

OTTERPOOL PARK – Y19/0257/FH CONSULTATION SUMMARY TABLE

STATUTORY CONSULTEE RESPONSES RECEIVED FROM 31 AUGUST TO 6 SEPTEMBER 2022 AND BETWEEN 07 SEPTEMBER AND 10 OCTOBER 2022

(AND PARISH AND TOWN COUNCIL RESPONSES RECEIVED FROM 31 AUGUST TO 6 SEPTEMBER 2022 AND BETWEEN 07 SEPTEMBER AND 10 OCTOBER 2022)

Table 3				
Consultation Responses (Statutory Consultees responses)				
Ref	Name	Date Received	Comments	LPA Reference
1	Environment Agency	28.10.2022 (Previous comments: 25.05.2022)	<p>Thank you for consulting us on the above, we have the following comments to make in regards to the amendments submitted on 31st August 2022.</p> <p><u>Flood Risk comments:</u> We raise no objection to the additional wetlands proposed for the site. From the plans provided, they appear to lie outside of the Flood Zone 3 extent. However, we would expect the flood risk assessment to be updated to demonstrate the following:</p> <ul style="list-style-type: none"> • Any raised embankments or associated infrastructure will not create loss of floodplain storage or affect flood flows both in present day and appropriate climate change scenarios. • If compensatory flood plain storage is required, this will be based on the operational water levels within the cells and not the bed levels. • An appropriate management plan should be developed, to the satisfaction of the Local Planning Authority, to ensure the wetlands are suitably maintained throughout their lifetime. <p><u>Water Quality comments:</u> OP5 Appendix 15.2 Otterpool Park Nutrient Neutrality Update: 6. Implications and Recommendations 6.1 Implications</p> <p>Statement in Report: <i>“It also recommended to optimise wetland sizes where possible to maximise their nutrient removal efficiency by interlinking smaller storm wetlands (including with SuDS features and existing smaller local watercourses where possible), to collectively</i></p>	LPA 373

		<p><i>provide a larger wetland area while maintaining sufficient base flow.”</i></p> <p>The applicant’s preferred option is of direct treatment mitigation via onsite Waste Water Treatment Works (WwTW) and stormwater wetland areas. However, it is currently unclear (as per the above text) how the proposed wetland locations interact with the existing watercourse/s and impact their baseflow and normal flows or what assessments have been undertaken. Further information is required.</p> <p>We also want to know if water is to be directly abstracted from the existing watercourses or whether existing watercourses are to be impounded in order to support and maintain the proposed wetland nutrient neutrality schemes. If so, abstraction and impoundment licenses will be required from the Environment Agency, in which there is no guarantee they will be granted.</p> <p><u>Fisheries, Biodiversity and Geomorphology comments:</u></p> <p>A very large number of assumptions have been made in developing the data used in the OTTERPOOL PARK ENVIRONMENTAL STATEMENT Nutrient Budget Analysis Update – July 2022 Update (OP5).</p> <p>Before commenting on the outputs further, we would like to understand what evidence was used to determine the efficacy of the wetlands and how the proposed wetland sites will be managed in perpetuity to ensure that they function as intended. We also seek clarity about the description of the sites in the Biodiversity Net Gain calculations, as we do not consider these constructed managed wetlands to be suitable habitats to be included in them.</p> <p><u>Groundwater and Contaminated Land comments:</u></p> <p>It is understood that wetlands are proposed for the treatment of wastewater from the proposed on-site wastewater treatment works. As previously noted, much of the proposed Otterpool area is underlain by Principal Aquifers, and as such it will need to be demonstrated at the detailed design stage that any wetlands used for this purpose will not negatively impact groundwater quality.</p> <p><u>Water Resources Comment:</u> OTTERPOOL PARK ENVIRONMENTAL STATEMENT Nutrient Budget Analysis Update – July 2022 Update (OP5).</p> <p>Section 4.2 Stage 1 Additional WwTW Nutrient Loading Statement in report: <i>“The preferred Onsite WwTW solution with Severn Trent Connect has an agreed permitting values with NE of 7.2 mg/l for Total Nitrogen (TN) and a Total Phosphorus (TP) limit of 0.1 mg/l.”</i></p> <p>We will need to agree permit limits irrespective of what Natural England has agreed.</p> <p>Section 4.2 Table 2 WwTW TP and TN permit options Future permit limits for Sellindge are likely to be tighter than those used in this nutrient budget analysis.</p> <p>The WINEP investigation for Stodmarsh has been completed. Proposed permit limits for Sellindge are tighter than those used in the nutrient budget calculations. It may be worth comparing the on-site WwTW against the proposed Sellindge WwTW permit limits. Proposed permit limits for Sellindge are 0.25mg/l for Phosphorus and 9mg/l for Nitrogen.</p> <p>The wetland area required depends largely on permit limits achieved at the treatment works, therefore it is preferable to compare</p>	
