed by the community who both do and will reside at Otterpool Park. Improving the existing connectivity of these landscape features through walking and cycling routes is critical to integrating the new community with the existing community. The importance of these connections to the health of the new community is also identified in the Health Impact Assessment.

In order to mitigate the impact of this development, developer contributions will be required to improve off-site walking and cycling links and schemes with the development, as well as funding the construction of off-site Public Rights of Way improvements.

The provision for these improvements funded by the applicant should be secured within the section 106 agreement.

The County Council would welcome discussions with the applicant at the earliest opportunity on the list of priority network improvements that the KCC PRow and Access Service has compiled.

#### **3.5.4. Other Sustainable Transport Requirements**

The site should also include provision for electric vehicle (EV) charging points and EV sub stations within the development as well as provision for car sharing. All dwellings with private off-street car parking should have an electric vehicle (EV) charging point installed. Where communal car parks are proposed (for the district centres, for apartment blocks and other uses) EV charging points should be provided at a rate of 10% active and 10% passive of the total car parking provision. KCC would also welcome discussions regarding the need for on-street electric charging points as the travel plan has identified the need for 85 on street spaces to serve the development site.

#### **3.5.5. Employment Space**

The delivery of some of KCC's services, including public health and social care, will necessitate provision of employment space on site for professionals involved in the delivery of those services. This employment space could be provided as part of the proposed health hub.

The County Council would be grateful to receive further detail of the health hub and community facilities in light of this requirement for employment space and would welcome future discussions with the District Council and applicant to progress this.

The County Council would like to reiterate the importance of the delivery of employment space as part of a sustainable new community at Otterpool Park. Otterpool Park offers an opportunity to create a thriving hub of activity within the Gateway and Enterprise Quarter. The applicant should work with the District Council and County Council to ensure the delivery of a diverse range of employment spaces to meet the needs of different employment sectors. The employment spaces should provide high quality, flexible working spaces with access to sustainable transport options and gigabit capable broadband. The delivery of employment spaces within the Otterpool Park development, alongside residential development, should offer the opportunity for people to live and work sustainably at the new garden settlement.

#### **3.5.6. Heritage**

The County Council considers that there is an opportunity for people to become actively engaged in the site's heritage through participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist would be necessary to facilitate the delivery of such activities. KCC recommends

that this role is funded through developer contributions secured through the section 106 agreement.

The archaeological works, which are required to be carried out across the Otterpool Park development, will result in the production of an extensive archaeological archive, including physical artefacts and remains as well as paper and digital archives. Provision should be made for the long-term storage of, and public access to, the archaeological archive, funding for which should be secured through developer contributions secured through the section 106 agreement.

### **3.5.7. Waste Disposal**

In 2017, KCC Waste Management completed an Infrastructure Review to understand the impacts of the predicted population growth, up to 2030, on its network of Household Waste Recycling Centres (HWRCs) and Waste Transfer Stations (WTSs) in Kent. This took account of projected population growth for each district and modelled which HWRC residents are most likely to use based on their location. It also accounted for which WTS kerbside collected waste would need to be delivered into. At the time the review was undertaken, the population in Folkestone and Hythe was set to increase by 13.9% by 2033.

There are two HWRCs in the district of Folkestone and Hythe; Folkestone HWRC and New Romney HWRC. The review showed that Folkestone HWRC will be over capacity by 2025. New Romney HWRC is a newer site opened in 2010 and is currently operating under capacity, and based on population projections is set to remain under capacity for the modelled period up to 2030. Ashford WTS (where the majority of Folkestone and Hythe's kerbside collected food and residual waste is delivered) will also be over capacity over the modelled period. The District owned facility at Ross Way, Folkestone where the recycled materials are bulked is also unsustainable.

The proposed level of growth at Otterpool Park will have a significant impact on the KCC waste disposal infrastructure in the area. Growth of this scale will result in both the Folkestone HWRC, Ashford WTS and Ross Way being unable to cope with this increased level of throughput. Further capacity is required to mitigate the demand from the proposed growth outlined in this application.

Ashford WTS and Folkestone HWRC are constrained by location and neither have the ability to be expanded. As a result, KCC Waste Management requires a new co-located HWRC and WTS in the locality, in order to account and provide for the growth planned at Otterpool Park. A facility of this kind would have a capital cost of approximately £7 million to build at present, excluding the cost of land purchase, which would attract an industrial premium. There is the opportunity for KCC to work in partnership with Folkestone and Hythe District Council to identify a new WTS and HWRC site in the District.

As this new facility would provide additional capacity beyond that required by Otterpool Park alone and an improved service benefitting the wider community the applicant would only be expected to fund a proportionate share of this new facility.

The provision for the applicant's share of the waste disposal infrastructure funded by the applicant should be secured within the section 106 agreement.

### **3.5.8. Country Parks**

The proposed development is adjacent to Brockhill Country Park, a popular local park managed by the County Council, with a lake, open grassland and meadows, café, education and meeting facilities. Even if works begin upon commencement, the green infrastructure proposed by the development will take time to develop. In the interim, an upgrade to facilities at Brockhill Country Park will be required to mitigate the impact of additional visitors. The nature of this upgrade will need to be determined in discussions with the District Council and applicant, but may take the form of additional car parking or improvements to increase park and visitor accessibility. In addition, Brockhill can help to develop and support the new community as a more formal meeting space and a more informal social space for existing and new residents to come together in the early days of the development. There are existing, and potential future, volunteering opportunities, as well as possible health and wellbeing projects.

Any upgrade to Brockhill Country Park would also have longer term benefits to the development, for example Otterpool Park Primary Schools accessing Education and Training programmes, including Forest Schools that are delivered at the park.

The provision for these improvements funded by the applicant should be secured within the section 106 agreement.

## **3.6 Section 106 Agreement**

The County Council is of the view that the developer contributions identified above and included as a table in Appendix A comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the Otterpool Park garden settlement proposal on the provision of those services for which the County Council has a statutory responsibility. It is requested that the Local Planning Authority seeks a section 106 obligation with the developers and any other interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, officer fees and expenses incurred in completing the section 106 agreement.

Providing certainty for the delivery and timing of the infrastructure needed to support the proposed development, through securing them in the section 106 agreement, is critical to the acceptability of the scheme. The matters which should be secured in the section 106 agreement will be subject to further detailed negotiations in which the County Council would expect to be fully involved as they will relate to the provision of services for which it is responsible. These services includes infrastructure requirements outlined above and included as Appendix A below:

- Education – nursery, primary, secondary and Special Education Needs,
- Transport infrastructure, including strategic transport improvements, public transport, walking and cycling provision off site

- Library services
- Community learning
- Early help (including youth services)
- Social Care
- Public health
- Employment space capable of accommodating KCC services as identified in this response, alongside other requirements
- Heritage
- Waste Disposal
- Country Parks

The section 106 agreement should make provision for:

- The transfer of freehold land at nil cost and in accordance with KCC's General Site Transfer Terms attached as Appendix C
- The full cost of construction, including build and fit out costs
- Third party land acquisition, compensation and procurement costs
- Cost of Compulsory Purchase Order and similar procedures in respect of transport infrastructure
- Revenue contributions to fund the start of service delivery where appropriate
- County Officer monitoring fees

Further details of the specific requirements are as set out in this letter and the attached appendices. The County Council requires that these are set out in the next draft Heads of Terms submitted by the applicant.

Where appropriate, section 106 obligations should be reinforced by Grampian conditions to prevent development from proceeding before the associated infrastructure is in place.

In recognition of both the scale and complexity of this project, the County Council is keen to contribute effectively to detailed negotiations, including the section 106 and section 278 agreements, the drafting of relevant conditions, the evolution of the master plan, details pursuant applications and provision planning. Further discussions are required across a range of infrastructure requirements before determination of the planning application. The County Council will ensure that all relevant service departments engage at the appropriate stages. The County Council would consider appointing dedicated resources to support negotiations and legal support if the applicant funded this resource.

The County Council wishes to be fully involved in the negotiations with the developer especially in concluding a section 106 agreement, albeit recognising that it is for the District Council to ultimately agree. The County Council expects to be a signatory to these agreements. In the event that the applicant is unwilling to meet the requirements set out in this response, and KCC has not been party to agreeing the terms of the section 106 agreement, KCC would object to the proposal on the basis that:

- it would fail to satisfy the NPPF and its principles of sustainable development including those for infrastructure provision



- KCC would be unable to discharge its statutory duties for example as the Strategic Commissioner of Education Provision in Kent and as Kent's Strategic Highways Authority

The County Council notes that this application was made on behalf of Cozumel Estates in association with F&HDC as joint applicants of Otterpool Park. In light of this arrangement, the complexity of land ownership and the dual role undertaken by the District Council, the County Council asks for further detail, provided on a full and confidential basis, on the:

- respective arrangements, including landownership and the proposal for enforcement given District Council's interest (as landowner and Local Planning Authority), so it is considered early in the process and any side agreements can be put in place alongside the section 106 agreement;
- relationship between these various roles including any joint venture arrangements once determined; and
- section 106 mechanisms, three tier planning arrangements and governance approach, beyond the basic outline submitted with the application

### **3.7 Phasing and Housing Delivery**

The applicant is proposing an ambitious quantum of housing and an equally ambitious annual rate of completion. The County Council has some reservations about the deliverability of this annual rate of completion given historical rates of completion in the District. The Promoters have provided a greater level of detail for the phasing than is perhaps required at this stage of the process. The County Council believes these plans may be too detailed and unnecessarily fixed at this stage of the planning process. Further focus on reviewing and amending the parameter plans may be more appropriate at this stage to allow for the flexibility required to accommodate the delivery of development on such a large scale.

The County Council has reservations about delivering phase 1a and phase 1b in parallel and the impact this may have on developing the new community and delivering community infrastructure for the community as a whole. The County Council notes the approach to bringing forward phase 1A and phase 1B within the initial five years. Whilst the Promoters have reason, presumably relating to land ownership, to take this approach, the County Council continues to believe these reasons are insufficient to warrant commencing the development in this way. Bringing forward these two phases in parallel may hamper the communities from developing in a sustainable way, for example those residents in one phase will need to travel along the A20 to access services in the other phase for example the first primary school. As outlined in the highways chapter above, it is not conducive towards encouraging sustainable travel especially if the essential services and facilities are not opened very early on in the development. In particular, it is the Highway Authorities' opinion that phases should be built in the same locational area in order to ensure the maximum use of new services and in order to encourage sustainable transport. Kent County Council would therefore welcome further discussions on the submitted phasing plans.

### **3.8 Viability**

KCC understands that the overall package of infrastructure required is broadly capable of being funded by the development. It is expected that this site is viable, that the applicant has calculated values and costs to ensure these infrastructure requirements detailed in this response will be met through section 106 and other legal agreements<sup>28</sup>.

The applicant is commended for their placemaking ambitions; for example the vision outlined in their Creative and Cultural Strategy. However there must be a recognition of the impact of these ambitions on site-wide viability, in both the short and longer term.

The County Council welcomes the approach outlined in the application to capturing the uplift in land value to ensure the delivery of infrastructure on site, early on in the development. The County Council would ask for further detail on how this approach might work in practice.

The County Council will work with the District Council, the applicant and other partners in delivering large scale housing growth to identify and secure any relevant infrastructure funding to support the viability of this development. It will be necessary to demonstrate how the funding would help to accelerate the pace of delivery as that remains a key test for Government investment.

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<sup>28</sup> Updated Planning Practice Guidance paragraphs 007 and 009 requires developer contributions for Education infrastructure <https://www.gov.uk/guidance/viability>

## Appendix A – Draft Kent County Council Infrastructure Requirements.

**SITE: OTTERPOOL PARK, FOLKESTONE & HYTHE DISTRICT**

***DRAFT AND SUBJECT TO MEMBER APPROVAL***

<b>Homes (C2 units)</b>		643	51	694	
<b>Homes (C3 Units)</b>		7,857	1,449	9,306	
<b>Total Homes</b>		8,500	1,500	10,000	
<b>Total Population</b>		22,643	4,108	26,751	
<b>Service</b>	<b>Requirement</b>	<b>Quantum (8,500 homes)</b>	<b>Quantum (1,500 homes)</b>	<b>Quantum (10,000 homes)</b>	
<b>Education</b>	Nursery and pre-school provision	x 15 nursery settings	X 3.2 nursery setting	x 18.2 nursery settings	
<b>Education</b>	Primary school provision	up to x 6.9 two form entry schools	up to x 1.5 two form entry schools	x 8.4 two form entry schools	
<b>Education</b>	Off site and/or temporary primary provision	TBD	TBD	TBD	
<b>Education</b>	Secondary school provision	up to 10.6 forms entry school	up to 2.2 form entry school	up to 12.8 forms entry school	
<b>Education</b>	Off-site secondary provision	TBD	TBD	TBD	
<b>Education</b>	Sixth Form and Further Education	x 471 A-Level places	x 87 A-Level places	x 558 A-Level places	
<b>Education</b>	Sixth Form and Further Education	x 236 Further Education places	x 43 Further Education places	x 279 Further Education places	
<b>Education</b>	Specialist Provision	up to x 75 place	up to x 17 place	up to x 92 place	

		specialist education provision	specialist education provision	specialist education provision	
<b>Libraries</b>	Fully equipped, dedicated space in a community facility including book stock	TBD	TBD	TBD	
<b>Social Care</b>	Mix of residential, nursing, and extra care units	643 C2 units	51 C2 units	694 C2 units	
<b>Social Care</b>	Community and employment space	TBD	TBD	TBD	
<b>Social Care</b>	Contributions including capital fit out, maintenance charge, resourcing initial service	TBD	TBD	TBD	
<b>Social Care</b>	Assistive technology	TBD	TBD	TBD	
<b>Social Care</b>	Wheelchair adaptable housing	TBD	TBD	TBD	
<b>Public Health</b>	Community and employment space	co-locate with social care and NHS	co-locate with social care and NHS	co-locate with social care and NHS	
<b>Community Learning</b>	Community classroom space & contributions	TBD	TBD	TBD	
<b>Early Help</b>	Community space & contributions	TBD	TBD	TBD	
<b>Early Help</b>	Other specialist family/ children services	TBD	TBD	TBD	
<b>Waste</b>	New co-located Household Waste and Recycling Facility and Waste Transfer Station	TBD	TBD	TBD	
<b>Transport</b>	Public transport requirements	TBD	TBD	TBD	
<b>Transport</b>	Strategic highway network	TBD	TBD	TBD	

<b>Transport</b>	Off-site pedestrian requirements	TBD	TBD	TBD	
<b>Heritage</b>	Preparation of Heritage Strategy	TBD	TBD	TBD	
<b>Heritage</b>	Heritage Interpretation	TBD	TBD	TBD	
<b>Heritage</b>	Archaeological storage	TBD	TBD	TBD	
<b>Heritage</b>	Heritage interpretation facility(ies) or within other community venues	TBD	TBD	TBD	
<b>Heritage</b>	Community archaeologist	TBD	TBD	TBD	
<b>Heritage</b>	Heritage assets - sustainable use, enhancement, and conservation	TBD	TBD	TBD	
<b>Other</b>	Country Parks	TBD	TBD	TBD	
<b>Other</b>	Drainage and flood defence	TBD	TBD	TBD	
<b>Other</b>	Ecological Mitigation	TBD	TBD	TBD	
<b>Other</b>	Arts & Cultural delivery	TBD	TBD	TBD	
<b>County Resource</b>	Officer resource including education reviews and section 106 monitoring	Lifetime of development	Lifetime of development	Lifetime of development	
<b>Digital Infrastructure</b>	Gigabit capable fibre to the premise Enhanced 4G and 5G mobile services	n/a	n/a	n/a	
<b>Costs do not include capital cost of those assets developer/ infrastructure partner must build/ procure for example community buildings</b>					
<b>All costs will need to be index linked, subject to interest payments and late payment charges</b>					

## Appendix B - Population Modelling

Assumption 2.8 people per household

Current ONS projections assume average household is 2.20 within Folkestone & Hythe District and will reduce to 2.08 by 2031

2.8 projection similar to seen in study sites (Park Farm and Kings Hill)

	<b>8,500 homes</b>	<b>1,500 homes</b>	<b>10,000 homes</b>	<b>Percentage breakdown of age ranges</b>
<b>Home Types</b>				
Residential (C2 and C3) homes	8,500	1,500	10,000	
Residential C3 homes	7,857	1,449	9,306	
<b>Age Range</b>				
0 to 3	1,760	325	2,085	8
4 to 10	2,640	487	3,127	12
11 to 15	1,540	284	1,824	7
16 to 64	14,080	2,597	16,676	64
65+	1,980	365	2,345	9
Total population from C3 units	22,000	4,057	26,057	100
Residential C2 Units	643	51	694	
<b>Total population</b>	<b>22,643</b>	<b>4,108</b>	<b>26,751</b>	

## **Appendix C - General Site Transfer Terms**

1. The developer/landowner to provide a formal site investigation report by a competent registered expert confirming that the land prior to transfer is free from the following:

- contamination (including radiation),
- protected species
- ordnance
- rubbish (including broken glass)
- any adverse ground and soil conditions
- occupation
- archaeological remains

Should any of the above be present the developer/owner to implement an agreed strategy of remediation/removal prior to transfer to KCC.

2. The site to be a single undivided site, and regular in shape capable of accommodating sports pitches.

3. The County Council to be granted a Licence for access onto the site, prior to transfer for the purpose of surveying and carrying out technical investigations.

4. The site and any associated areas i.e. playing fields are fit for purpose, above flood plain level, adequately drained and close to public transport.

5. The site to be provided to KCC level, if works are required to do so then they shall be undertaken by the owner and to an agreed specification and form of works

6. The site to be clearly pegged out on site to the satisfaction of the delegated representative of KCC's Head of Property and fenced with GIS co-ordinates prior to completion of the transfer.

7. The site to be freehold unencumbered and conveyed with full title guarantee and vacant possession with no onerous covenants.