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			<p>the onsite WwTW option with an option for Sellindge using the tighter proposed limits.</p> <p>Management and performance of wetlands: There is concern of nutrient loading in wetlands and about the management of nutrient rich sediments.</p> <p>There is also concern about the effectiveness of wetlands in winter months. How is the performance of the wetlands expected to vary over the course of a year?</p> <p>For the wetlands used for SuDS, please confirm that these wetlands are to be used only for SuDS, with no abstraction from the river.</p> <p>Other issues to consider: Has climate change and the effects of future higher intensity rainfall and/or prolonged droughts been considered in the design of the SuDS and wastewater treatment works wetlands?</p> <p>How will the wetlands affect the temperature profile of the East Stour?</p>	
2	The Countryside Trust Charity (CPRE)	10.10.2022	<p>CPRE Kent have reviewed the revised documents and could find nothing in them which addresses the concerns we raised in our submission in June this year. As such, our objections and comments still stand.</p> <p>We understand the reasoning for closure of part of Aldington Road to motorised traffic but disagree with its characterisation as a 'rat-run' - a term used for unwanted through traffic on otherwise quiet residential streets. It is a legitimate route between Lympe and Hythe. The upgrading of Old London Road is welcome, but the applicant should be looking to provide a more direct route for cyclists between Otterpool Park and Hythe via HE281 as we suggested in our June letter.</p> <p>The explanation of the difference between the two sets of parameter plans is useful. It demonstrates that it really would be better for all concerned if KCC could confirm this site is not required for the deeply unpopular activities proposed by the applicant Countrystyle. It is 14 years since that application and Countrystyle have shown no inclination to go ahead. The planning permission has lapsed.</p>	LPA 372
3	Hazardous Substance Consent	14.09.2022	<p>HSE is a statutory consultee for certain developments within the consultation distance (CD) of major hazard sites and major accident hazard pipelines, and has provided planning authorities with access to HSEs Planning Advice WebApp https://pa.hsl.gov.uk</p> <ul style="list-style-type: none"> I should therefore be grateful if you would arrange for HSEs Planning Advice WebApp to be used to consult HSE for advice on this application. <p>Should you or your colleagues need any additional help in using the new WebApp to obtain HSE's advice on a proposed development, a central support service is available at lupenquiries@hse.gov.uk or by telephoning on 0203 028 3708.</p> <p>NB On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building.</p> <p>A <u>relevant building</u> is defined in the planning guidance at gov.uk as:</p> <ul style="list-style-type: none"> containing two or more dwellings or educational accommodation and meeting the height condition of 18m or more in height, or 7 or more storeys 	LPA 396

4	Historic England	17.10.2022 (Previous comments (30.06.2022))	<p>Thank you for your letter of 12 September 2022 regarding further information on the above application for planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the application.</p> <p>Summary</p> <p>Historic England acknowledges the extensive changes within the amended application for a proposed town at Otterpool Park.</p> <p>We do not think these amendments address the recommendations of our letter of 30 June 2022 sufficiently for us to withdraw our objection, but it would be possible to resolve our concerns with the conditions proposed in this letter, and with assurances that a package of heritage benefits will be secured.</p> <p>We would like to continue working constructively with your Council and the applicant to take these additional steps for ensuring that the extraordinarily rich and important historic landscape of Otterpool Park plays a central role in driving the identity and character of the proposed town.</p> <p>Historic England advice</p> <p><u>Significance</u></p> <p>Our letter of 30 June 2022 sets out the significance of those parts of the historic environment at Otterpool for which Historic England has the strongest locus. We do not propose to repeat this here and refer you to our previous letter.</p> <p><u>Impact</u></p> <p>Our advice here focusses on impacts to the scheduled barrows because the amendments have focused on these assets. This letter should be read in conjunction with our advice of 30 June 2022, which contains a fuller account of the impacts to the historic environment.</p> <p>To summarise, the recent amendments go some way to addressing the detailed recommendations in Appendix 4 of Historic England's letter of 30 June 2022. However, we continue to have serious concerns about the treatment of barrow 131, and its continued severance from the wider cemetery. We consider the harm to heritage significance remains high.</p> <p>We also remain highly concerned about barrow 44 for which similarly we remain of the view that the harm would be high. Our detailed assessment of the remaining impacts is as follows.</p> <p>a) Barrow cemetery to the south-west of Barrowhill</p> <p>For the barrow cemetery we welcome amendments to the Strategic Design Principles (SDP) Hill Top key design principle 1, which now recognises the need to maintain views and relationships between the barrows and their surrounding landscapes (e.g., the AONB).</p> <p>However, none of the principles acknowledges that the barrows are a single heritage asset and therefore that their significance depends to a great extent on the appreciation of the whole group together.</p>	LPA 375
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		<ul style="list-style-type: none"> • retention and upgrade of existing incoming electrical supply • tree clearance to restore historic views to and from the castle <p>From the August 2022 Conservation Management Plan (p.131):</p> <ul style="list-style-type: none"> • removal of ivy and vegetation from areas and buildings currently obscured by it • sort salvage piles and safely store historic fragments with the opportunity to re-use stone in repairs to the historic buildings • potential to improve wayfinding and signage both from outside and within the site <p>In addition to the benefits described above and any other heritage benefits your Council seeks to secure, we also consider it is important to secure agreement on the steps required to develop a detailed proposal for re-use, such that the applicant could submit detailed planning, listed building and scheduled monument consent applications.</p> <p>In practice, we consider this would need to include agreement of a project plan, a programme of archaeological evaluation and investigations where necessary within the scheduled monument and listed building, and pre-application discussions to review proposals and supporting documents, including a business plan, with your Council and Historic England up to the point where applications could be submitted.</p> <p>We suggest this work also include a commitment to work with the existing and future community of Otterpool Park so that they are an integral part of the process to develop a long-term beneficial use for the castle.</p> <p>We consider a commitment to take these steps within an agreed timeframe should also be secured and that it may be helpful to begin with the submission of a phasing plan so that your Council and Historic England can understand how the applicant proposes to phase the re-development of Westenhanger Castle.</p> <p>We also consider it would be beneficial to discuss the future stewardship arrangements for Westenhanger Castle and to consider whether the most appropriate vehicle for securing its long-term conservation and positive management is as part of the wider stewardship for heritage assets across the whole site.</p> <p>Though not directly linked to the above, we have always considered that the community and its use, enjoyment and appreciation of the castle must be central to its future. We therefore suggest that the applicant should explore the opportunity of opening the castle on heritage open days (a national programme) up until the castle is re-developed and a new use secured. This would provide an additional level of public access and benefit that the castle does not currently benefit from, but which could be considered a heritage benefit as part of the application. With public access in mind and as a heritage benefit, we also recommend securing, via condition or a legal agreement, a community use for the barns as described in the heritage strategy, August 2022, p.53.</p> <p>We also note that the heritage strategy continues to recommend delivery of a management and maintenance plan alongside Tier 3 (p.56 August 2022, HS). We again, suggest consideration is given to carrying out this work before Tier 3, as this is an important document which should be produced and implemented as soon as possible.</p> <p>We also again, request the removal of illustrative plans showing the re-use of the castle and its landscaped setting as without additional evaluation, these plans could be misleading (e.g., p.63, HS, August 2022). We suggest these plans could be removed when the heritage strategy is next updated.</p> <p><u>Westenhanger Causeway</u></p> <ul style="list-style-type: none"> • Secure, via condition, a future stewardship arrangement to ensure the positive management and maintenance of the causeway in perpetuity. 	