8. Prior to site transfer the developer/landowner is to 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 HGV's and other construction traffic.

9. Prior to the site transfer the developer/landowner is to provide, at their own cost and subject to KCC approval adopted services and utilities to an agreed location(s) on the site boundary of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aide upon transfer. Utilities to include, fresh water, foul, surface water, gas, electricity and telecommunications. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside

of the site boundary and KCC shall not be liable for any costs (including legal costs) associated with the installation and commissioning of such plant.

10. The owner to provide KCC with full surface water drainage rights to allow discharge of all surface water from the school site into the owner's infrastructure without the requirement for storage tanks.

11. The developer/landowner is to provide temporary electricity and water supplies to the site from the start of construction if formal permanent utilities are not yet present.

12. Prior to the use of the site for its intended purpose i.e. a school, an adopted highway (or highway capable of being adopted), which is suitable for the intended use of the site is to be provided up to a suitable point on the site boundary together with a suitable alternative vehicular access for deliveries etc., if required. The highway and any alternative access is subject to approval by KCC and no maintenance charges shall be borne by the KCC should the developer chose not to adopt the road.

13. The developer/landowner to provide separate entrance and exit points on to the adoptable highway from the school site, capable of satisfying the Highway Authority's 'in and out' access requirements.

14. No mobile phone masts, overhead cables etc within 250m of a school site and where possible the developer/landowner to impose a covenant that none will be erected within this distance of any site boundary.

15. Rights to enter so much of the adjoining land within the ownership of the Developer as is reasonably necessary to carry out construction works on the site. The County Council to be responsible for making good any disturbance caused to the reasonable satisfaction of the adjoining owner in the exercise of these rights.

16. The landowner to be responsible for the County Council's legal costs and surveyor's fees together with administrative costs incurred during negotiations and in completing the Section 106 Agreement, taking transfer of the land including Land Registry costs, the granting of any easements/licences, or any other documentation and any Project Management agreements.

17. Plan of the site to a scale of 1:1250 to be supplied prior to transfer showing site levels, access, boundaries and details of any adjoining development. The plan is to be provided in a suitable electronic format together with paper copies. GPS Coordinates are to be marked on the plan.

18. Adjoining uses should not cause interference, conflict or be inappropriate in any way to the use of the site i.e. the curriculum delivery for schools. This also includes adverse conditions disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting etc



## **Appendix D – Primary School Service Requirements (2 Form Entry Primary School)**

INCOMING SERVICES Electricity – 200 kVA (280A) Gas – 60 cu m/hr 430,000 kWh/year  
Water - 15 cu m / day, 4 l/s (63mm NB)

Fire hydrant: to be in the Highway adjacent to the School entrance and within 90m from an entrance to the school building. In accordance with the fire regulations: 200 dia 20 l/s fire supply.

Broadband – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and gigabit capable connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

DRAINAGE Foul water discharge is usually as water supply; with a 150mm dia outlet. Surface water is variable depending on ground conditions. For a typical school with a playground and small car park, a SW discharge rate of c. 60 l/s is required. Any restrictions on the flow will require attenuation tanks to be installed at no cost to the County Council.

NOTE Clearly these are indicative, and KCC would need to confirm exact requirements at the detailed design stages.

January 2017

## Appendix E - Education land take

School Type	Pupil Places	Land take required*
2 form entry primary school	420	2.05 ha**
3 form entry primary school	630	3.2 ha**
6 form entry secondary school	900 (excluding sixth form)	8.4 ha
8 form entry secondary school	1,200 (excluding sixth form)	10.5 ha
10 form entry secondary school	1,500 (excluding sixth form)	14.2 ha

\* Whilst the total land take required for each school can be identified at this stage, any further breakdown of floorspace is subject to building regulations and building bulletins and cannot be specified within this planning application nor the section 106 agreement. In the case of primary schools, this land take includes space for nursery provision

\*\* In their application, the applicant has indicated a total site size of 2.3ha for 3FE primary school land take. This is the DfE minimum for 630 pupils (i.e. 3FE primary without space for nursery provision). As the community strategy states nursery classes will be included in primary schools, the minimum site area for 711 pupils is 2.6ha, with a maximum of 3.2ha. Minimum site sizes do not seem to be in keeping with the aspirations set out in the documents accompanying the application, which seem to want to set the bar much higher than this. As land is being safeguarded, and may be released at a later date for development if demand is lower than anticipated, it would seem prudent to safeguard on a maximum rather than minimum basis.

## Appendix F - Education Infrastructure Requirements

<b>Education Type</b>	<b>Up to 8,500 homes</b>	<b>Up to 1,500 homes</b>	<b>Up to 10,000 homes</b>
Nursery and pre-school provision	x 15 nursery settings	x 3.2 nursery setting	x 18.2 nursery settings
Primary school provision	up to x 6.9 two form entry schools	up to x 1.5 two form entry schools	x 8.4 two form entry schools
Secondary school provision	up to 10.6 forms entry school	up to 2.2 form entry school	up to 12.8 forms entry school
Sixth Form	x 471 A-Level places	x 87 A-Level places	x 558 A-Level places
Further Education	x 236 Further Education places	x 43 Further Education places	x 279 Further Education places
Specialist Provision	up to x 75 place specialist education provision	up to x 17 place specialist education provision	up to x 92 place specialist education provision

## **Appendix G - Current Electric Vehicle Charging Specification for Schools and Community Buildings**

### **Schools**

- 100% of car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors (not including parents dropping off children) should have an electric charger installed.
- Recommended spec: Untethered, 22kwh Fast charger, 34Amp AC, Single Phase, smart (to enable school to monitor charging and recoup charging costs later or for users to pay at time of use)

### **Community Buildings**

- 100% of car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors should have an electric charger installed.
- Recommended spec: Untethered, 22kwh Fast charger, 34Amp AC, Single Phase, smart (to enable school to monitor charging and recoup charging costs later or for users to pay at time of use)

## **4. Digital Infrastructure**

The Government's Future Telecoms Infrastructure Review, published July 2018, states that all new homes and developments should have full fibre or gigabit capable connectivity (i.e. fibre to the premise). Similarly, all new housing schemes and developments should be planned for adequate and future proofed mobile connectivity (5G and enhanced 4G services).

As a result, the County Council considers digital connectivity meeting the above requirements will need to be provided to all residential, business and community premises in the Otterpool Park scheme.

It is requested that Folkestone and Hythe District Council considers a requirement for the applicant to provide 'fibre to the premise' (gigabit capable) to all buildings (residential, commercial and community) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings. The County Council requests that before development commences, details shall be submitted (via condition or as part of reserved matters) for the installation of fixed telecommunication infrastructure and Gigabit Capable Fibre Optic to multi point destinations and all residential, commercial and community buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

The County Council requests that, should the District Council be minded to approve the application, the following informative is included within any decision notice:

*The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises."*

In respect of the Utilities Delivery Strategy (February 2019), the County Council notes that at point 2.6.6, the document refers to a variety of speeds obtainable via Fibre to the Cabinet (FTTC). The County Council would like to advise the applicant that only speeds up to 80Mbps can at present be obtained via this method – the speeds quoted of 300Mbps and 1,000Mbps can only be obtained by full fibre (i.e. Fibre to the Home (FTTH)).

The County Council notes that the proposal is for FTTH in Otterpool Park – this needs to include all commercial, educational, community and business premises – i.e. full Fibre to the Premises (FTTP) to every premise. The Policy SS9, part 2a requires all residential, business, community and town centre buildings and public spaces to be enabled for ultra-fast fibre-optic broadband provided to the premises.

KCC recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next digital infrastructure is a fundamental and integral part of the project. Access to gigabit capable broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. The applicant

should liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. KCC understands that major telecommunication providers are now offering gigabit capable broadband connections free of charge to the developer. Developers should also work with mobile network operators to ensure that premises can obtain enhanced 4G and 5G services from all four mobile network operators.

The County Council notes that Openreach has been approached, alongside an alternative utility infrastructure provider, GTC. KCC understands that the intended benefit of connecting adjacent communities to benefit from the FTTP system can only currently be achieved if Openreach is the chosen supplier – as GTC currently does not offer this type of product as they bundle their work with other utilities in new build only and do not currently retro-fit to existing communities.

The County Council would therefore recommend that the applicant engages with the County Council prior to entering into any agreements to ensure that the intention of the project can be realised with the chosen supplier. KCC is happy to advise on the detail of any project prior to any supplier being selected and to assist the developer generally with telecommunications issues that may arise.

## **5. Minerals and Waste**

The County Council, as Minerals and Waste Planning Authority, has reviewed the Mineral Resource Assessment prepared by SLR Consulting (on behalf of Arcadis Consulting (UK) Ltd). KCC considers that the Assessment is comprehensive and has identified the main economic minerals that the Otterpool Park development potentially affects in the relevant Mineral Safeguarding Areas (MSA), which are safeguarded under Policy CSM5 of the Kent Minerals and Waste Local Plan<sup>29</sup> (KMWLP). The safeguarded minerals are:

- Sub- Alluvial River Terrace Deposits
- Silica Sand/Construction Sand – Sandstone: Folkestone Formation
- Limestone Hythe Formation (Kentish Ragstone)
- Sandstone – Sandgate Formation

The report has analysed each mineral for its economic potential using available data. The County Council has interpreted following conclusions within the Assessment:

- Sub- Alluvial River Terrace Deposits - A high proportion of fines (silts, clays) in the region of 35% renders this mineral (superficial) deposit as not economic to process (washing). Though quantities are not estimated (though the depth is estimated at 0.0-5.0m), the mineral is a superficial type and from the evidence available does not have a significant area of deposition. It appears to occur along past water courses and may well be described as a marginal deposit. The assessment concludes that the mineral is of an uneconomic nature.
- Silica Sand/Construction Sand – Sandstone: Folkestone Formation - The mineral is correctly identified as an important economic mineral that consists of an aggregate (building or soft sands) and an industrial mineral (silica sands). Whilst the depth of the deposit is not identified, regional geological information is used to infer a potential depth of 15m.
- Limestone Hythe Formation (Kentish Ragstone) - Previous working of this aggregate bearing crustal unit is correctly noted, and though the ratio of more economic Ragstone to Hassock horizons is not known, it is anticipated to be between 20-50% of the bed thickness of 10m. The mineral is identified as of high economic probability.
- Sandstone – Sandgate Formation - A deposit that has been used in Surrey as a foundry sand but has not been extracted in Kent for that purpose. There was limited brick making (of a high clay fraction part of the deposit) in Westenhanger historically, and the assessment concluded that the mineral to be of an uneconomic nature.

The Assessment then examines the potential yield from the Otterpool Park area of the economic minerals and states:

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<sup>29</sup> <http://consult.kent.gov.uk/file/4073744>

- Limestone Hythe Formation (Kentish Ragstone)- assuming a recovery of 30% of the material and a 10m depth with a density 2.7 tonne/cubic metres could come from the site, giving a yield of 17.2mt.
- Silica Sand/Construction Sand – Sandstone: Folkestone Formation- assuming a thickness of 5 metres and a recovery of 75% and a density of 1.6 tonnes/cubic metres the site could yield 1.1mt.

The Assessment considers the relevant exemption from the presumption to safeguard criteria in Policy DM7 of the adopted KMWLP. It concludes that extraction of the economic minerals would take a considerable length of time.

The Assessment states that it would take 57 years for the Kentish Ragstone to be extracted, given an assumed extraction rates of some 300,000 tonnes per annum [roughly half the total assumed Kent rate of extraction for this mineral].

The Assessment states that it would take eleven years for the Folkestone Formation deposit at 100,000 tonnes per annum [which is the equivalent 20% of the total assumed Kent rate of extraction for this mineral].

These extractions would delay the delivery of housing to a degree that would render the project unviable and contrary to the sustainable development strategy of the CSR.

The Assessment also questions the practicality of developing the site post prior extraction, particularly regarding the impact of the typical 15m deep quarried voids typically associated with the hard rock quarrying of this material. The permitted reserves of hard rock (Kentish Ragstone) are also sufficient to meet the adopted KMWLP objectively assessed need over the Plan period and beyond (assuming a 0.78mtpa extraction rate). In light of these conclusions, the sterilisation of these areas of Ragstone are considered to be acceptable, in that to do so would not jeopardise the steady and adequate supply of this type of hard rock derived aggregate into the future in Kent. The Assessment notes that this does not apply to the Soft Sands reserves, though makes the point that quarries producing Soft Sand are running at 58% capacity and there is 8.85mt of available reserves (which will only need replenishment toward the end of the Mineral Sites Plan period with 1.99mt [now 2.5mt]) based on 2017 aggregate monitoring data. The 'loss' of 1.1mt of windfall Soft Sand prior extraction has to be balanced with the need to deliver sustainable development overall, including the delivery of Otterpool Park.

The County Council, as Minerals and Waste Planning Authority, notes that the Mineral Assessment correctly identifies the nature and potential of the economic minerals that are threatened with sterilisation by the non-mineral development proposed at Otterpool Park. It goes on to make the case that their sterilisation is acceptable, in that it can be justified by invoking criterion (5) of Policy DM7 of the of the KMWLP. It is considered that the submitted Mineral Assessment evidence justifies this conclusion and an exemption from the presumption to safeguard the economic minerals present on the site is acceptable.

However, notwithstanding the above, the site for the materials recycling facility and anaerobic digestion plant at Otterpool Quarry lies within the site of the proposed development at



Otterpool Park. The facility was granted planning permission by KCC under reference SH/08/124. The planning permission has been implemented, and is therefore lawfully extant – however, the facility is not yet active. The site is safeguarded for waste management purposes under policy CSW6 of the KMWLP.

With regard to the Otterpool waste facility, consideration needs to be given to where the needs for the management of this waste stream can be met elsewhere, if required, as to not adversely impact the county's ability to self-sufficiently manage its own waste. This review is often carried out through an Infrastructure Assessment (waste) to satisfy Policy DM8 of the adopted KMWLP.

The County Council, as Minerals and Waste Planning Authority, is keen to engage with the applicant and the District Council at the earliest opportunity on this matter to resolve this conflict with the proposed development at Otterpool Park.

## **6. Public Realm**

### **6.1 Street furniture**

The County Council has a standard palette of materials for those areas of the highway which will be adopted by the County Council as Local Highway Authority as referred to in Chapter 1, page 26. The County Council relies on a standard palette in order to have confidence in the robustness and suitability of materials from a safety, ease of maintenance and cost perspective. Poorer quality materials can fail more quickly and be costly to maintain. Alternatives might be considered providing that they are “fit for purpose” provide the same function (including safety/robustness and other criteria), are no more costly than standard pallet costs and are readily available now and in the future. No commuted sums are required where the standard palette is used and applied.

When embedding public art in the public realm and street furniture, the applicant must consider the long term aesthetics and long term maintenance of these assets.

### **6.2 Lighting**

The County Council has reviewed the external lighting proposed within the Design and Access Statement (February 2019) (DAS) and welcomes the consideration of the environmental zone classification and reference to the Institution of Lighting Professional guidance document – Guidance Notes for the Reduction of Obtrusive Light.

It is best practice for the quantity and illumination of lighting proposed to be set at the minimum level necessary. It should be positioned and directed only where it is required to minimise glare, with the design of lighting complying with lighting levels, uniformity and other parameters of current and relevant lighting standards. All street lighting should be timed so that it is not illuminated during day light hours.

The County Council’s current policy<sup>30</sup> is for the all night operation of street lighting, but it does implement a dimming regime at a predetermined time of the night to reduce lighting levels and energy consumption. This is undertaken by the County Council’s Central Management System (CMS). The CMS operation is standard for all new lighting installations across Kent adopted by the County Council, so would also be required at the Otterpool Park development. Part night lighting would need to be discussed with the County Council.

The Design and Access Statement makes reference to the presence of feature lighting on key routes and fitments, to complement the character of the external areas. KCC requests clarity on whether this street lighting is proposed for adoption. The County Council has a palette of materials which are required to be adhered to for any equipment that is proposed for adoption. The Street Lighting List of Approved Apparatus immediately follows this section. There are likely to be further revisions of the Street Lighting List of Approved Apparatus at the detailed design lighting stages of the Otterpool Park development and so it is recommended that the

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<sup>30</sup> <https://democracy.kent.gov.uk/ieDecisionDetails.aspx?Id=878>

applicant enters into discussions with KCC on street lighting at relevant stages of the development to ensure they are working to the latest requirements and specifications.

With reference to street lighting column heights for particular routes, the County Council considers that the height of the required columns is largely dictated by the uniformity requirements for the specified lighting class. Higher levels of uniformity require taller columns.

The County Council does not use or adopt bollard lighting or solar powered lighting. The use of these types of lighting would need to be privately owned and maintained.

KCC notes that point 4.7.12 of the Design and Access Statement refers to figure 134 - 'Precedent images to illustrate building typologies'. The correct reference should be Figure 142.