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		<p><u>Barrows</u></p> <p>1) Barrow cemetery to the south-west of Barrowhill (barrows 58, 113,114, 115, 130, 131 and 135 (SM 1475132))</p> <ul style="list-style-type: none"> • Secure, via condition, an appropriate level of evaluation and understanding of the site to inform Tier 2 and Tier 3 proposals. We consider this would include, as a minimum, a comprehensive topographic survey, view analysis and a heritage assessment which considers the contribution of setting to the significance of the barrow cemetery, including its relationship to its immediate and the wider prehistoric and funerary landscape. This work must be completed prior to the development of Tier 2 proposals • Secure, via condition, a commitment for no physical harm to all scheduled monuments. The heritage assessment should include an assessment of the potential for direct and indirect physical impacts; particularly in relation to the proposed SUDs within the green space of barrow 131 to inform Tier 2 proposals. • Secure, via condition, a minimum level of visual supporting information for Tier 2 proposals which includes the submission of verified wireframes and rendered views where appropriate, to inform decision taking. • Secure, via condition, the removal of the barrow cemetery from plough at the earliest possible opportunity, as agreed by the LPA and in discussion with Historic England • Secure, via condition, an appropriate mechanism for the long-term positive • management of the barrow cemetery by its inclusion in a stewardship scheme for heritage within Otterpool Park. • Secure, via condition, the interpretation of the barrow cemetery, including, as a minimum, heritage interpretation boards. • Amend the heritage walk to include barrow 131 (it is not currently shown as included in either the SDP (Figure 3.7 Heritage) or the Heritage Strategy (pg.97)). • We also suggest the commitment to the scheduled barrows, and particularly the group on Barrow Hill (p.73, HS, August 2022), are updated to reflect recent discussions about treating all of the barrows in this scheduled monument as a single group. The updated heritage strategy continues to separate 131 from the wider barrow group. We suggest the commitment should be revised when the heritage strategy is next updated. <p>2) Bell barrow approximately 750m to the south-west of Westenhanger Castle, also known as barrow 44 (SM 1475133)</p> <ul style="list-style-type: none"> • Secure, via condition, an appropriate level of evaluation and understanding of the site to inform Tier 2 and Tier 3 proposals. We consider this would include, as a minimum, a comprehensive topographic survey, view analysis and a heritage assessment which considers the contribution of setting to the significance of barrow 44, including its relationship with its immediate and the wider prehistoric and funerary landscape. This work must be completed prior to the development of Tier 2 proposals. • Secure, via condition, a minimum level of visual supporting information for Tier 2 proposals which includes the submission of verified wireframes and rendered views where appropriate, to inform decision taking • Secure, via condition, the removal of barrow 44 from plough at the earliest possible opportunity, as agreed by the LPA and in discussion with Historic England • Secure, via conditions, an appropriate mechanism for the long term positive management of barrow 44 by its inclusion in a stewardship scheme for heritage within Otterpool Park. <p>3) Round barrow approximately 400m north-east of Upper Otterpool Farmhouse; as known as barrow 136</p> <ul style="list-style-type: none"> • Secure, via condition, an appropriate level of evaluation and understanding of the site to inform Tier 2 and Tier 3 proposals. We consider this would include, as a minimum, a comprehensive topographic survey, views analysis and a heritage assessment which considers the contribution of setting to the significance of barrow 44, including its 	
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			<p>relationship with its immediate and the wider prehistoric and funerary landscape. This work must be completed prior to the development of Tier 2 proposals.</p> <ul style="list-style-type: none"> Secure, via condition, a minimum level of visual supporting information for Tier 2 proposals which includes the submission of verified wireframes and rendered views where appropriate, to inform decision taking Secure, via condition, the removal of barrow 136 from plough at the earliest possible opportunity as agreed by the LPA and in discussion with Historic England Secure, via condition, an appropriate mechanism for the long-term positive management of barrow 136 by its inclusion in a stewardship scheme for heritage within Otterpool Park <p><u>Wider historic environment within the outline application planning area (S3.3)</u></p> <p>We welcome the commitment to provide a storage facility for archaeological finds (p.92, HS, August 2022) but continue to think the outline application should secure a timeframe for the delivery of detailed feasibility and technical studies to inform a decision on the storage of archaeological finds from previous, ongoing, and future work across the site. Given the potential costs for delivery of this commitment, we think the feasibility work must also consider how it would be funded. This may be from developer contributions in which case consideration of this work up front and early in the development of Tier 2 and 3 applications will be essential.