### 6.3 Street lighting list of Approved Apparatus

Asset Type	Material Description	Specification	Manufacturer
Columns	Galvanised Steel post top column 5 / 6 / 8 / 10 & 12 m (Integral or separate brackets with approval only)	KCC coastal specification.  Unpainted unless approval sought and granted.	Stainton Fabrikat CU Phosco
	Flange plate columns (as above)	As above	Fabrikat
	Galvanised steel raise and lower post top columns 5 / 6m	Coastal specification Trent mid hinged range with normal door	Stainton
	Ornate columns <b>Commutated sums applicable</b>	Subject to approval	
Sign posts	Galvanised wide based post	G1 finish KCC Coastal Specification	Stainton Fabrikat
Embellishment Kits		Subject to approval	Metcraft

Luminaires	Material Description	Specification	Manufacturer
<b>Residential Roads</b>  To be procured with 7 pin NEMA socket.  To be ordered to Kent specification		P852K-12-R2B-NW-F0200-9W P852K-12-R2B-NW-F0300-13W P852K-12-R2B-NW-F0400-17W P852K-12-R2B-NW-F0500-20W P852K-12-R3B-NW-F0200-9W Highway Diamond 12 LED 200mA S4 Optics Highway Diamond 12 LED 300mA S4 OPTICS Highway Diamond 12 LED 400mA S4 OPTICS Highway Diamond 12 LED 500mA S4 LENS Highway Diamond 12 LED 600mA S4 OPTICS Highway Diamond 12 LED 700mA S4 OPTICS Highway Diamond 12 LED 200mA S8 OPTICS	CU Phosco             ASD
<b>Main Roads</b>  To be procured with 7 pin NEMA socket.  To be ordered to Kent specification		P863-16-P4-NW-F0300-17W P863-16-P4-NW-F0400-22W P863-16-P4-NW-F0500-26W P863-16-P4-NW-F0600-31W P863-16-P4-NW-F0700-37W P863-16-P4-NW-F0800-42W  P852K-12-R3B-NW-F0200-9W-footpath optic (same as on Minor schemes)  P863-32-R3-NW-F0300-32W P863-32-R3-NW-F0400-41W P863-32-R3-NW-F0500-51W P863-32-R3-NW-F0600-60W P863-32-R3-NW-F0700-69W P863-32-R3-NW-F0800-78W P863-32-C2-NW-F0500-51W P863-32-C2-NW-F0600-60W P863-32-C2-NW-F0700-69W P863-32-C2-NW-F0800-78W P863-32-C2-NW-F0900-87W P863-32-C2-NW-F1000-95W P862-64-C2-NW-F750-143W P862-64-R2-NW-F750-143W P862-64-P3-NW-F750-143W	CU Phosco
Ornate	Subject to approval	Birkdale / Muirfield ranges	Mike Bailey Associates

To be procured with internal node.  To be ordered to Kent specification	Commuted sums applicable		
Wall Mounted	Wall pack  Bulkhead	To be confirmed  To be confirmed	
CMS nodes / DCU / DCUR / network coverage design.	Control nodes to be fitted by the developer.	Telematics Wireless Control nodes.	Telematics Wireless
Sign Lights    Solar powered sign lights	LED    Subject to approval	LUA range (to include photocell): 3w for small plates (600mm and under)  8w for large plates (over 600mm)	Simmons signs
Photocells for sign lights		Microstar 35/18 lux	Royce Thompson
Signs, bollards, feeder pillars, boxes, beacons,	Material Description	Specification	Manufacturer
Sign Faces	Class 2 reflective		RBLI

School Crossing Patrol Signs	Pulsa LED	Pulsa LED magnetic switch School to take responsibility for programmable control unit	Simmons signs
Beacons	AVG-3 Refuge Beacon	Higlow Beacon Opal & non-flashing LED unit	Charles Endirect
	AVG-3 Belisha Beacon	Higlow Beacon Amber & flashing LED unit	Charles Endirect
	Midubel	Midubel Belisha Beacon LED unit	Simmons signs
Illuminated Bollards	Re-flex (Flexible)	LED base box	Haldo or other approved
	Safelite (600)	LED base box	Haldo
Solar powered bollards	Solaboll	Dual aspect LED	Pudsey Diamond
Non-Illuminated Bollards	Reflex Bollard	Metro Plus anti- twist	TMP
Pole and Wall Brackets and Boxes	Pole brackets		Pudsey Diamond
	Wall Brackets		
	Wall Boxes		
Feeder Pillars	Galvanised feeder pillar	3mm hot dipped galvanised steel to BSEN ISO1461	Charles Endirect Haldo Lucy Pudsey Diamond
Cut outs and Secondary Isolation	Lockable Safety Isolators	LSI 2, 3 & 4 range	Charles Endirect
Commando sockets		To comply with BS7671	

Cable Joints		To comply with BS7671	Birkett
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## **7. Public Rights of Way**

The County Council recognises that the following Public Rights of Way (PRoW) are directly impacted by the proposed development at Otterpool Park:

Public Bridleways:

- HE271
- HE271A
- HE317

Public Footpaths:

- HE221A
- HE274
- HE275
- HE277
- HE281
- HE302
- HE303
- HE314
- HE315
- HE316
- HE371

The locations of these PRoW are indicated on the extract of the Network Maps, at the end of this section. The Network Map is a working copy of the Definitive Map.

The County Council considers that the Otterpool Park development provides a significant opportunity to improve access across the site and offer sustainable transport options to the Otterpool Park community. The County Council notes that this is reflected in the submitted Sustainability Statement (February 2019), which covers the importance of reducing the reliance on private cars. This would have a range of benefits, including reduced localised congestion, improved air quality, reduction in traffic noise and the promotion of healthy lifestyles with an overall improvement to the connectivity to the wider area.

The County Council notes that the site currently has limited public access. The Design and Access Statement (DAS) states that Otterpool Park will provide excellent pedestrian connections across the site, linking the new community with the wider landscape and surrounding communities. The County Council would like to ensure that these opportunities for improved connectivity will also be delivered for cyclists and equestrian users.

### **7.1 Walking, cycling and equestrian access**

The County Council supports the proposed PRoW infrastructure, which will be complemented by bespoke green travel measures, building on the opportunities offered by the existing and proposed walking, cycling, equestrian and public transport infrastructure.

The use of Kent Design guidance<sup>31</sup> is welcomed and KCC expects that all PRoW within the site are retained and protected. KCC is pleased to see that all existing PRoW have been accommodated within the areas of green open space (apart from HE303, which appears to

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<sup>31</sup> <https://www.kent.gov.uk/about-the-council/strategies-and-policies/regeneration-policies/kent-design-guide>

be a dead end route). HE303 provides access to Ashford Road and the connectivity of this path within the development will need to be considered.

The full width of the existing PRow routes must be accommodated within the development layout and improved to a standard which can accommodate all year round use. The County Council is supportive of the submitted Walking and Cycling Strategy (February 2019), which looks to ensure that all walking and cycling routes are of high quality with all weather surfacing. Surface improvements will be required as part of the development to mitigate against the impact of the increase used generated by the new Otterpool Park. The applicant should be made aware that any proposed work on the existing surface of a PRow must be approved and authorised by the County Council PRow and Access Service.

The Walking and Cycling Strategy also states that the crossing facilities incorporated into routes that cross the A20 between the northern and southern parts of the development will give priority to pedestrian and cyclists (and equestrians, where there is a bridleway). The County Council is supportive of these crossing improvements, alongside the proposed safe crossing points over Otterpool Lane and the A20, between A261 and M20 to the existing footpath HE281. Additionally, the County Council requests that all access route crossing points over existing and proposed PRow within the site are kept to a minimum. Where crossing points are required, these will need to be approved by the County Council PRow and Access Service.

The County Council supports the proposed shared footway and cycleway on the southern side of the A20 to connect with a possible cycle route to Folkestone and improvements to provide cycle and pedestrian shared route access. The primary cycle path routes and footpaths that follow the primary access roads – which is assumed will become part of the adopted highway - will help towards more sustainable travel choices. The majority of proposed secondary cycle paths and footpaths are accommodated within traffic free green corridors or areas of open space and provide additional connectivity through the site and to the surrounding settlements.

The County Council's previous comments on the Environment Impact Assessment Scoping Report noted the limited reference to equestrian users. The County Council welcomes the inclusion of a number of additional bridleway routes included within the application. In line with Kent Design Guidance<sup>32</sup>, these routes have been accommodated within areas of green corridor. The routes provide essential links to the surrounding settlements, the wider network and recreational facilities, such as at the Royal Military Canal, the Saxon Shore Way and the Downs.

There is a lack of equestrian access from the site to the east. There is potential for the applicant to upgrade the existing footpath (HE281) to bridleway, with the view of securing further bridleway access through Sandling Park, providing links to Brockhill Country Park and Hythe. The County Council understands that is proposed that only part of the footpath HE281 that is within the site boundary and in the applicant's control that will be upgraded. However, the potential bridleway access outside the site boundary is something that should be explored as part of the external PRow network improvements.

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<sup>32</sup> <https://www.kent.gov.uk/about-the-council/strategies-and-policies/regeneration-policies/kent-design-guide>

## 7.2 PRow improvements

The Otterpool Park development will have far reaching impacts on the PRow network. The application identifies PRow links outside the site boundary, including for footpaths HE281 and HE293 - routes that will experience an increase in pedestrian movement as a result of the development. There are however, no specific details of external PRow improvement work within the application.

As referenced within the Otterpool Park Transport Assessment (February 2019), the development will be influenced by the travel needs of the existing and future communities. A balance is needed between providing a place to live and work and the amenities that the population needs, whilst providing easy connections to and from the neighbouring communities. The improvement of the external PRow routes will not only help mitigate the impact of the increase use from the development, but will also provide connections to these neighbouring communities, facilities and the wider countryside – and this will need to be secured via developer contributions. The County Council would welcome discussions at the earliest opportunity with the applicant and the District Council on the list of priority network improvements that the PRow and Access Service has compiled.

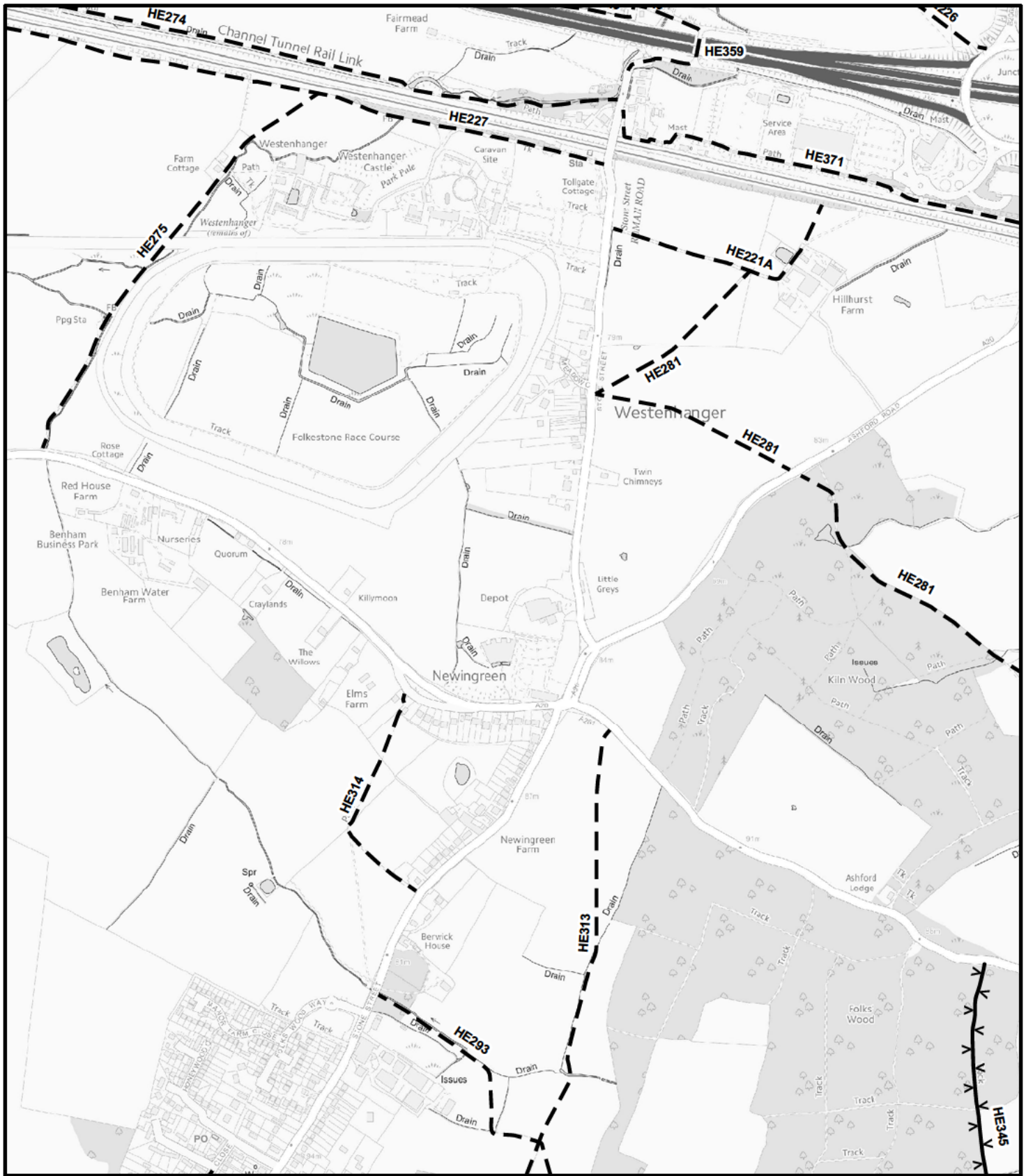
Overall, the County Council considers that public access within the site has been well considered. However, there are opportunities to further improve the sites access, to encourage sustainable travel patterns and further increase the opportunities available for recreation, active travel and exercise. The applicant should contact the County Council PRow and Access Service at their earliest convenience to address the issues raised and avoid any unnecessary delays to the planning process.

The applicant should also be aware that any PRow diversions must be considered at an early stage. Where it is probable that consent will be granted, it is sensible to initiate consultation on proposed alterations to the PRow network as soon as possible. It is important that Folkestone and Hythe District Council is in a position to make the necessary Orders at the point at which consent is given.

Lastly, the applicant should be made aware of the following:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1.5 metre of the edge of the Public Right of Way.
- Any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by the County Council for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the PRow and Access Service will need six weeks notice to process this.

### **7.3 Extract of the Network Map 1**



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

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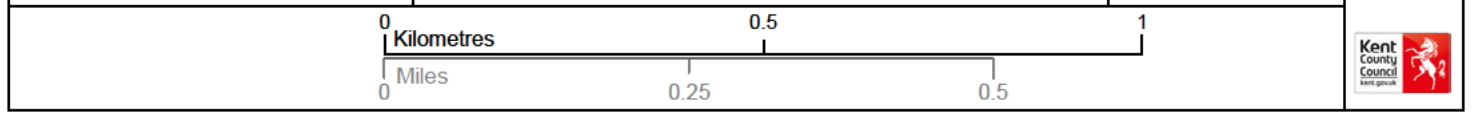
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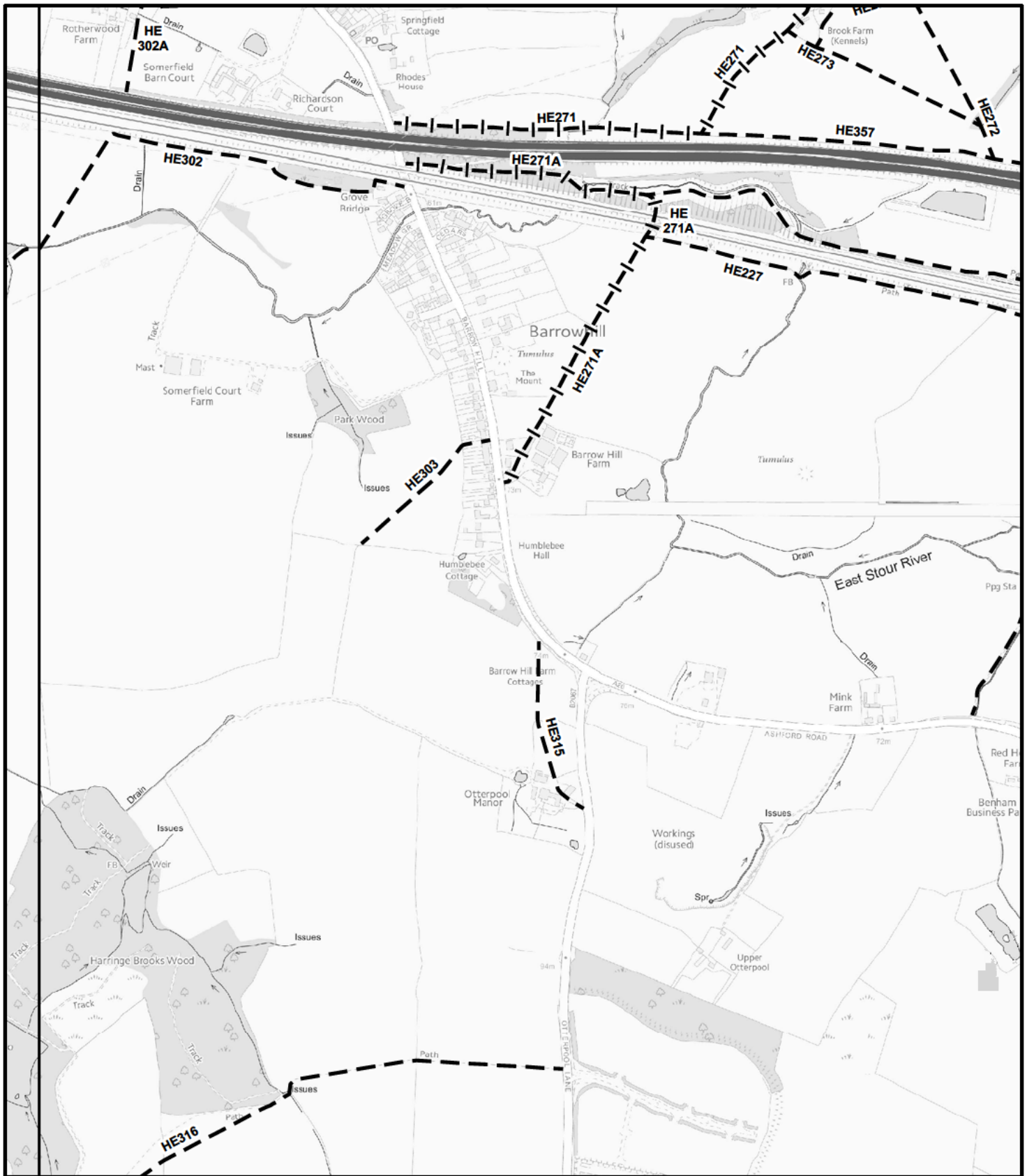
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## **7.4 Extract of the Network Map 2**



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

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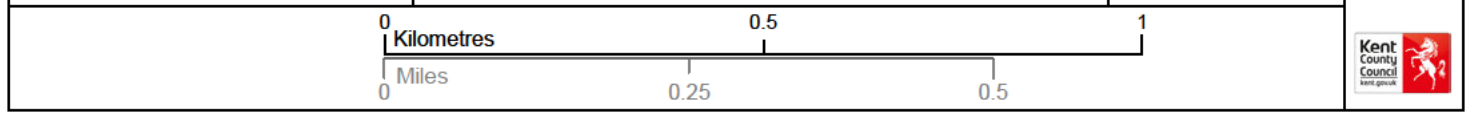
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## **7.6 Extract of the Network Map 3**





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

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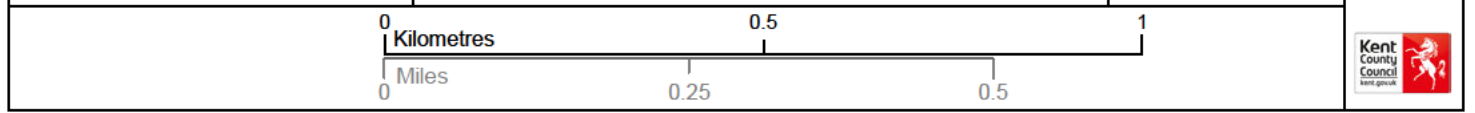
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**1:10,000**



## **8. Sustainable Urban Drainage Systems**

The Flood Risk Assessment and Drainage Strategy submitted to support this development applications demonstrates how surface water will be managed within the scale of development. It is proposed that surface water will discharge from the site at rates not to exceed greenfield runoff rates. It is agreed that this is an appropriate approach to ensure flood risk is managed. This states principles which need to be assessed as further detail design is undertaken for the next stages of planning.