</p> <p>We continue to think the commitment for designation screening (p.93, HS, August 2022) should be amended to include “designation screening for currently unknown archaeological features of national significance” so that the potential for future designations is adequately addressed within the strategy. At the moment the commitment only references designation screening that the applicant has completed.</p>	
5	HSE Planning Gateway One	14.09.2022 Previous Comments (04.05.2022)	<p>Thank you for your email in relation to Y19/0257/FH is the statutory consultee for the planning application that involve or may involve a relevant building.</p> <p>Relevant building is defined as:</p> <ul style="list-style-type: none"> Contains two or more dwellings or educational accommodation and Meets the height condition of 18m or more in height, or 7 or more storeys <p>“Dwellings” includes flats, and “educational accommodation” means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A(9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.</p> <p>This application will be considered out of scope due to it being validated before 1st August.</p> <p>Once again that you for your email, if you require further advice, please do not hesitate to contact the planning gateway one team.</p>	LPA 377
6	KCC Ecological Advice	06.10.2022 Previous Comments (18.07.2022)	<p>Ecological Surveys</p> <p>We advise that we are satisfied that the submitted ecological surveys are sufficient to inform the determination of the planning application. We acknowledge that a number of surveys have not been updated as part of the current submission but as the habitats have not significantly changed, we are satisfied they are sufficient.</p>	LPA 380

		<p>However we highlight that updated ecological surveys will have to be carried out throughout the development period across the whole site to inform further the reserved matter stages/tiers of the proposed development (if granted).</p> <p>The following surveys have been carried out:</p> <ul style="list-style-type: none">• Phase 1 habitat• Reptile• Badger• Amphibian• Water vole• Otter• Dormouse• Hedgerow• Wintering bird surveys• Breeding Birds• Assessment of farmland bird assemblage• Targeted Invertebrate surveys• Badger <p>The following was detailed within the submitted surveys:</p> <ul style="list-style-type: none">• Range of habitats throughout the site – including S41 habitats• 3 species of reptiles• GCN recorded within 9 ponds• Smooth and Palmate Newt, common frog and toad recorded during GCN survey• 103 badger setts were recorded, in addition to multiple latrines, hairs, pathways and mammal runs• 9 species of foraging/commuting bats• 13 bat roosts within and adjacent to the site (including a maternity roost of brown long eared bats)• 90 species of breeding birds (including 31 notable species)• 77 species of wintering birds (including 32 notable species)• Water Vole within 24 water bodies• Barn owl pellets recorded within 1 building• Evidence of breeding kingfisher on the stour• Evidence of Otter along the Stour River• Dormouse within adjacent woodlands• Suitable habitat for Hedgehogs and harvest mice within the site• 12 important hedgerows within the site• 5 bumblebee, 3 solitary bee species and glow worm• Suitable habitat for aquatic invertebrates and fish• Brown Hare• 103 badger setts (including 18 main setts) were recorded within the site and wider area <p>Mitigation</p>	
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		<p>As the site is currently largely arable fields and due to the proposed habitat creation throughout the site we are satisfied, with the exception of farmland birds/hare that the proposed species mitigation can be implemented within the proposed development. An overview of the ecological mitigation has been submitted and it has detailed the following will be implemented:</p> <p>GCN</p> <ul style="list-style-type: none"> • Retention of all, bar one, ponds with GCN present • Retention and enhancement habitat within the site to increase connectivity through the site (green corridors and use of underpasses for roads) • Creation of additional ponds within the site • Works carried out under an EPS/DLL licence <p>Reptiles</p> <ul style="list-style-type: none"> • Retention and enhancement of habitats within the site. • Works will require translocations /phased clearance to on site habitats <p>Water Voles</p> <ul style="list-style-type: none"> • Enhancement of terrestrial habitat along the river Stour and creation and enhancements of ditches and terrestrial habitat within the NE and West of the site • Retain connectivity through the site through the considerate design of bridges/underpasses etc. • Works will require translocation/displacement and will need to be carried out under a NE Licence <p>Bats</p> <ul style="list-style-type: none"> • Retention and enhancement of foraging /commuting areas • Creation of habitats to benefit foraging/commuting bats • Minimising light spill on to retain/created habitats and creation of dark corridors through the site. This is supported through the proposal to created habitat buffers which will be 5m from the edge of the hedgerow or 25m from the edge of the hedgerow if dark corridors • Creation of at least 4 bat houses <p>Badgers</p> <ul style="list-style-type: none"> • Retention of setts within the site where possible – currently at least 2 main setts and 4 outlier setts will be lost and indirect impacts to main, outlier, annex, and subsidiary setts. • Protecting retained setts during construction. • Replacement setts to be created to mitigate for the loss of any main setts – details of location to be agreed at the specific phase/tier. • Retention, creation, and enhancement of habitats suitable for foraging/commuting • Inclusion of tunnels under roads <p>Wintering /Breeding Birds (not farmland birds)</p> <ul style="list-style-type: none"> • Enhancement and creation of habitats within the site. • Inclusion of breeding birds features within the site. • Wetland/woodland areas will be protected from disturbance through the use of signs/fencing. <p>Farmland Birds/Brown Hare</p> <ul style="list-style-type: none"> • Impact can not be mitigated on site. • Offsite habitat creation anticipated and be phased as development progresses 	
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		<ul style="list-style-type: none"> Relies on agreements with farmers/landowners in the surrounding area. <p>Other Species not listed above</p> <ul style="list-style-type: none"> No specific mitigation proposed the enhancements/habitat creation detailed for the above listed species will support those species. <p>Habitats</p> <p>The master plan has been designed to retain or minimise impacts on existing habitats. For example:</p> <ul style="list-style-type: none"> The areas of Ancient Woodland will have a minimum of 50m buffer Non AW woodland will have a minimum of 25m buffer. Hedgerows will be largely retained/buffered. Where hedgerows will be lost the hedgerows will be replaced. Buffer of at least 50m along the River Stour <p>Concerns</p> <p>While we are satisfied that the mitigation can be implemented, we highlight the following points with regard to the proposed mitigation.</p> <ol style="list-style-type: none"> There is a need to ensure that the proposed habitat buffers and dark corridors are achievable as they could be impacted by a number of factors such as: <ul style="list-style-type: none"> Change in regulations in space required for roads/pathways Lighting required for school pitches/Health and Safety Changes to the layout over the lifetime of the development Flood pitch lighting is not used within the sports pitches adjacent to the dark corridor areas. Impacts from light spill. There is a need for future tiers/reserve matter application clearly demonstrate that they are achieving the minimal/no light spill within the dark areas/habitats buffers. The development should still be aiming to reduced/minimise light spill on all vegetated boundaries regardless of whether it is a dark corridor. We would still anticipate that bats and other nocturnal species use these features. Increases to development footprint of housing. If planning permission is granted, we would expect those habitat buffer requirements detailed within the ES to be secured by condition and demonstrated within future Tiers/Reserved Matter applications. Therefore, there is a need to ensure that the proposed habitat buffers are achievable and retainable. It's our experience from reviewing other large developments that the area of green space / mitigation areas will often be reduced at the reserved matter stage. This is usually due to the applicant for the reserve matters not fully understanding what has been agreed at the outline stage and then mitigation areas being designed to be more formal amenity areas. There is a need to ensure that the mitigation/enhancements/habitat creation agreed at this stage of future tiers will be implemented and demonstrated within the reserve matters application. There needs to be an undertaking to ensure that the mitigation areas/green spaces/wildlife corridors will not be lost or partially impacted by the future tier/reserved matters applications. Due to the size of the development small incremental habitat take from each detailed application could result in a large reduction of habitat within the site. 	