It is particularly important as noted within the FRA that downstream flood volumes on the River East Stour are not increased. The development proposal identifies areas where infiltration can be utilised, and these opportunities should be maximised within detailed design. Re-use of surface water provides additional benefit in management of surface water volumes and reduction of potential flood risk downstream of the proposed development, though this is discussed, further detail should be provided to KCC as Lead Local Flood Authority.

NPPF promotes inclusion of sustainable drainage systems which are multi-functional. Any drainage provision should be provided which adopts a sustainable drainage approach with consideration of water quantity control, water quality protection, amenity provision and biodiversity enhancement. The information as submitted supports this approach but further detail will need to be provided as detailed design is progressed.

There are specific concerns in relation to level of detail provided for a development of this magnitude:

- a) The delivery time frame occurs over a lengthy planning horizon. It would be expected that changes will occur within the development delivered per phase. Any strategic drainage provision must be sufficiently flexible to provide for changes within the contributing catchment and also evaluate the timing of contributions to the River Stour.
- b) As there has been a commitment to ensuring that surface water flows to the River Stour do not increase, it is important that the baseline flow rate within Stour is defined downstream of the Otterpool development.
- c) A phasing plan has been included within the planning application - it must be clear how different phases and areas contribute strategically the strategic surface water drainage network.
- d) With delivery over a lengthy period of time and with possible changes in development which comes forward, there should be a mechanism which confirms that the baseline conditions in the Stour have not been exceeded. If surface water volumes have increased then mitigation should be proposed to ensure that the impacts to surface water flows and potential flood risk are mitigated.

KCC agrees and strongly supports the proposal for a more detailed Water Cycle Study to be completed with greater design detail in the next stage of planning which further assesses matters raised in the Outline Water Cycle Study and Flood Risk Assessment. The sustainable drainage and water supply benefits are mentioned but no specifics are presented. The ability to control surface water volumes may require a “consumptive” use in addition to maximising infiltration to manage excess volumes. A detailed Water Cycle Study should be undertaken prior to or in conjunction with further development of the next planning stage at Reserved

Matters. This study should define the baseline flows within the East Stour and a strategic drainage framework for the development.

The County Council recommends that any approval includes the following conditions:

**Condition:**

Prior to the submission of any application for the approval of Reserved Matters a detailed water cycle study and water cycle strategy shall be submitted to (and approved in writing by) the local planning authority, which provides a detailed framework for the sustainable provision of water cycle infrastructure, and which includes consideration of water supply and flood risk management objectives and promoting sustainable drainage solutions. A baseline for flows in the River East Stour shall be assessed and defined.

**Reason:**

To ensure the development is served by a sustainable water supply and ensure that satisfactory arrangements for the disposal of surface water are incorporated into the proposed layouts and occur to the environment.

**Condition:**

No development within each phase or Reserved Matter site shall be commenced until a surface water drainage scheme for the relevant phase has been approved in writing by the Local Planning Authority. The surface water drainage scheme shall comply with the principles and strategy as defined by the detailed water cycle study and water cycle strategy, incorporating sustainable drainage systems and maximising infiltration. The surface water scheme 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 and without resulting in any changes to the baseline conditions in the River East Stour.

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 the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

**Reason:**

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

## **9. Heritage Conservation**

The County Council has reviewed the documentation in respect of heritage conservation and is providing a strategic overview of some of the key heritage issues, which should be considered in the determination of this planning application. The County Council will also be providing detailed advice directly to Folkestone and Hythe District Council on this application, as the District Council's archaeological advisor.

### **9.1 Summary of main comments**

The Environmental Statement (February 2019) (ES) states that the "evaluation has provided sufficient information to develop an understanding of the heritage resource within the site and informed how mitigation is approached" (paragraph 9.4.5). The County Council does not agree with this statement. KCC considers that there is a clear and urgent need for further targeted archaeological evaluation works to be undertaken before the application is determined. If this evaluation is not carried out, there may be grounds to raise a holding object to the application in its current form.

The County Council does not agree with the assessment of the level of harm that the proposed development would cause to Westenhanger Castle, as set out within the ES, but considers that the harm is greater than suggested and that the current masterplan needs to be revised to mitigate against a case for objecting to the proposal on this ground.

The County Council considers that the whole group of prehistoric barrows on Barrow Hill should be preserved in-situ as a rare survival of a group of upstanding barrows, particularly in Kent. KCC also does not think that preservation within sports pitches or some types of open space may be appropriate if it would prevent the appreciation of the landscape context of the barrows. The County Council recommends that the proposed masterplan should be amended to allow meaningful preservation, in line with national policy.

A Heritage Strategy should be agreed before the application is determined. The County Council considers that the current scope of the Heritage Strategy should be revised to provide a positive and visionary strategy that explains how heritage benefits will be maximised, such that future residents can best appreciate, understand and enjoy their significance.

The County Council welcomes the principle of ensuring that Otterpool Park has a clear sense of identity. KCC considers that the rich heritage of the area must play an important role in the identity of the new settlement. The NPPF highlights the role that the historic environment can make to sustainable communities and the positive contribution that it can make to local character and distinctiveness. It is essential that Westenhanger Castle plays a major role in defining the identity of the new town.

The County Council notes that the ES does not make provision for the discovery of further important archaeological remains, beyond those already identified by the limited trial trenching undertaken to date. Further, presently unknown archaeological remains that may require preservation in situ should be expected and prepared for.

There is an opportunity for people to become actively engaged in the site's heritage by participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist would be necessary to facilitate the delivery of such activities. KCC recommends that this role is funded through developer contributions secured through the section 106 agreement.

KCC recommends that opportunities should be taken to allow new and existing residents to interact with and enjoy the heritage of the site. The ES commitments to the creation of on-site heritage interpretation, trails and walks are welcomed.

The archaeological works required to be carried out across the Otterpool Park development will result in the production of an extensive archaeological archive, including physical artefacts and remains as well as paper and digital archives. Provision should be made for the long-term storage of, and public access to the archaeological archive, funding for which should be secured through developer contributions via the section 106 agreement.

## **9.2 Archaeological assessment and evaluation**

The proposed Otterpool Park development has been subject to archaeological evaluation works to inform the proposed masterplan. The evaluation trenching carried out to date has been undertaken at a low density (approximately 3%) and only provides partial coverage of the site, having focussed so far on areas which could be easily accessed.

Reports have been submitted on the evaluation trenching undertaken to date. These form part of the baseline data supporting the ES. The County Council has noted that there are several errors within these reports, which may affect the soundness of some of the conclusions reached within the ES. The County Council has provided more detailed comments direct to Folkestone and Hythe District Council on this matter.

The County Council considers that in some areas, the ES has assigned too low a level of significance to heritage assets. In other instances, the magnitude of the effect of the development on an asset's significance has been downplayed. This has meant that some significant effects have been identified as non-significant in the Statement and as such, have not been given sufficient consideration in the masterplan.

It is highly likely that further important archaeological remains will be found within the Otterpool Park development area. These may include finds within areas already subject to trial trenching, in consideration of the low level of evaluation so far. By way of an example, evaluation trenching to the south-west of Otterpool Manor has suggested the presence of Neolithic features; however, within the scope of the limited evaluation, it has not been possible to properly characterise and understand whether this interest is of national importance. Similarly, the assessment of significance of the prehistoric barrows has been based on a very low level of evaluation. The County Council considers that if a precautionary approach to preservation in situ is not taken, there will be a need for further evaluation to determine significance before final decisions on development layout are made.

The County Council notes that the application suggests that the Neolithic interest is of medium importance (county or regional) – however, not enough evaluation has been undertaken to reach such a conclusion. The Neolithic interest may be of national importance and could require the masterplan for this part of the site to allow for the preservation of a large area. It is essential that further evaluation work is carried out at this stage of the design and planning process to ensure that any identified nationally important remains are preserved ahead of the reserved matters and design code stages.

The County Council recommends that archaeological trial trenching should take place at the former Lympne airfield site and adjacent to Link Park prior to the Otterpool Park outline planning application being determined. This area is identified within the Otterpool Archaeological Fieldwork Strategy (2017), prepared by Arcadis, as being an area of high archaeological potential. Geophysical survey has shown extensive archaeological remains across this area, but the precise character and their significance is not yet fully understood. It remains possible that the archaeological remains here could be of high importance. Additionally, this area of the site is identified as being of increased potential for Palaeolithic archaeology.

Appendix 9.16 of the ES provides a desk-based assessment for Geoarchaeology. This identifies the potential for Palaeolithic remains in various parts of the site, KCC considers there is clearly a need for further archaeological evaluation in these areas. Evaluation should take place in the fissure deposits and head/brickearth deposits as a minimum prior to determination of the Otterpool Park planning application. The Pleistocene and Early Holocene stratigraphic model should be updated with the results of the geotechnical investigations and the site should be characterised according to its Palaeolithic potential.

Additionally, further evaluation should be undertaken in areas of colluvium and across alluvial floodplains where geophysical surveys should also be undertaken to help identify subsurface stratigraphy. This work should be undertaken as soon as possible to help inform the layout of development or habitat creation.

Within the southern part of the Otterpool Park site, there are several buildings and structures associated with the use of Lympne airfield during WW2. Surviving airfield structures include various air raid shelters, pillboxes, RAF huts, battle HQ bunker and shelter, a gas decontamination building, a munitions store and other ancillary buildings. The County Council notes that the applicant has undertaken a screening assessment of these structures and has suggested that the battle HQ bunker and a Pickett Hamilton Fort (a type of retractable pillbox used at airfield locations that are nationally rare) are likely to meet the criteria for designation through listing. A second Pickett Hamilton Fort is suggested to be present, but could not be assessed because it was inaccessible, being buried under a spoil heap. The County Council considers that further information is required on the survival and condition of this second Pickett Hamilton Fort before it can be ruled out for listing. Indeed, the fact that it was observed in a sunken (retracted) state in 2005 might increase its significance if this means that its internal mechanisms survive.

Although other buildings and structures are not identified as possible listing candidates, KCC considers this should not automatically mean that their loss should be accepted. Retention of these military assets, individually and as a group would, in combination with the interpretation

and heritage trails already proposed within the ES, help ensure that the important role that RAF Lympne played in WW2 remained appreciable within the new settlement.

In the area of the recently identified Roman villa, the County Council considers that it would be appropriate to undertake further evaluation adjacent to Red House Farm and on the north side of the A20 Ashford Road to ensure that the full extent of the villa is properly understood and taken account of in the masterplan.

Overall, the County Council considers that there is a clear need for further targeted archaeological evaluation works to be undertaken before the application is determined. This information must be provided to mitigate against potential grounds for objecting to the Otterpool Park planning application.

The County Council also considers there is need for the assessment of the historic built environment provided by the applicant to be reviewed in relation to historic buildings of less than national importance and the setting of Conservation Areas. The County Council notes that Folkestone and Hythe District Council does not currently employ an in-house Conservation Officer, so KCC encourages that specialist advice is sought on this area.

### **9.3 Setting of heritage assets - Westenhanger Castle**

The County Council does not agree with the assessment of the level of harm that the proposed development will cause to Westenhanger Castle, as set out within the ES, and considers that the harm is greater than suggested.

The setting of Westenhanger Castle will be harmed due to the significance of the monument based on the current proposal and changes to the setting that will be incurred by Otterpool Park. The County Council does not consider the Otterpool Park development in its current form to be an enhancement to the setting of the monument. Whilst it is recognised that there may be some benefits delivering a positive impact, the overall effect is harmful.

The County Council does not consider that the proposed development will lead to substantial harm in terms of Paragraph 196 of the NPPF, but notes that substantial harm is a very high test. The NPPF requires that great weight should be given to the conservation of designated heritage assets - irrespective of whether the harm amounts to substantial harm, or less than substantial harm. The County Council currently considers the harm to be "very high", and although less than substantive, it is at upper end of the 'less than substantial harm' spectrum. Overall, the County Council does not think that the applicant's assessment of this harm is sufficiently thorough.

The County Council does not consider that the ES has properly considered the effect that the development will have on the setting of Westenhanger Castle. The application appears to have given greater weight to the view from the causeway back towards Westenhanger Castle, which is just one of many important views from and towards the castle. The NPPF defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced". The County Council considers that the ES has taken a too narrow view as to what constitutes the setting of Westenhanger Castle. It has focussed too heavily on a limited number of views,



rather than fully considering how the landscape setting of the castle contributes to how it is experienced.

Westenhanger Castle was once one of the very great houses in Kent and in the sixteenth century was under Royal ownership. It was set within a substantial deer park, which surrounded the castle on all sides. KCC acknowledges that to the north, the castle's setting has been harmed by the M20 motorway, domestic and Channel Tunnel Rail Link rail lines which have severed the castle from its estate to the north. The County Council considers that this makes the remaining aspects, particularly those to the west and south, more sensitive to change.

The County Council places special importance on the castle's southern aspect. This is because it is from the south that the castle was historically approached (by means of a tree-lined causeway). Also, historically, the castle would have included chambers that were designed to take advantage of the view south from the castle. It is here that KCC believes the more formal elements of the castle's landscape would have been located, including a walled garden immediately south of the scheduled area.

The County Council agrees that the south aspect has seen change since Tudor times, not least through the establishment of the racecourse. Nevertheless, the current openness that the racecourse provides helps visitors to Westenhanger understand that the castle was once set within a very extensive deer park, which historically extended as far as the A20 Ashford Road. The County Council considers that this openness is a key part of how the asset is experienced and thus is a key part of its setting.

The Otterpool Park proposal includes development that extends close to the scheduled monument to the west and east. The County Council considers that this development, which includes higher density development, encroaches too closely on the castle. It is noted that more extensive open space is allowed for to the south, but this does not extend fully to the Ashford Road, except for a reduced corridor along the line of the former causewayed approach. Resultingly, the ability to understand and appreciate the former extent of the deer park would be lost. The open space proposed to the south of Westenhanger Castle is too small and a significantly greater area of open space, that extends fully to the A20 Ashford Road, needs to be allowed for.

It is essential that the former status of Westenhanger as a great house set within a large park can be understood and appreciated. The current masterplan does not allow for such appreciation and should be revised accordingly to mitigate against a holding objection to the scheme on this matter.

#### **9.4 Setting of heritage assets - prehistoric barrows**

The applicant has provided a Statement of Significance for the prehistoric barrows that have been identified within the development area. Five of the barrows, four of which form the core of the group on Barrow Hill, have been assessed as nationally important and four of those within the application site have been noted as regionally important. The County Council does not agree with the conclusion that the outer barrows of the group on Barrow Hill should be

regarded as regionally important, as there has been insufficient evaluation to determine the character and significance of each of those barrows. Furthermore, there is an absence of analysis on how the individual barrows relate to each other as part of the group; or how they have been located in the landscape in terms of topography, aspect, natural features and other prehistoric monuments in the area. KCC considers that the group of barrows should be considered as a whole, and together regarded as nationally important. It should not be assumed that the larger barrows are the primary components of the group – it is possible that one of the smaller barrows is the earliest in date. Barrow 130, as an example, has not yet been dated and could have been constructed in the late Neolithic period. The possible ring ditch identified in Trench 96 to the arch of Barrow 114 may also be part of the group.

The group as a whole and its landscape setting should be preserved in situ as a rare survival of a group of upstanding barrows, particularly in Kent. Preservation within sports pitches or some types of public open space may not be appropriate if that would prevent an appreciation of the landscape context of the group. An appropriate level of open space should also be allowed around Barrow 44, which is located on a spur of higher ground to the east of Burnbrae. The proposed masterplan should be amended to allow meaningful preservation, in line with national planning policy.

## **9.5 Setting of heritage assets – farmsteads**

The County Council welcomes the initial assessment of the historic farms within the site and in the adjacent area (Appendix 9.3 of the ES). The report notes that the farms at Otterpool Manor, Upper Otterpool and Newingreen Farm survive relatively well as historic farms, but no recommendations have been made as the buildings fall outside the application site. There are farm buildings which lay outside of the site, of which their setting will be affected by the development within the site. It is important therefore that a sufficient buffer zone is provided within the Otterpool Park masterplan to ensure that these farms retain a sense of their farmland setting. KCC recommends that the masterplan is reviewed in this context and amended accordingly.

If historic farms have undergone partial demolition, or other development, the County Council considers that it may be appropriate to encourage any new development to use the layout of the historic farm for the location of new buildings.

## **9.6 Proposed Otterpool Park Heritage Strategy**

The ES commits the applicant to produce a Heritage Strategy for Otterpool Park – however this has not been provided with the application. This Strategy must be submitted ahead of determination of the outline application.

The County Council has been in discussion with the applicant and their consultant Arcadis on the production of the Heritage Strategy. However, KCC considers that the scope of the emerging strategy as proposed is more appropriate for an action plan for dealing with known heritage assets within the Otterpool site, rather than providing a true strategy.

The County Council considers that there is a need for a strategy that provides an overall heritage vision for the future development that builds upon and links back to the high-level aspirations described within the Otterpool Park Charter. The Heritage Strategy should consider how the benefits that the rich heritage brings to the site will be maximised in the immediate, medium and long-term and set out commitments as to how these goals will be achieved.

The emerging Heritage Strategy should consider how heritage will play an on-going role in shaping the identity of Otterpool Park and contribute to the overarching place-making objectives. The proposed Strategy should explain how the new community will experience and enjoy the historic environment of Otterpool, and in doing so, how the area's heritage can contribute to objectives around health, wellbeing, education and community.

The emerging Heritage Strategy should link with other relevant strategy documents, including the Cultural and Creative Strategy. It should also allow for future new discoveries and consider how these might be dealt with.

The emerging Heritage Strategy should also link to the draft Folkestone and Hythe District Council Heritage Strategy and explain how the proposed development might help deliver some of the aspirations and recommendations contained within the district wide strategy.

The County Council considers that the scope of the Heritage Strategy should be revised to provide a positive and visionary strategy that explains how heritage benefits will be maximised, such that future residents can best appreciate, understand and enjoy their significance. At present, the scope is too focussed on mitigating harm, not promoting positive benefits. The Strategy must be agreed with the County Council and District Council prior to the determination of this outline application.

## **9.7 Placemaking**

The County Council welcomes the principle of ensuring that Otterpool Park has a clear sense of identity. The rich heritage of the area must play an important role in the identity of the new settlement. The NPPF highlights the role that the historic environment can make to sustainable communities and the positive contribution that it can make to local character and distinctiveness.

The County Council considers that it is essential that Westenhanger Castle plays a major role in defining the identity of the new town. The castle is currently located just outside the planning application boundary. Potentially, if the castle were brought into the red-line boundary - the application could better ensure a long-term sustainable future for Westenhanger Castle.

The proposed development will cause harm to the significance of Westenhanger Castle. The NPPF describes how this harm should be weighed against the public benefits of the proposal. These public benefits must include heritage benefits, such as ensuring that the castle has a viable future.

The County Council considers that the application should positively develop new or existing uses for this nationally important heritage asset and that any future use of the castle promotes and supports public access to the site. KCC considers this has not been adequately addressed in the present application. The County Council is not satisfied that sufficient heritage benefits can be delivered at the castle if it is not included within the red-line boundary.

The character of the historic environment should be used to influence and help design the layout, form and character of the proposed new development. An initial Historic Landscape Characterisation (HLC) has been provided in Appendix 9.3 of the ES. It is recommended that it would be beneficial to use the predominant type of rectilinear fields with wavy boundaries (HLCT1.6) to influence the layout of the development, including the major transport routes, which in the current proposal appear as an imposed form not in keeping with the landscape.

The County Council recommends that the HLC should be updated periodically as new information becomes available, particularly in relation to archaeological remains.

As well as using the site's rich heritage to shape the new place, the County Council considers that it is essential that opportunities are built into the development that allow new residents to interact with and enjoy the heritage of the site. KCC welcomes commitments within the ES for the creation of on-site heritage interpretation, trails and walks. It is important that appropriate provisions are put in place (either through conditions or legal agreement) to ensure their delivery and on-going management.

Further, on-site facilities for heritage interpretation should also be included within the Otterpool Park development, either within dedicated spaces, or preferably integrated within proposed community venues, schools and public buildings.

The long-delivery timetable means that new residents will be living at Otterpool Park as development works progress. There will be a need for extensive programmes of archaeological investigation and recording throughout the development works. The NPPF explains that developers should record and advance understanding of heritage assets that will be impacted, and to make this evidence publicly accessible.

The County Council considers that there is an opportunity for people to become actively engaged in the site's heritage by participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist, funded through developer contributions secured through the section 106 agreement, would be necessary to facilitate the delivery of such activities. The County Council considers that this approach would be in line with garden settlement principles and the vision of the Otterpool Park Charter.

## **9.8 Archaeological mitigation programme**

The ES acknowledges that the proposed development will involve extensive groundworks to facilitate the construction of the new settlement, and that these groundworks are likely to have a significant and widespread impact on archaeological remains. There will also be impacts

from ecological mitigation works and the establishment of green and blue Infrastructure (including from advanced structural planting works).

The ES does not appear to make provision for further important archaeological remains beyond those already identified by the limited trial trenching undertaken to date. The County Council does not think it can be assumed that mitigation through investigation (by record) will be an acceptable response for all archaeological remains. Further presently unknown archaeological remains that will require preservation in situ should be expected.

The NPPF explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It also notes that “the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”.

Significant parts of the site have not been evaluated and are not identified for trial trenching prior to determination of the planning application. The County Council considers that this presents a risk, as there is a high possibility that nationally important archaeological remains could be present within un-trenched parts of the Otterpool Park site. If pre-determination evaluation is not carried out within all areas that will be impacted by development, KCC considers that it is essential that there is sufficient flexibility in the masterplan to allow for the preservation in situ of as yet unknown, but nationally important archaeology.

It is noted that sufficient flexibility is not currently identified or demonstrated. The County Council also considers that the ES incorrectly assumes that archaeological excavation would be a suitable response for any future archaeological discoveries.

The County Council acknowledges that there will be large areas of the site where archaeological remains will be present, but that much of the archaeology present will be of a level of significance such that their loss is accepted, providing that they are appropriately investigated and recorded. The ES sets out options for archaeological mitigation in paragraph 9.4.7. Where accepted, KCC agrees that such mitigation measures could be secured through planning conditions, as suggested in line with paragraph 9.4.10 of the ES.

The archaeological works will result in the production of an extensive archaeological archive, including physical artefacts and remains and paper and digital archives. Provision should be made for the long-term storage of, and public access to, the archaeological archive. The funding for this archive service should be secured through the section 106 agreement. Furthermore, the results of the archaeological investigations undertaken at Otterpool Park will need to be published.

At present, the ES allows for the archaeological preservation in situ of the recently discovered Roman villa close to the A20 near Red House Farm, part of a Prehistoric barrow group at Barrow Hill, and a single barrow located just north of the former racecourse straight.

The County Council would like to raise concerns about the proposal to preserve part of the group of barrows at Barrow Hill under playing fields and recommends that more information is required to understand whether this will result in meaningful preservation (including how this might be managed in the long-term).

The County Council would also welcome clarification of how the barrow adjacent to the former racecourse straight will be preserved. The ES states that the barrow will be preserved in situ under public open space (para 9.4.63), but such open-space is not shown on the masterplan drawings. KCC requests confirmation that this barrow will be preserved in situ - a meaningful area needs to be agreed between the County Council and the applicant.

Where archaeology is preserved in situ, an appropriately resourced plan must be put in place to allow for the ongoing management of the archaeology. KCC therefore recommends that the applicant is required to submit and resource an Otterpool Park Conservation Management Plan.

The County Council is keen to further engage with the applicant and their consultants to discuss the heritage conservation matters raised within this response.

## **10. Cultural Strategy**

The County Council welcomes the submission of the Cultural Strategy (October 2018) and endorses the Strategy's ambitions and recommendations. Cultural vibrancy helps to create sustainable and successful communities.

The County Council supports the approach to cultural learning in schools. KCC recommends that this is adopted as a priority and that new schools are designed and built in partnership with expertise to make sure this approach is embedded from the start.

Otterpool Park should aim, not to duplicate Folkestone's cultural infrastructure, but recognise Folkestone's critical role as a resource in providing activity for the Otterpool Park community. KCC recommends that the applicant considers how the new community at Otterpool Park will be able to reach central Folkestone by public transport to support, and benefit from, the day and night-time economy of Folkestone.

The County Council recommends that the applicant develops a programme of cultural co-location in Otterpool Park that sees space for cultural production and activity co-located with other community spaces and services such as libraries, health centres and community centres.

The County Council also recommends that the applicant includes co-working and short lease workspaces to support new ways of working within the Otterpool Park masterplan. The creative sector is predominantly freelance and co-working dramatically increases productivity and business success rates.

The County Council would also like to show support of the approach by the applicant that enables new communities to design and build their own homes, supported by local architecture and design businesses.

## **11. Stewardship Arrangements**

The County Council notes the governance arrangements as set out within the applicant's Governance Strategy. The County Council supports the approach to establish a new body or possibly bodies to manage a variety of assets within the development over the longer term. Discussions with the applicant to date have been at a very high level and the County Council requires further discussions with the District Council and the applicant in relation to governance and long term stewardship, in particular in relation to public realm and managing community buildings which will be required to deliver KCC services.

It cannot be determined at this stage whether schools can secure additional revenue streams, and this cannot form an integral part of any business model.

KCC is supportive of applying the multi-speciality community providers approach at Otterpool Park but would require that any future discussion includes both social care and public health, alongside health partners.

The County Council requires further consideration by the applicant of how community development and stewardship of the new development are connected. Going forward, the existing community should be more involved in shaping these two workstreams.

When developing the business model for the stewardship body, the applicant will need to consider the long term cost of maintaining high quality public realm. The County Council agrees it is vital to determine the ownership of a range of assets alongside their maintenance regime early on in the application process. The County Council is happy to discuss options for managing both the public realm and sharing community buildings providing these meet appropriate standards including safety requirements, accessibility and cost considerations. The County Council is willing to share previous experience from a range of sites from across the County to inform the stewardship arrangements.



## **12. Biodiversity**

The County Council is satisfied with the range of species/habitat surveys carried out by the applicant and considers that they provide a good understanding of the ecological interest of the site. An overview of the mitigation has been submitted, and in general, KCC is satisfied, however would like to raise several concerns. The County Council has provided further detailed ecological advice on this application direct to Folkestone and Hythe District Council.

The proposed dark corridors for bats appear to be very narrow, and the County Council is concerned that adjacent residential areas will result in a high light spill into these areas. KCC requests that the proposed buffer is incorporated into the site. It should be ensured that no lighting will be added within this dark corridor at a later stage.

The applicant should explore whether there is capacity within the north east of the Otterpool Park development to create the replacement water vole habitat.

The County Council notes the proposal for offsite breeding / wintering bird mitigation in response to the loss of habitat. However, mitigation proposal is on land outside the applicant's ownership – so it is not clear how the mitigation measures will be implementable in practice.

Overall, the mitigation that is proposed is being considered on a sitewide basis, but if approved, the development will be built out in phases. The County Council requests further clarity on the mitigation areas that can be developed in advance of the development taking place.

The habitats on site will be multifunctional, with a number of uses, including biodiversity mitigation, amenity and sustainable urban drainage systems – therefore, there is need to ensure that the proposed mitigation can be implementable, taking into account the constraints.

Open space areas will need to be developed in advance so that they have time to establish, before the various phases of development are occupied. These areas will need to be protected during the main development phases. The County Council is not supportive of any encroachment of residential uses into the areas identified for open space. KCC would also like to understand if the proposed sports pitches will have lighting – the area to the north east of the area is an area with good bat usage and flood lighting could have a negative impact on it.

The County Council requests that a Management Plan is submitted for the Otterpool Park development, should permission be granted for this application. There is a need to ensure that there is only one management plan for the whole site (as opposed to separate phase by phase Plans and Open Space Plans). The Management Plan must reflect the requirements of the Biodiversity Action Plan.

The County Council notes that there will be a need for updated surveys and monitoring of the site for through the construction process across the development.

The County Council notes that the applicant is proposing to create a 20% net gain, which is aspirational. This can only be demonstrated once the development has been implemented.

The Habitat Regulations Assessment (HRA) details that the air quality effects on Folkestone to Etchinghill Escarpment Special Area of Conservation (SAC) are not predicted to have any significant effect on the integrity of the SAC. The County Council advises that confirmation should be sought from an air quality specialist to confirm if the conclusions of the report are correct. The HRA provided details of visitor surveys undertaken by Arcadis at locations along the Folkestone to Etchinghill Escarpment SAC and at the Wye and Crundale Downs SAC. The surveys identified that a significant proportion of people use particular walking routes because of the proximity to their home and/or within 20 minutes maximum drive time. The HRA has assessed that when provided, green spaces are more likely to be used than designated sites.

The County Council agrees with this in theory, but green infrastructure may not be created during the early stages of the development. Therefore, there is a risk that there will be a short term increase in recreational pressure on the designated sites. Additional information is required to clarify why the applicant is satisfied that there will not be an increase in recreational pressure on the Folkestone to Etchinghill Escarpment SAC and at the Wye and Crundale Downs SAC.

## **13. Landscape**

The County Council recognises that due to its scale and location, the proposal will have an impact on the setting of the Area of Outstanding Natural Beauty (AONB) and would refer to the Kent Downs AONB Unit and Natural England on this matter.

## **14. Emergency Planning and Resilience**

The County Council recommends the applicant has a design-in approach to enhance landscape and community resilience against flooding, air and water pollution and other potential risks. The scale of this site presents the potential to deliver an exemplar scheme in terms of adaptation and mitigation of climate change impacts, such as:

- Periods of increased and reduced precipitation can be mitigated through managing water use and supply.
- Increased temperatures can be controlled through the use of shading and vegetation. Examples could include green-walls, pale coloured materials, positioning of units and the use of water features).
- Biodiversity should be enhanced through landscape design utilising connectivity and complex topography, shade and wetlands).
- Air quality should be optimised utilising for example extensive new woodland and street tree planting.
- A reduction in fire risk through avoiding conifers and non-native trees which create a heavy litter layer.
- Biosecurity could be enhanced through the avoidance of invasive non-native trees and shrubs, utilising local provenance native planting and natural regeneration while enabling dynamic natural processes across new natural habitats such as floodplain woodland and scrub which function without human intervention.

## 15. Climate Change

The County Council welcomes the inclusion of an Energy Strategy as part of the application. There are a number of positive proposed policies and technology installations set out within the Strategy relating to energy efficiency, renewable energy and electric car charging.

However, with the recent changes in Government targets to Net Zero Emissions by 2050, and the current draft Kent and Medway Energy and Low Emissions matching the net zero emissions target by 2050. The County Council would recommend that the applicant is more ambitious with regards to the standards that are being proposed for both residential development and non-residential development. The County Council would have expected the applicant to be targeting standards 20-30% better than building regulations. In addition, in light of the revised, accelerated targets, KCC would strongly recommend that the applicant considers the installation of a Central Heating and Power network (CHP) and district heating.

It is recognised that the idea of hydrogen fueled network may be too costly for the development, however, the County Council notes that Scotia Gas Networks (SGN) is currently reviewing the potential for hydrogen trials and questions whether the applicant should explore the potential for the Otterpool Park development to be part of this trial as well as looking at emerging low carbon Government Funding. The County Council would be happy to work with the applicant to explore opportunities further.

The technologies covered within the Energy Strategy are generally accepted – although the County Council questions whether solar water heating has been considered by the applicant.

It is recognised that technological changes are occurring continually, however, the County Council considers that the applicant should demonstrate a clear approach for the development in terms of an energy preference. Options are discussed within the Energy Strategy, and the applicant appears to be considering the use of gas for the development, following on to more electrically driven energy forms as the various carbon and cost drivers are introduced. The County Council requests the techno-economic model for this pathway. If the development is built utilising high fabric standards (eg. Passivhaus), this could potentially reduce the reliance on gas. Whatever the energy approach for the development, KCC recognises that there is need for high level investment in gas and electric infrastructure in the area, which is in turn, acknowledged by the applicant.

The County Council welcomes the recognition that smart technology will play a part in reducing energy and carbon emissions, although further detail on this is requested.

In March 2019, the UK Government announced intentions to implement by 2025, a series of measures to help reduce the UK's greenhouse gas emissions and tackle climate change, including the Future Homes Standard<sup>33</sup>. The applicant should have consideration of how this may impact the development at Otterpool Park.

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<sup>33</sup> <https://www.theccc.org.uk/2019/03/13/ccc-welcomes-government-commitments-to-new-low-carbon-homes-and-green-gas/>

The County Council has had discussions with the District Council on the matter of BREEAM Excellent and BREEAM Outstanding. Clarification should be provided as to whether this will be included in the Strategy.

Overall, the County Council considers that the applicant should further explore opportunities for adapting to climate change, heat, shade and water usage to ensure the development at Otterpool Park is environmentally sustainable.

## 16. Design

In 2018, Kent County Council commissioned Design South East to provide advice on how the county's public and private sector could deliver higher design quality more consistently, particularly in housing development. As part of this exercise, two workshops were held to facilitate a county wide dialogue on how the county could raise design quality, and equally importantly, deliver high quality consistently across all scales, types and geographies. These workshops attracted participation from local authorities, developers, housebuilders – including volume housebuilders – agents, consultants and statutory consultees. They identified a range of factors which would contribute to raising design quality across the County. Those factors most relevant to Otterpool Park are outlined below. The applicant is requested to consider these as the development progresses:

- Commit to and deliver collaboration in practice between stakeholders on the strategic decisions that impact on design quality at Otterpool Park - before, during and after the planning process.
- Ensure the Otterpool Park Place Panel is an integral part of the design discussions
- Work with the District Council to use design review as a tool for design dialogue and design quality management
- Engage the existing and future communities at Otterpool Park more constructively in the design debate generally and in the development of this garden settlement. Realise the value of a truly engaged public.
- Ensure future proposal aligns with Kent's Design Guide<sup>34</sup>.

As the applicant is seeking higher, exemplar design standards for community buildings (for example schools) then additional contributions may be required to fund these higher standards.