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		<p>4. Implementation of the mitigation. The submitted ES has outlined the principle of the proposed offsite mitigation but there is a need to ensure that it can be achieved, and a strategic approach is implemented by Otterpool Park and, if granted, is something that developers for each phase pay in to/contribute to. It must not be something that each developer has to implement individually as it is unlikely to be achievable if the mitigation is not within that phase/tier.</p> <p>There is a need to ensure that the on-site mitigation for the species recorded within the site is implemented in advance. This is something that we would expect Otterpool Park to implement rather than development for each phase. As the mitigation for the development has been designed to take in to account the whole site it is not appropriate or achievable for the developers for each phase to carry out the habitat creation.</p> <p>Measures need to be in place prior to future residents moving in to ensure that areas where there is expected to be minimal, or no recreation pressure can be implemented.</p> <p>5. Detailed mitigation strategy The proposal is to be implemented as a tiered application and if granted the proposal is to be implemented over a number of years. Due to the size of the development and the connectivity of the populations throughout the site there is a need for a site wide mitigation strategy to be produced for the whole site if planning permission is granted to ensure that appropriate mitigation will be implemented. The mitigation strategy can then be reviewed and updated for each Tier/Reserved Matters application.</p> <p>Individual mitigation strategies cannot be for each Tier/Reserved Matters application as habitat creation associated with that Tier/Reserved Matters application may have to be carried out within another part of the site.</p> <p>The habitats on site will have a number of uses (ecological mitigation/amenity/SuDS etc.) therefore there is a need to ensure that the proposed mitigation must be designed to take in to account other uses/users of the site.</p> <p>We are aware that the development (if granted) will take a number of years to implement and therefore there will be a need for the mitigation strategy to be regularly reviewed and updated to take in to account updated survey results.</p> <p>There must be ecological site wide oversight of the implementation of the Tier/Ecological Mitigation to ensure that any habitat creation linked to the species mitigation can be implemented in advance to ensure the proposed habitat has been established to a good quality when the ecological mitigation for particular phases commences.</p> <p>As detailed above there is a need to ensure that this is undertaken by Otterpool Park not the individual developments. We highlight that the habitat creation works must not be the responsibility of the developer for a particular phase - particularly when the mitigation habitat is located elsewhere within the wider site.</p> <p>Management We advise that there will be a need for a detailed management plan to be produced if planning permission is granted. The management plan must reflect the requirements of the Biodiversity Action Plan (BAP) however we highlight that the BAP only includes certain species but there is a need to ensure the management plan addresses the requirements of all species recorded within the site.</p> <p>The management plan will have to be regularly updated as the development works progress and to take in to account the results of ongoing monitoring and habitat creation.</p>	
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			<p><i>the site can achieve nutrient neutrality. Detailed designs and maintenance plans of the mitigation proposals will be produced during Tier 2 and Tier 3 Stages through the implementation of Tier 1 outline planning conditions. As it can be demonstrated at the Appropriate Assessment stage that the proposal will not adversely affect the integrity of the Stodmarsh SAC, SPA and Ramsar site, no further stages of HRA are required.</i></p> <p>However, we advise that we are not experts on water quality or air quality, and we recommend that FHDC must be satisfied with the conclusions of the HRA with regard to both matters.</p> <p>We advise that there will be a need for the HRA to be reviewed with every application. Due to changes within the environment over time issues/considerations may develop that were not considered as part of the original HRA.</p>	
7	Kent Growth and Communities	25.11.2022 Previous Comments (07.07.2022 04.08.2022)	<p>The County Council has reviewed the <i>further amendments</i> in relation to the Outline Planning Application as received by Folkestone and Hythe District Council, as Local Planning Authority on 31 August 2022. This also includes the <i>further information</i> and <i>other information</i> submitted on the same date in relation to the existing Environmental Statement. Overall, the County Council continues to have a number of significant concerns with the proposal, summarised below:</p> <ul style="list-style-type: none"> • 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 (Highways and Transportation). • KCC, as Minerals and Waste Planning Authority and Waste Disposal Authority, is not satisfied with the proposed strategy for the management of waste arising from the development. The application does not consider in appropriate depth the loss of the permitted waste management facility capacity at Otterpool Quarry against the Kent Minerals and Waste Local Plan (2013-30) (KMWLP). To support the development, a sustainable waste management strategy must be agreed, and ensuring the timely provision of appropriate waste management infrastructure is crucial. The County Council also raises landwon mineral safeguarding matters which require addressing in line with the KMWLP. Further detail is set out within Chapter 6 (Minerals and Waste) and Chapter 7 (Waste Management). • The County Council's previous comments in respect of heritage conservation have not been addressed by the applicant. KCC is not satisfied with the assessment of harm that has been carried out in respect of the Prehistoric Barrows, leading to concerns regarding the impact and potential adverse effects that the proposed development may have on these assets. Further detail is set out within Chapter 9 (Heritage Conservation). <p>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.