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<sup>34</sup> It is anticipated that the refreshed Kent Design Guide will be published in 2020.

## 17. Sports and Recreation

The County Council welcomes the provision proposed for sport, leisure and community facilities – which includes sports pitches and planned cycle and walking routes. It is recommended that the applicant takes account of Sport England's policies, guidance and standards in relation to sports and playing field/pitch provision<sup>35</sup>, as well as active design guidance to maximise the benefits from these provisions.

The current Government and Sport England's strategies for sport are very much focussed on tackling inactivity and supporting/encouraging under-represented groups to be active. Through the national Active Lives Survey, it was concluded that 25% of people nationally (24% now in Kent, 26% two years ago) are inactive and this is having knock on effects on physical and mental health, as well as individual and social/community development. Nearly 23% of the Folkestone and Hythe population are reported to be inactive and 33% are doing less than the Chief Medical Officer's guidelines of 150 minutes of sport / physical activity per week. Therefore, any development needs to consider a mix of formal and informal areas/spaces (indoor and out) where people can be active, including walking and cycling routes and open spaces.

At Ebbsfleet Garden City, Ebbsfleet Development Corporation is developing a Sport & Physical Activity Strategy as part of its work as a Healthy New Town. Sport and Leisure Consultancy (SLC) has been commissioned to assist with the Strategy and the consultancy has held a series of workshops with local stakeholders to develop a vision, objectives and an action plan. The County Council recommends that the applicant also considers this approach and suggests contacting Ebbsfleet Development Corporation / SLC to explore this further.

The County Council would also like to draw the applicant's attention to KCC's local strategic framework - Towards an Active County<sup>36</sup>, which may provide some useful local context to be incorporated into the proposal at Otterpool Park.

Shepway Sports Trust are a local provider that may be able to support local development opportunities – KCC recommends that the District Council considers options for Shepway Sports Trust to play a specific role within the Otterpool Park development.

The County Council is in agreement with Sport England that there is need for developer contributions to be directed at facilities for sports development and to facilitate the delivery of Active Design principles.

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<sup>35</sup> <https://www.sportengland.org/facilities-planning/planning-for-sport/playing-fields-policy/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/aims-and-objectives/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/playing-pitch-strategy-guidance/>  
<https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/facilities-planning-model/>  
<https://www.sportengland.org/facilities-planning/active-design/>

<sup>36</sup> <https://www.kentsport.org/about-us/towards-active-county/>



## **APPENDIX Y: KCC Meeting Minutes 24/10/2019**

**SUBJECT**  
Summary of Otterpool Scoping for 2020 modification  
discussion call

**TO**  
[REDACTED]

**DATE**  
29.11.2019 (Meeting 24.10.2019)

**PROJECT NUMBER**  
10029956

**DEPARTMENT**  
Ecology (Environmental Planning)

**FROM**  
[REDACTED]

**COPIES TO**  
[REDACTED]

Summary of discussion call 24.10.2019

Dear [REDACTED]

Many thanks for your time on the 24<sup>th</sup> October for the call to discuss the approach to maintaining the validity on the survey data for the Otterpool Park modified submission, which is due in 2020.

It was good to discuss the requirements for survey in 2020.

Arcadis agree that a mixture of a walkover survey to identify any significant changes on site, combined with proportionate resurvey (which can be compared with previous survey results to identify any changes) will be sufficient to inform the modified submission.

For clarity, the approach that is proposed initially to inform the assessment is presented below in Table 1.

*Table 1: Age of data used in the 2019 submission and proposed approach to updates for the 2020 resubmission*

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission
Designated sites	Information on the presence designated sites obtained from Magic Mapping in 2018.	New data to be obtained from Magic Mapping prior to submission
Ancient Woodlands	Information on the presence of woodlands listed on the AWI obtained from Magic Mapping.	New data to be obtained from Magic Mapping prior to submission
Kent BAP 'Mid Kent Greensand & Gault' biodiversity opportunity area	Information on BOAs obtained from Kent Nature Partnership.	Check for changes to be conducted prior to submission.
Protected Habitats and Species Data	Desk study data from KMBRC.	Additional information will be added where relevant and this includes each receptor mentioned below.
Habitats	Initially visited October 2016, surveys conducted throughout 2016, 2017 and	Phase 1 Walkover to assess any significant changes from the 2018 baseline.

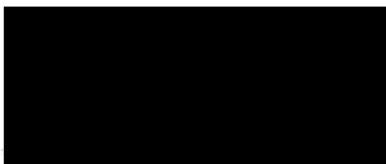
Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission
	<p>2018.</p> <p>Detailed habitat surveys undertaken June 2018.</p>	<p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>
Habitats of Principal Importance	<p>Initially visited October 2016, with update survey visits throughout 2017 and 2018.</p> <p>Detailed habitat surveys undertaken June 2018.</p>	<p>Phase 1 Walkover to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>
Arboricultural features	<p>Arboricultural Scoping Survey was completed in accessible areas in Winter 2016 and Spring 2017.</p> <p>Hedgerow Assessment was completed in February and June 2018.</p>	<p>Phase 1 Walkover in 2020 to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further dedicated surveys would be proposed if necessary, this would be agreed with the LPA but are not considered necessary at this stage.</p>
Badger	<p>Badger survey was undertaken in Spring 2017, with updates throughout 2017 and 2018. Desk study data was obtained in 2018.</p>	<p>Key setts to be revisited to identify any changes.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>
Bats	<p>Bat surveys completed:</p> <p>Static and transect surveys – 2017</p> <p>Bat building assessments – 2017</p> <p>Emergence – re-entry surveys 2017 – 2018</p> <p>Desk study data was obtained in 2018.</p>	<p>Status of key foraging and commuting features to be assessed during the Phase 1 Walkover.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>
Great Crested Newt (GCN)	<p>Additional ponds outside the OPA were scoped in for eDNA assessment in Spring 2018.</p> <p>Population surveys completed in Spring 2017. eDNA surveys conducted in Spring 2018 on off-site ponds. Desk study data was obtained in 2018.</p>	<p>Accessible off and on-site ponds will be reassessed to identify any significant changes in habitat suitability.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission
Birds (wintering and breeding)	<p><b>Wintering bird surveys</b> November to February 2016 / 2017. Desk study data was obtained in 2018.</p> <p><b>Breeding Bird Surveys</b> March to June 2017. Desk study data was obtained in 2018.</p>	<p>Initially, one wintering bird survey will be conducted across the site in November 2019. The data obtained during this survey will be assessed against the 2016 data, and any significant changes will be identified. The surveys will be conducted by the same staff which conducted the 2016 surveys, to allow a qualitative assessment of any onsite changes to also be made. Should any significant changes be identified, further surveys in 2020 may be necessary, this will be agreed with the LPA.</p> <p>Initially, one breeding bird survey will be conducted across the site in Spring 2020. The data obtained during this survey will be assessed against the 2017 data, and any significant changes will be identified. The surveys will be conducted by the same surveyors which conducted the 2017 surveys, to allow a qualitative assessment of any onsite changes to also be made. Should any significant changes be identified, further surveys in 2020 may be necessary, this will be agreed with the LPA.</p>
Reptiles ('common' species)	Population survey visits were conducted between April and September 2017. Desk study data was obtained in 2018.	<p>Phase 1 Walkover to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>
Water vole	Surveys completed in Spring 2017, and Autumn 2017 and Spring 2018. Desk study data was obtained in 2018.	A single water vole survey is proposed in spring 2020 to update the survey information for the 2020 submission (as the populations of this species can change in relatively short timescales).
Otter	A total of 6 surveys were conducted in 2017 – 2018. Desk study data was obtained in 2018.	A single otter survey is proposed in spring 2020 to update the survey data for the 2020 resubmission, as this species is highly mobile.
Dormouse	<p>Dormouse tubes on-site were installed in April 2017 checked until October 2017.</p> <p>Surveys within Kiln Wood and Harringe Brooks Woods (both off-site) were conducted in 2018.</p> <p>Desk study data was obtained in 2018.</p>	No further dedicated surveys are considered necessary.
Invertebrates	A walkover of the site was	Phase 1 Walkover to assess any significant changes from

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission
(terrestrial)	conducted on the 8 of August 2018. Desk study data was obtained in 2018.	the 2018 baseline. No further dedicated surveys are considered necessary, unless the design of the development is extensively changed.
Fish	Data from EA obtained in January 2017.	No dedicated surveys are considered necessary.
Common Toad	Desk study data from KMBRC, March 2018 and recorded during GCN survey conducted in 2017.	No dedicated surveys are considered necessary.
Hedgehog	Desk study data from KMBRC, March 2018	No dedicated surveys are considered necessary.
Harvest Mouse	Desk study data from KMBRC, March 2018	No dedicated surveys are considered necessary.
Invasive Plants	Data on the distribution of these species was collected during other surveys, including the Phase 1 mapping surveys, in 2016, 2017 and 2018.	Phase 1 Walkover to will assess any significant changes in the status of invasive plants on the site.
Non-native Invasive Animals (listed on schedule 9 of the WCA)	Desk study data obtained from KMBRC, March 2018 Incidental records from surveys conducted 2016 - 2018.	No dedicated surveys are considered necessary.

I hope that this summary of our discussion and our subsequent proposals are acceptable, please can you confirm via email that you are in agreement with the record and subsequent proposals?

Kind regards,



Brandon Murray  
Principal Ecological Consultant  
[brandon.murray@arcadis.com](mailto:brandon.murray@arcadis.com)

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## **APPENDIX Z: Email to KCC on 2020 survey scope 29/11/2021**

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**From:**  
**Sent:** Friday, November 29, 2019 4:55 PM  
**To:** @kent.gov.uk  
**Cc:**  
**Subject:** Otterpool Surveys for 202 modification  
**Attachments:** KCC Telephone Meeting Survey Scope v1.0.pdf

Dear ,

I hope that you are well.

Many thanks for your time for the telephone conversation regarding the Otterpool project on 24.10.2019. It was very useful to hear your thoughts on the survey scopes etc. for the 2020 modification. Since our call, we have discussed this with the client and we have put the key items we discussed in a document, which is attached.

Can you please review the proposals and let me know should you have any comments or queries?  
Hope you have a good weekend.

Many thanks,

BSc (Hons), MCIEEM | Principal Ecological Consultant

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## **APPENDIX AA: Email to EA on 2020 survey scope 29/11/2021**

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**From:**  
**Sent:** Tuesday, December 3, 2019 9:20 PM  
**To:** @environment-agency.gov.uk  
**Cc:**  
**Subject:** Otterpool Park - further surveys for modified submission  
**Attachments:** KCC Telephone Meeting Survey Scope v1.0.pdf

Hi ,

I hope that you are well.

We have previously been in consultation with regards to the proposed Otterpool Park Development in Kent. You may be aware that subsequent to the submission of the initial site documentation for the outline planning application earlier this year, a modified submission is proposed for 2020. In order to ensure that the data provided in relation to biodiversity for the modified submission can provide the LPA with the surety they require, we have been in discussion with them with regards to updating the survey data relied upon for the planning application and the ES. As a result, we have formulated the attached approach which I provide for your information.

Should you have any queries relating to this please let me know.

Many thanks,

BSc (Hons), MCIEEM | Principal Ecological Consultant

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for natural and built assets

## **APPENDIX BB: Email to NE on 2020 survey scope 29/11/2021**

---

**From:**  
**Sent:** Tuesday, December 3, 2019 9:34 PM  
**To:** @naturalengland.gov.uk  
**Cc:**  
**Subject:** Otterpool Park surveys for 2020  
**Attachments:** KCC Telephone Meeting Survey Scope v1.0.pdf

Dear ,

I hope that you are well.

I am writing to you in relation to the Otterpool Park Development proposed in Kent.

You may be aware that subsequent to the submission of the initial site documentation for the outline planning application earlier this year, a modified submission is proposed for 2020.

In order to ensure that the data provided in relation to biodiversity for the modified submission can provide the LPA with the surety they require, we have been in discussion with them with regards to updating the survey data relied upon for the planning application and the ES. As a result, we have formulated the attached approach with the LPA which I provide for your information.

Should you have any queries relating to this please let me know.

Many thanks,

BSc (Hons), MCIEEM | Principal Ecological Consultant

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## **APPENDIX CC: 2020 Survey Scope**

**SUBJECT**  
Summary of Otterpool Scoping for 2020, Covid 19 modifications

**DATE**  
09/06/2020

**DEPARTMENT**  
Ecology (Environmental Planning)

**COPIES TO**

**TO**

**OUR REF**

**PROJECT NUMBER**  
10029956

**FROM**

---

Dear ,

I hope that you are well. I am writing to update you on the progress of the surveys to inform the 2020 modified submission of the Otterpool proposals. Due to the constantly evolving approach within the project, and the huge impact that the COVID 19 situation has had this year, our approach has changed slightly from that initially discussed on 24 October 2019 for the call to discuss the approach to maintaining the validity on the survey data for the Otterpool Park modified submission, which is due in 2020.

The approach to planning of the project has been clarified into a tiered application, with the submission proposed for this year to be at a high level, based upon a set of broad parameter plans, referred to as the Tier 1 submission. The data required to underpin this approach, considering the suite of surveys that will need to underpin the more detailed submissions at Tier 2 and 3 has been scoped to be proportionate to this level of submission.

In addition, the outbreak of the COVID 19 virus has also impacted what has been safe and practical to achieve with the surveys this year. We have endeavoured to collect the information that is intrinsic to ensuring the submission is founded on robust survey data, whilst acknowledging that the surveys needed to be proportionate in light of the additional risks to staff and members of the public. As a result we have made the following changes to the scopes:

- For the update surveys, access was not requested to parcels of land where members of the public were likely to be at increased risk of coming into contact with Arcadis employees.
- Access to private homes and businesses (excluding farms) was not requested, both to reduce exposure risk and to avoid potential for negative reactions to interactions with Arcadis staff.
- Where it was felt that the revised three-tiered approach allowed for a reduced presence on site, without impacting upon the needs of the submission, this approach was adopted to reduce risk associated with surveyor travel.

For clarity, the approach that is proposed initially to inform the assessment is presented below in Table 1. This scope was initially sent to KCC on 29 November 2020. Where actions have been conducted or are modified in relation to the issues above, this is communicated within column 4.

Table 1: Age of data used in the 2019 submission and proposed approach to updates for the 2020 resubmission

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
Designated sites	Information on the presence designated sites obtained from Magic Mapping in 2018.	New data to be obtained from Magic Mapping prior to submission	N/A no change in this approach
Ancient Woodlands	Information on the presence of woodlands listed on the AWI obtained from Magic Mapping.	New data to be obtained from Magic Mapping prior to submission	N/A no change in this approach
Kent BAP 'Mid Kent Greensand & Gault' biodiversity opportunity area	Information on BOAs obtained from Kent Nature Partnership.	Check for changes to be conducted prior to submission.	N/A no change in this approach
Protected Habitats and Species Data	Desk study data from KMBRC.	Additional information will be added where relevant and this includes each receptor mentioned below.	Changes in relation to receptors specified below.
Habitats	Initially visited October 2016, surveys conducted throughout 2016, 2017 and 2018.  Detailed habitat surveys undertaken	Phase 1 Walkover to assess any significant changes from the 2018 baseline.  Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.	Habitat validation logged during the wintering bird survey conducted in 2019. No significant changes to the habitats on site were noted.  This approach was also repeated during the 2020 breeding bird survey. Minor changes relating to the usage of

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
	June 2018.		<p>certain agricultural areas, and a reversion of areas around the racecourse from improved grassland to cereal crop were identified. No significant impact upon breeding birds was identified.</p> <p>An updated Phase 1 habitat survey was conducted across the site (excluding areas where access was not obtained as outlined above) and was completed in April and May 2020).</p> <p>The updated phase 1 plan is presented as Appendix 1 to this letter.</p>
Habitats of Principal Importance	<p>Initially visited October 2016, with update survey visits throughout 2017 and 2018.</p> <p>Detailed habitat surveys undertaken June 2018.</p>	<p>Phase 1 Walkover to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>An updated Phase 1 habitat survey was conducted across the site (excluding areas where access was not obtained as outlined above) and was completed in April and May 2020).</p> <p>The updated Phase 1 habitat map is presented as Appendix 1 to this letter.</p>
Arboricultural features	Arboricultural Scoping Survey was completed in accessible areas in Winter 2016 and	<p>Phase 1 Walkover in 2020 to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further dedicated surveys would be proposed if necessary, this would be agreed with</p>	An updated Phase 1 habitat survey was conducted across the site (excluding areas where access was not obtained as outlined above) and was completed in April and May 2020).



Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
	<p>Spring 2017.</p> <p>Hedgerow Assessment was completed in February and June 2018.</p>	<p>the LPA but are not considered necessary at this stage.</p>	<p>No significant changes to the arboricultural status of the site was identified. More detailed arboricultural assessments will be undertaken as a component of Tiers 2 and 3 of the planning permission.</p> <p>The updated Phase 1 habitat map is presented as Appendix 1 to this letter.</p>
Badger	<p>Badger survey was undertaken in Spring 2017, with updates throughout 2017 and 2018. Desk study data was obtained in 2018.</p>	<p>Key setts to be revisited to identify any changes.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>A badger survey across the site (excluding areas where access was not obtained as outlined above) was completed in April and May 2020). Minor changes in the usage of the site by badgers were identified.</p> <p>An updated technical Appendix will be provided to support the resubmission and will inform the EIA.</p>
Bats	<p>Bat surveys completed:</p> <p>Static and transect surveys – 2017</p> <p>Bat building assessments – 2017</p> <p>Emergence – re-entry surveys 2017 –</p>	<p>Status of key foraging and commuting features to be assessed during the Phase 1 walkover.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>An updated Phase 1 walkover, across the site (excluding areas where access was not obtained as outlined above) was completed in April and May 2020).</p> <p>The status of the site, insofar as it provides roosting commuting and feeding resources for bats, is largely as was recorded in the previous surveys. No significant changes were</p>

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
	<p>2018</p> <p>Desk study data was obtained in 2018.</p>		<p>observed. No need to update static detector or transect survey data is considered necessary for the 2020 submission.</p> <p>Where accessible, building potential for roosting bats was assessed externally. A small subset of the buildings, predominantly around the racecourse area were recorded to have further deteriorated since the previous surveys. It is not considered necessary to update emergence surveys prior to the Tier 1 submission, however this information should be utilised to inform the subsequent survey requirements for the Tier 2 and 3 submissions.</p>
Great Crested Newt (GCN)	<p>Additional ponds outside the OPA were scoped in for eDNA assessment in Spring 2018.</p> <p>Population surveys completed in Spring 2017. eDNA surveys conducted in Spring 2018 on off-site ponds. Desk study</p>	<p>Accessible off and on-site ponds will be reassessed to identify any significant changes in habitat suitability.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>In April and May 2020, accessible ponds ((excluding areas where access was not obtained as outlined above) were assessed using HSI techniques. Where these ponds had changed (and was not poor), eDNA surveys were conducted, unless presence of GCN had previously been confirmed.</p> <p>No significant changes to the distribution of GCN across the site was identified, with one new pond within</p>

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
	<p>data was obtained in 2018.</p>		<p>the castle moat (which had been dry in previous years) being found to contain GCN eDNA. In addition, one pond which previously did not support GCN was found in 2020 to have GCN eDNA presence (also within the castle area and adjacent to a pond that had previously had GCN presence).</p> <p>As such, no further survey is deemed necessary to inform the resubmission. Further surveys will be required at Tier 2 and 3, and these will be defined in the Tier 1 resubmission.</p>
<p>Birds (wintering and breeding)</p>	<p><b>Wintering bird surveys</b> November to February 2016 / 2017. Desk study data was obtained in 2018.</p> <p><b>Breeding Bird Surveys</b> March to June 2017. Desk study data was obtained in 2018.</p>	<p>One wintering bird survey to be conducted across the site in November 2019. The data obtained during this survey will be assessed against the 2016 data, and any significant changes will be identified. The surveys will be conducted by the same staff which conducted the 2016 surveys, to allow a qualitative assessment of any onsite changes to also be made. Should any significant changes be identified, further surveys in 2020 may be necessary, this will be agreed with the LPA.</p> <p>Initially, one breeding bird survey to be conducted across the site in Spring 2020. The data obtained during this survey will be assessed against the 2017 data, and any significant changes will be identified. The surveys will be conducted by the same surveyors which conducted the 2017 surveys, to allow a qualitative assessment of any onsite changes to also be made. Should any significant changes be identified, further</p>	<p>The wintering bird survey was conducted in November 2019, and was provided to KCC for review on 22 January 2020. The habitat assessment conducted in 2019 identified no significant changes likely to greatly impact upon the populations of birds supported by the site (when compared to the 2016 and 2018 assessments). This was supported by the results of the surveys, which did not identify any additional notable species (one extra species, raven was identified, which is not considered notable). None of the peak counts of any of the other species</p>

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
		<p>surveys in 2020 may be necessary, this will be agreed with the LPA.</p>	<p>recorded was greater than the peak recorded in 2016/17.</p> <p>A breeding bird survey was conducted in April 2020. The results of this survey have been analysed. The habitat assessment conducted in 2020 identified no significant changes likely to greatly impact upon the populations of birds supported by the site (when compared to the 2017 assessments). This was supported by the results of the surveys, which did not identify any significant changes in the bird assemblage of the site. There were two notable newly recorded species in 2020, cuckoo and nightingale. However, for both species this was single individuals, with the nightingale being recorded off-site to the south of Harringe Brooks Wood.</p> <p>Considering the species and numbers of birds recorded, the lack of change in the broad habitats on site and the similarity to the initial survey data, it was considered that there was strong evidence that the conclusions from the previous report and the subsequent valuation of species and groups</p>

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
			<p>continued to be robust.</p> <p>As such, no further survey is deemed necessary to inform the resubmission. Further surveys will be required at Tier 2 and 3, and these will be defined in the Tier 1 resubmission.</p>
Reptiles ('common' species)	Population survey visits were conducted between April and September 2017. Desk study data was obtained in 2018.	<p>Phase 1 Walkover to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>Within the 2020 surveys, no significant changes to the distribution of reptile habitats across the site were identified. Some small areas within the racecourse were identified as offering a marginally increased area of reptile habitat, and the inferred reptile habitat areas in the ES will be modified to accommodate this change.</p> <p>No further surveys to inform the ES submission are deemed necessary.</p>
Water vole	Surveys completed in Spring 2017, and Autumn 2017 and Spring 2018. Desk study data was obtained in 2018.	A single water vole survey proposed in spring 2020 to update the survey information for the 2020 submission (as the populations of this species can change in relatively short timescales).	<p>Water vole surveys were updated across the site in April and May 2020.</p> <p>Some changes in water vole population were identified, with populations observed to have decreased across the site. The cause of this is unknown, as there was no notable habitat change since the last suite of surveys. However, overall, this</p>

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
			<p>is unlikely to change the status of water vole utilised within the assessment within the modified ES.</p> <p>No further survey is deemed necessary.</p>
Otter	<p>A total of 6 surveys were conducted in 2017 – 2018. Desk study data was obtained in 2018.</p>	<p>A single otter survey is proposed in spring 2020 to update the survey data for the 2020 resubmission, as this species is highly mobile.</p>	<p>An updated Otter survey on site and at key accessible crossing points 2 km upstream and downstream was conducted in April and May 2020. No evidence of Otter was observed.</p> <p>No further survey is deemed necessary.</p>
Dormouse	<p>Dormouse tubes on-site were installed in April 2017 checked until October 2017.</p> <p>Surveys within Kiln Wood and Harringe Brooks Woods (both off-site) were conducted in 2018.</p> <p>Desk study data was obtained in 2018.</p>	<p>No further dedicated surveys are considered necessary.</p>	<p>The updated Phase 1 habitat survey identified no significant change in the status of habitats for dormouse on the site.</p> <p>No further dedicated surveys are considered necessary.</p>
Invertebrates (terrestrial)	<p>A walkover of the site was conducted on</p>	<p>Phase 1 walkover to assess any significant changes from the</p>	<p>The updated Phase 1 habitat survey identified no significant change in the</p>

Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
	the 8 of August 2018. Desk study data was obtained in 2018.	2018 baseline. No further dedicated surveys are considered necessary, unless the design of the development is extensively changed.	status of habitats for invertebrates on the site. No further dedicated surveys are considered necessary.
Fish	Data from EA obtained in January 2017.	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.
Common Toad	Desk study data from KMBRC, March 2018 and recorded during GCN survey conducted in 2017.	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.
Hedgehog	Desk study data from KMBRC, March 2018	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.
Harvest Mouse	Desk study data from KMBRC, March 2018	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.
Invasive Plants	Data on the distribution of these species was collected during other surveys, including the Phase 1 mapping surveys, in 2016, 2017 and 2018.	Phase 1 Walkover to will assess any significant changes in the status of invasive plants on the site.	The updated phase 1 habitat survey identified one additional stand of Giant Rhubarb <i>Gunnera</i> adjacent to the site. No further dedicated surveys are considered necessary.



Receptor	Age of existing survey data	Proposed Approach to updating for the 2020 submission	Actions completed and approach in light of level of detail at Tier 1 submission and COVID 19 restrictions.
Non-native Invasive Animals (listed on schedule 9 of the WCA)	Desk study data obtained from KMBRC, March 2018  Incidental records from surveys conducted 2016 - 2018.	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.

I hope that this summary and our subsequent proposals are acceptable, please can you confirm via email that you are in agreement with the record and survey outline?

Kind regards,

Principal Ecological Consultant

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## **APPENDIX DD: 2021 Survey Scope**

**SUBJECT**  
Summary of Otterpool Scoping for 2021, in light of  
2021 submission date.

**DATE**  
09/06/2020

**DEPARTMENT**  
Ecology (Environmental Planning)

**COPIES TO**

**TO**

**OUR REF**

**PROJECT NUMBER**  
10029956

**FROM**

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Dear ,

I hope that you are well. As discussed during our meeting on 16/12/2020 I am writing to update you on the progress of the surveys to inform the 2021 modified submission of the Otterpool proposals. Due to the revised 2021 submission date for the Environmental Statement, our approach to ecology surveys needs to account for maintaining the validity on the survey data for the Otterpool Park modified submission, which is now due later this year.

The approach to planning of the project has been clarified into a tiered application, with the submission proposed for this year to be at a high level, based upon a set of broad parameter plans, referred to as the Tier 1 submission. The data required to underpin this approach, considering the suite of surveys that will need to underpin the more detailed submissions at Tier 2 and 3 has been scoped to be proportionate to this level of submission.

In addition, the outbreak of the COVID 19 virus also impacted what has been safe and practical to achieve with the surveys in 2020 and will likely continue to do so in 2021. We have, and will continue to, collect the information that is intrinsic to ensuring the submission is founded on robust survey data, whilst acknowledging that the surveys needed to be proportionate in light of the additional risks to staff and members of the public. As a result we have made the following changes to the scopes:

- For the update surveys, access will not requested to parcels of land where members of the public were likely to be at increased risk of coming into contact with Arcadis employees.
- Access to private homes and businesses (excluding farms) will not be requested, both to reduce exposure risk and to avoid potential for negative reactions (largely related to Covid concerns) to interactions with Arcadis staff.
- Where it was felt that the revised three-tiered approach allowed for a reduced presence on site, without impacting upon the needs of the submission, this approach was adopted to reduce risk associated with surveyor travel.

For clarity, the revised approach that is proposed to inform the assessment is presented below in Table 1.

Table 1: Age of existing data and proposed approach to updates for the 2021 resubmission

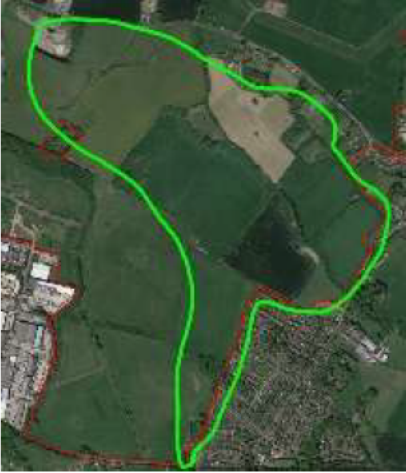
Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
Designated sites	Information on the presence of designated sites obtained from Magic Mapping in 2018.	New data to be obtained from Magic Mapping prior to submission	N/A no change in this approach	New data to be obtained from Magic Mapping prior to submission
Ancient Woodlands	Information on the presence of woodlands listed on the AWI obtained from Magic Mapping.	New data to be obtained from Magic Mapping prior to submission	N/A no change in this approach	New data to be obtained from Magic Mapping prior to submission
Kent BAP 'Mid Kent Greensand & Gault' biodiversity opportunity area	Information on BOAs obtained from Kent Nature Partnership.	Check for changes to be conducted prior to submission.	N/A no change in this approach	Check for changes to be conducted prior to submission.
Protected Habitats and Species Data	Desk study data from KMBRC - 2020.	Additional information will be added where relevant and this includes each receptor mentioned below.	Changes in relation to receptors specified below.	Additional information (from an updated desk study) will be added where relevant and this includes each receptor mentioned below.

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
Habitats	<p>Initially visited October 2016, surveys conducted throughout 2016, 2017 and 2018.</p> <p>Detailed habitat surveys undertaken June 2018.</p> <p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-access areas)</p> <p>Habitat validation logged during April 2020 breeding bird survey and December 2020 wintering bird surveys.</p>	<p>Phase 1 Walkover to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-access areas).</p> <p>Habitat validation logged during April 2020 breeding bird survey and December 2020 wintering bird surveys.</p> <p>No significant changes to the habitats on site were noted.</p>	<p>Habitat validation will be carried out during other targeted surveys to record any changes to habitats.</p> <p>Minimum of bi-monthly (once every two months) visits to site proposed, which will be additional (if not covered by other surveys).</p>
Habitats of Principal Importance	<p>Initially visited October 2016, with update survey visits throughout 2017</p>	<p>Phase 1 Walkover to assess any significant changes from the 2018 baseline.</p>	<p>An updated Phase 1 habitat survey was conducted across the site (excluding areas where access was not obtained as outlined</p>	<p>Habitat validation will be carried out during other targeted surveys to record any changes to habitats.</p> <p>Minimum of bi-monthly visits to site proposed, which will be additional (if not covered by other surveys), as above</p>

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
	<p>and 2018.</p> <p>Detailed habitat surveys undertaken June 2018.</p> <p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-access areas)</p> <p>Habitat validation logged during December 2020 wintering bird surveys.</p>	<p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>above) and was completed in April and May 2020).</p>	
Arboricultural features	<p>Arboricultural Scoping Survey was completed in accessible areas in Winter 2016 and Spring 2017.</p> <p>Hedgerow Assessment was completed in February and June 2018.</p> <p>Updated Phase 1</p>	<p>Phase 1 Walkover in 2020 to assess any significant changes from the 2018 baseline.</p> <p>Where changes are identified, further dedicated surveys would be proposed if necessary, this would be agreed with the LPA but are not considered necessary at this stage.</p>	<p>An updated Phase 1 habitat survey was conducted across the site (excluding areas where access was not obtained as outlined above) and was completed in April and May 2020). No significant changes to the arboricultural status of the site was identified.</p> <p>Updated desk study showed only minor changes to Tree Preservation</p>	<p>Update desk study.</p> <p>No targeted field survey update considered necessary due to the recent 2020 update surveys and the lack of significant changes observed.</p> <p>More detailed arboricultural assessments will be undertaken as a component of Tiers 2 and 3 of the planning permission.</p>

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
	Habitat Survey in April/May 2020 (excluding no-access areas) included consideration of changes to arboricultural features.		Orders.	
Badger	Badger survey was undertaken in Spring 2017, with updates throughout 2017 and 2018. Desk study data was obtained in 2018.  Full badger survey undertaken in 2020 (excluding no-access areas).	Key setts to be revisited to identify any changes.  Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.	A badger survey across the site (excluding areas where access was not obtained as outlined above) was completed in April and May 2020). Minor changes in the usage of the site by badgers were identified.  An updated technical Appendix will be provided to support the resubmission and will inform the EIA.	No targeted update considered necessary due to the recent 2020 update survey.  Any additional incidental data from other 2021 surveys will be recorded.
Bats	Bat surveys completed:  Static and transect surveys – 2017  Bat building	Status of key foraging and commuting features to be assessed during the Phase 1 walkover.  Where changes are identified, further surveys in 2020 may be necessary,	Bat building assessments (external updates where access was granted and additional buildings only) – 2020.  A small subset of the buildings, predominantly	Update desk study data.  Carry out walked activity transects to record activity and observations as well as species assemblages. In addition, one static detector per transect will be deployed, that can then be statistically compared to the previous data collected in 2017. This is considered to be a pragmatic substitute for full suite of




Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
	<p>assessments – 2017</p> <p>Emergence – re-entry surveys 2017 – 2018</p> <p>Desk study data was obtained in 2018.</p> <p>Bat building assessments (external updates where access was granted and additional buildings only) – 2020.</p> <p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-access areas) included consideration of changes to roosting, commuting and feeding resources.</p>	<p>this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>around the racecourse area were recorded to have further deteriorated since the previous surveys.</p> <p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-access areas) included consideration of changes to arboricultural features.</p> <p>The status of the site, insofar as it provides roosting commuting and feeding resources for bats, was largely as was recorded in the previous surveys. No significant changes were observed.</p> <p>Where accessible, building potential for roosting bats was assessed externally. A small subset of the buildings, predominantly around the racecourse area were recorded to have further deteriorated since the previous surveys. It is not considered necessary to update emergence</p>	<p>emergence and automated static surveys.</p> <p>The routes would be broadly based on previous transects but targeted at:</p> <ul style="list-style-type: none"> <li>• areas with a changed potential impact due to amended red-line/parameter plans</li> <li>• any areas that we need to understand better – e.g. habitat to south of A20.</li> </ul> 



Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
			<p>surveys prior to the Tier 1 submission, however this information should be utilised to inform the subsequent survey requirements for the Tier 2 and 3 submissions.</p>	
Great Crested Newt (GCN)	<p>Additional ponds outside the OPA were scoped in for eDNA assessment in Spring 2018.</p> <p>Population surveys completed in Spring 2017. eDNA surveys conducted in Spring 2018 on off-site ponds. Desk study data was obtained in 2018.</p>	<p>Accessible off and on-site ponds will be reassessed to identify any significant changes in habitat suitability.</p> <p>Where changes are identified, further surveys in 2020 may be necessary, this will be agreed with the LPA but are not considered necessary at this stage.</p>	<p>In April and May 2020, accessible ponds ((excluding areas where access was not obtained as outlined above) were assessed using HSI techniques. Where these ponds had changed (and was not poor), eDNA surveys were conducted, unless presence of GCN had previously been confirmed.</p> <p>No significant changes to the distribution of GCN across the site was identified, with one new pond within the castle moat (which had been dry in previous years) being found to contain GCN eDNA. In addition, one pond which</p>	<p>No update survey considered necessary, due to the updates undertaken in 2020 and guidelines on data age: data up to 4 seasons old is reasonable as the extent of predicted effects is low.</p> <p>As such, no further survey is deemed necessary to inform the resubmission. Further surveys will be required at Tier 2 and 3, and these will be defined in the Tier 1 resubmission.</p>

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
			previously did not support GCN was found in 2020 to have GCN eDNA presence (also within the castle area and adjacent to a pond that had previously had GCN presence).	
Birds (wintering and breeding)	<p><b>Wintering birds</b></p> <p>November to February 2016 / 2017. Desk study data was obtained in 2018.</p> <p>Single update surveys in November 2019 and December 2020. These included a qualitative assessment of habitats.</p> <p><b>Breeding Birds</b></p> <p>March to June 2017. Desk study data was obtained in 2018.</p>	<p>One wintering bird survey to be conducted across the site in November 2019. The data obtained during this survey will be assessed against the 2016 data, and any significant changes will be identified. The surveys will be conducted by the same staff which conducted the 2016 surveys, to allow a qualitative assessment of any onsite changes to also be made. Should any significant changes be identified, further surveys in 2020 may be necessary, this will be agreed with the LPA.</p> <p>Initially, one breeding bird survey to be conducted</p>	<p><b>Breeding Birds</b></p> <p>A single breeding bird survey was conducted in April 2020. The results of this survey have been analysed. The habitat assessment conducted in 2020 identified no significant changes likely to greatly impact upon the populations of birds supported by the site (when compared to the 2017 assessments). This was supported by the results of the surveys, which did not identify any significant changes in the bird assemblage of the site. There were two notable newly recorded species in 2020, cuckoo and</p>	<p><b>Wintering Birds</b> The habitats on site have not changed significantly since the original 2016/17 surveys.</p> <p>A subsequent wintering bird survey has also been conducted in December 2020.</p> <p>Considering the species and numbers of birds recorded, the lack of change in the broad habitats on site and the similarity to the initial survey data, it was considered that there was strong evidence that the conclusions from the previous report and the subsequent valuation of species and groups continued to be robust.</p> <p>As such, no further survey is deemed necessary to inform the resubmission. Further surveys will be required at Tier 2 and 3, and these will be defined in the Tier 1 resubmission.</p> <p><b>Breeding birds</b></p> <p>Initially, one breeding bird survey to be conducted across the site in Spring 2021. The data obtained during this survey will be assessed against the 2017 and 2020 data, and any significant changes will be identified. The surveys will be conducted by the same surveyors which conducted the 2017 and 2020 surveys, to allow a qualitative assessment of any</p>

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
	<p>Single update survey in April 2020. This included a qualitative assessment of habitats.</p>	<p>across the site in Spring 2020. The data obtained during this survey will be assessed against the 2017 data, and any significant changes will be identified. The surveys will be conducted by the same surveyors which conducted the 2017 surveys, to allow a qualitative assessment of any onsite changes to also be made. Should any significant changes be identified, further surveys in 2020 may be necessary, this will be agreed with the LPA.</p>	<p>nightingale. However, for both species this was single individuals, with the nightingale being recorded off-site to the south of Harringe Brooks Wood.</p> <p><b>Wintering Birds</b></p> <p>Update surveys were undertaken in November 2019 and December 2020, with two new species observed – lapwing and Firecrest. Lapwing were not present in significant numbers and are considered unlikely to do so in future given the lack of habitat changes to date. Firecrest are likely to have been present during previous surveys but are very difficult to detect in winter and would be expected to primarily use the woodlands outside of the site.</p>	<p>onsite changes to also be made.</p> <p>Should any significant changes be identified, further surveys in 2020 may be necessary, this will be agreed with the LPA.</p> <p>Further surveys will be required at Tier 2 and 3, and these will be defined in the Tier 1 resubmission.</p> <p>Where access is permitted, an update to the barn owl building assessments will be conducted in 2021.</p>
<p>Reptiles ('common')</p>	<p>Population survey visits were conducted</p>		<p>Habitat assessment update in April/May 2020.</p>	<p>Further targeted to update the data in key areas for reptiles are proposed for 2021, between April and September. These will be undertaken across the site, but with a lower area coverage</p>

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
species)	<p>between April and September 2017. Desk study data was obtained in 2018.</p> <p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-access areas) included consideration of changes to reptile habitats.</p>		<p>Within the 2020 surveys, no significant changes to the distribution of reptile habitats across the site were identified. Some small areas within the racecourse were identified as offering a marginally increased area of reptile habitat.</p>	<p>than the initial 2017 surveys. The areas proposed for survey are areas where the population of reptiles may have changed, and are presented in the image below (indicative locations). Within these areas, a sample based approach may be undertaken.</p> 
Water vole	<p>Surveys completed in Spring 2017, and Autumn 2017 and Spring 2018. Desk study data was obtained in 2018.</p> <p>Update surveys completed in April and May 2020.</p>	<p>A single water vole survey proposed in spring 2020 to update the survey information for the 2020 submission (as the populations of this species can change in relatively short timescales).</p>	<p>Water vole surveys were updated across the site in April and May 2020.</p> <p>Some changes in water vole population were identified, with populations observed to have decreased across the site. The cause of this is unknown, as there was no notable habitat change since the last suite of surveys. However, overall, this is unlikely to change</p>	<p>No update required in 2021.</p> <p>Update survey was conducted in 2020.</p>

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
			<p>the status of water vole utilised within the assessment within the modified ES.</p> <p>No further survey is deemed necessary.</p>	
Otter	<p>A total of 6 surveys were conducted in 2017 – 2018. Desk study data was obtained in 2018.</p> <p>Update surveys completed in April and May 2020.</p>	<p>A single otter survey is proposed in spring 2020 to update the survey data for the 2020 resubmission, as this species is highly mobile.</p>	<p>An updated Otter survey on site and at key accessible crossing points 2 km upstream and downstream was conducted in April and May 2020. No evidence of Otter was observed.</p> <p>No further survey is deemed necessary</p>	<p>No targeted update considered necessary due to the recent 2020 update surveys.</p> <p>Any additional incidental data from other 2021 surveys will be recorded.</p>
Dormouse	<p>Dormouse tubes on-site were installed in April 2017 checked until October 2017.</p> <p>Surveys within Kiln Wood and Harringe Brooks Woods (both off-site) were conducted in</p>	<p>No further dedicated surveys are considered necessary.</p>	<p>The updated Phase 1 habitat survey in 2020 identified no significant change in the status of habitats for dormouse on the site.</p>	<p>In light of the age of the 2017 survey data, a pragmatic approach will be taken in 2021: additional nest tube surveys between April and September (inclusive) using 150 nest tubes, focussed on potential expansion from the only known population on/adjacent to site: Harringe Brook woods. The tubes will be deployed in likely dispersal corridors and the areas most likely to be colonised post-dispersal.</p> <p>In addition, the boxes present in Harringe Brooks woods will also be checked (if access is permitted).</p> <p>Image below shows locations (indicative only) of nest tubes for the surveys:</p>



Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
	<p>2018.</p> <p>Desk study data was obtained in 2018.</p> <p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-access areas) included consideration of changes to dormouse habitats.</p>			
Invertebrates (terrestrial)	<p>A walkover of the site was conducted on the 8 of August 2018. Desk study data was obtained in 2018.</p> <p>Updated Phase 1 Habitat Survey in April/May 2020 (excluding no-</p>	<p>Phase 1 walkover to assess any significant changes from the 2018 baseline.</p> <p>No further dedicated surveys are considered necessary unless the design of the development is extensively changed.</p>	<p>The updated Phase 1 habitat survey in 2020 identified no significant change in the status of habitats for invertebrates on the site.</p>	<p>No further dedicated surveys are considered necessary unless the design of the development is extensively changed: need to confirm impact around the Folkestone Racecourse Lake.</p>

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
	access areas) included consideration of changes to invertebrate habitats.			
Fish	Data from EA obtained in January 2017.	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.	N/A
Common Toad	Desk study data from KMBRC, March 2018 and recorded during GCN survey conducted in 2017.	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.	N/A
Hedgehog	Desk study data from KMBRC, March 2018	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.	N/A
Harvest Mouse	Desk study data from KMBRC, March 2018	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.	N/A
Invasive Plants	Data on the distribution of these species was collected during	Phase 1 Walkover to assess any significant changes in the status of	The updated phase 1 habitat survey in 2020 identified one additional stand of Giant Rhubarb	A walkover update of the site will be carried out in spring/summer 2021, in combination with other surveys.

Receptor	Age of existing survey data	Previously Proposed Approach to updating for the 2020 submission	Actions completed in 2020	Proposed Approach to updating for the 2021 submission
	other surveys, including the Phase 1 mapping surveys, in 2016, 2017, 2018 and 2020.	invasive plants on the site.	<i>Gunnera</i> adjacent to the site.  No further dedicated surveys are considered necessary.	
Non-native Invasive Animals (listed on schedule 9 of the WCA)	Desk study data obtained from KMBRC, March 2018  Incidental records from surveys conducted 2016 - 2018.	No dedicated surveys are considered necessary.	N/A No further dedicated surveys are considered necessary.	Incidental data from other surveys on site will be recorded.

I hope that this summary and our subsequent proposals are acceptable, please can you confirm via email that you are in agreement with the survey outline?

Kind regards,

Associate Technical Director - Ecology



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## **APPENDIX EE: NE Meeting Queries Email Sent 12/05/2021**

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**From:**  
**Sent:** Wednesday, May 12, 2021 2:13 PM  
**To:** @naturalengland.gov.uk  
**Cc:**  
**Subject:** Otterpool Park meeting 06.05.2021  
**Attachments:** Otterpool Ecology Presentation 2020 v0.3.pdf; KCC 2020 Survey Scope UPDATE for 2021 v1.0.pdf

Hi,

Many thanks for your time last week.

Please see attached the items discussed:

- 2020 and 2021 survey scopes;
- The presentation shown – this is now being updated but shows the overall approach.

The key things it would be good to get finalised:

- If we should plan for BM 3.0 or not for an autumn submission;
- Whether the scheme could be part of a district licencing approach for GCN.

Kind regards,

BSc (Hons), MCIEEM | Associate Technical Director - Ecology

[brandon.murray@arcadis.com](mailto:brandon.murray@arcadis.com)

M. +44 (0)7809 230662



## **APPENDIX FF: NE Queries Email Sent 14/07/2021**

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**From:**  
**Sent:** Wednesday, July 14, 2021 7:41 PM  
**To:** @naturalengland.gov.uk  
**Cc:**  
**Subject:** FW: Otterpool Air Quality - assessment of local, national and European sites

Hi,

Hope you are well.

Have you had an opportunity to review the email below?

We are trying to confirm what we need to include in the HRA. The bit we are particularly keen to agree is:

*We are looking to confirm that Natural England would consider it acceptable to defer to the findings of the HRAs completed on behalf of FHDC in support of the People and Policies Plan and the draft Core Strategy Review as we feel the issues have been explored adequately in these documents (collectively referred to as the Local Plan documents). Otterpool is included as an allocated site in FHDCs Local Plan documents and will be built out at a rate and volume that is in accordance with (but no greater than) the overall quanta assessed in the HRA.*

Thanks,

---

**From:** <[@naturalengland.org.uk](mailto:@naturalengland.org.uk)>  
**Sent:** 17 March 2021 14:48  
**To:** <[@arcadis.com](mailto:@arcadis.com)>  
**Subject:** RE: Otterpool Air Quality - assessment of local, national and European sites

Hello , thanks for sending that over. I'll review the methodology in the next couple of weeks and get back to you.

Many thanks,

Lead Adviser | Sustainable Development | Sussex and Kent

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

During the current coronavirus situation, Natural England staff are working remotely and from some offices to provide our services and support our customers and stakeholders. Although some offices and our Mail Hub are now open, please continue to send any documents by email or contact us by phone to let us know how we can help you. See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at <https://www.gov.uk/government/news/operational-update-covid-19>.

Wash hands. Cover face. Make space.

---

From: <[@arcadis.com](mailto:@arcadis.com)>

Sent: 17 March 2021 13:36

To: <[@naturalengland.org.uk](mailto:@naturalengland.org.uk)>

Subject: Otterpool Air Quality - assessment of local, national and European sites

Dear ,

I am writing in relation to the proposed methodology which we are looking to adopt regarding the air quality assessment of ecological receptors regarding operational and construction phase impacts of the proposed Otterpool Park settlement (referred to as 'the Garden Settlement' in Folkestone and Hythe District Council's (FHDC) People and Policies Plan and Core Strategy Review documents). I understand you are the NE case officer for this project and I would be most grateful if you could review the methodology summary below and provide feedback on the proposed approach.

### Ecological Assessment of national and local sites

We have scoped in assessment of the following locally and nationally designated sites:

Site Name	Location in relation to site	Assessed for construction dust impacts?	Provisionally included for local air quality impacts?
Hatch Park SSSI	3.6km to north west	No – outside of construction dust study area	Yes
Seabrook Stream SSSI	3.6km to east	No – outside of construction dust study area	Yes
Folkestone to Etchington SSSI/SAC	3.6km to north east	No – outside of construction dust study area	Yes
Lympne Escarpment SSSI	0.3km to the south	Yes	Yes

Site Name	Location in relation to site	Assessed for construction dust impacts?	Provisionally included for local air quality impacts?
Gibbins Brook SSSI	0.6km to the north	Yes	Yes
Otterpool Quarry SSSI	Within application site boundary	No – site classified for geological features which are not sensitive to nitrogen or dust.	
Folks Wood Ancient Woodland	0.3km to the east	Yes	Yes – on request of ecologist
Harringe Brooks Wood Ancient Woodland	Within boundary	Yes	Yes – on request of ecologist

These will be assessed as per the IAQM’s (2020) guidance; ‘A guide to the assessment of air quality impacts on designated nature conservation sites’, to ascertain the impact of the project in isolation.

#### Habitats Regulation Assessment (European designations) -

The only site with a European designation that falls into our anticipated study area and would theoretically require assessment under the Habitats Directive is the Folkestone to Etchingill Escarpment SAC. We are looking to confirm that Natural England would consider it acceptable to defer to the findings of the HRAs completed on behalf of FHDC in support of the People and Policies Plan and the draft Core Strategy Review as we feel the issues have been explored adequately in these documents (collectively referred to as the Local Plan documents). Otterpool is included as an allocated site in FHDCs Local Plan documents and will be built out at a rate and volume that is in accordance with (but no greater than) the overall quanta assessed in the HRA.

As discussed previously, we refer to the IAQM’s ecological guidance which provides justification for this approach: Paragraph 5.3.3 in Stage 1 ‘Scoping’ states that “ For individual planning applications for conventional residential or mixed-use development where European sites are a consideration, the assessor should first investigate whether the air quality issues have already been fully explored for the Local Plan HRA. If this has been done, then it would be appropriate and in line with government guidance to defer to that over-arching Local Plan assessment. This should be a suitable approach for windfall development as well as actual allocations, as Local Plans all make an allowance for a specified quantum of windfall development in particular locations and this should be included in the strategic Local Plan air quality assessment and HRA.”.

Paragraph 5.3.4 states: “Similarly, if a given local authority believes that Neighbourhood Plans will be coming forward in their authority boundary, they should consider including any sites allocated in those plans in their air quality modelling. This would also avoid problems for the planning application or Neighbourhood Plan that might otherwise result from the Wealden judgment. Deferring ‘upwards’ to the Local Plan also addresses the undesirable situation of having multiple traffic and air quality models for a single local authority area and the potential inconsistencies that can be introduced in such circumstances”

The People and Policies Plan HRA<sup>2</sup> (July 2018), assessed the impact of a number of scenarios regarding various levels of housing growth over the People and Policies Plan period (to 2031) and the core strategy review period (to 2037). The scenario with the highest level of housing growth was the core strategy review scenario which considered a maximum build out of 8000 homes (and associated infrastructure such as employment, education, retail etc) up to 2037, with 6375 of these to be built as part of the Otterpool development<sup>3</sup>. The HRA concluded that this scenario would not result in any

adverse effect on any European designated sites alone or in combination with other plans/developments. The same conclusion was reached with the scenarios considering lower levels of housing growth across both periods.

In January 2020 FHDC published a draft Core Strategy Review<sup>4</sup> which included a change to reduce the number of houses built over the core strategy review period to 7700 homes (with 5925 at Otterpool). As a result of these changes, a HRA addendum<sup>5</sup> was completed accounting for this lower growth quantum. The HRA addendum concluded that the findings made in the original HRA's 8000 homes scenario are still valid, and that as the housing quantum is lower, no adverse impacts are to be expected at the European sites.

#### Footnotes

1. IAQM (2020) guidance on assessment of ecological sites: <https://iaqm.co.uk/text/guidance/air-quality-impacts-on-nature-sites-2020.pdf>
2. HRA undertaken in support of the FHDC People and Policies Plan (July 2018) [https://www.folkestone-hythe.gov.uk/media/305/Habitat-Regulations-Assessment-Reg-19-Submission-Version-2018-Addendum/pdf/Shepway Local Plan Reg 19 HRA\(1.10\) Update 2018.pdf?m=637001651859230000](https://www.folkestone-hythe.gov.uk/media/305/Habitat-Regulations-Assessment-Reg-19-Submission-Version-2018-Addendum/pdf/Shepway%20Local%20Plan%20Reg%2019%20HRA(1.10)%20Update%202018.pdf?m=637001651859230000)
3. *The Otterpool development is included in the People and Policies Plan and FHDC's most recent housing estimates in the 2020 draft Core Strategy Review as Policy SS6 'Garden Settlement' (with the overall estimates for FHDC detailed in Policy SS2).*
4. Draft FHDC core strategy (Jan 2020) [https://www.folkestone-hythe.gov.uk/media/2234/EB-01-00-Folkestone-Hythe-Core-Strategy-Review-Submission-Draft-2020/pdf/EB\\_01.00\\_Folkestone\\_Hythe\\_Core\\_Strategy\\_Review\\_Submission\\_Draft\\_2020.pdf?m=637206487608870000](https://www.folkestone-hythe.gov.uk/media/2234/EB-01-00-Folkestone-Hythe-Core-Strategy-Review-Submission-Draft-2020/pdf/EB_01.00_Folkestone_Hythe_Core_Strategy_Review_Submission_Draft_2020.pdf?m=637206487608870000)
5. HRA addendum in support of draft Core Strategy [EB 02.20 FHDC Core Strategy Review Habitat Regulations Assessment Addendum \(November 2019\).pdf](https://www.folkestone-hythe.gov.uk/media/2234/EB-02.20-FHDC-Core-Strategy-Review-Habitat-Regulations-Assessment-Addendum-November-2019.pdf)

Please get in touch if you require any further information or wish to discuss further.

Many thanks

| Principal Air Quality Consultant - Environment

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