</p> <p>1. <u>Highways and Transportation</u></p> <p>The County Council, as Local Highway Authority, welcomes the opportunity to comment on the revised application material. The additional Transport documents follow on from further discussions between the County Council, the District Council in its role as Local Planning Authority and the applicant.</p> <p>Response to Kent County Council</p> <p>The required VISSIM (micro-simulation) model together with a local model validation report has still not been submitted as the required traffic surveys at M20 Junction 10 and 10A have not been completed yet. This is required so that KCC, as Local Highway Authority, can understand the total effect of the development across the local highway network on network flows, journey times and delay. Without this information KCC will be unable to reach a conclusion on the development impact and will maintain a holding objection based on a lack of supporting information being submitted.</p> <p><i>Road Safety</i></p>	LPA 381

			<p>Section 4.6 – It has been agreed with the applicant that a further crash search is required at M20 Junctions 10 and 10A so that KCC can understand whether or not the new motorway junction at 10A and subsequent changes to junction 10 have resulted in any highway safety issues.</p> <p><i>Enabling Infrastructure</i></p> <p>Section 5.4 - There are no details of land purchase discussions between the applicant and the landowners of the land that is required in order to provide the submitted turning heads for appropriately sized refuse vehicles on Aldington Road and Harringe Lane in order to facilitate the road closures to vehicle traffic. These schemes need to be led on by the applicant and addressed in full as part of the outline planning application. The County Council will not lead on these schemes as they are required to mitigate the impact of the development and to prevent rat-running on rural single width roads that are not suitable for increases in vehicular traffic.</p> <p><i>Highway Access Strategy</i></p> <p>Section 5.4 - The Stage 1 Road Safety Audit together with a Designers Response for both Newingreen junction and the A20 re-alignment still needs to be formally submitted to Folkestone and Hythe District Council. Where mitigation measures have also been identified for off-site junctions, these also require a Stage 1 Road Safety Audit together with a Designers Response.</p> <p>Further discussions are still taking place with the applicant regarding Newingreen junction to agree a suitable junction design.</p> <p><u>Junction Capacity Assessments</u></p> <p>KCC will not accept a 30mph speed limit along the A20 from day one as it would not meet the criteria in 'Setting Local Speed Limits' as it would not deliver a significant change in the environment along the A20 corridor and there will be significant enforcement issues. There will need to be a phased approach to any speed limit reductions along the A20 prior to development along the A20 corridor coming forward. It is suggested that there is a new 50mph speed limit upon commencement of development reducing to 40mph when some development comes forward and any segregated footway / cycleways are put in along the corridor and then 30mph when frontage development comes forward.</p> <p>Junction 1: M20 Junction 10 - An updated assessment of this junction in conjunction with M20 J10a will be required, surveys will be undertaken following the completion of the A2070 roadworks in December 2022. A292 Hythe Road/M20 Westbound On-slip - Based on the submitted junction capacity assessments a mitigation scheme is required for the A292 arm as queuing and delay will increase significantly on this arm in the 2044 DS PM peak scenario.</p> <p>Junction 2: M20 Junction 11 - Mitigation for this junction has been developed and is subject to further discussion with KCC.</p> <p>Junction J7b: A20 Hythe Road / The Street - KCC has not seen any further mitigation plans for this junction.</p>	
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		<p>Junction 12: Aldington Road / Lympe Hill - KCC has not seen any further mitigation plans for this junction. Any mitigation plans are likely to be subject to the closure of Aldington Road to the east to vehicle traffic to remove the give way line.</p> <p>Junction 14: A261 London Road / Barrack Hill - KCC has not seen any further mitigation plans for this junction.</p> <p>Junction 15: A259 / Dymchurch Road / Military Road Gyratory - KCC has not seen any further mitigation plans for this junction.</p> <p>Junction 17: A20 Ashford Road / A20 Junction 11 LILO - KCC has not seen any further mitigation plans for this junction.</p> <p>Junction 21a:M20 Junction 13 (Castle Hill Interchange) - A financial contribution of £50,000 is required towards widening the Churchill Avenue arm on the approach to the roundabout. All financial contributions will need to be index linked from Quarter 3 2022 and be based on the construction price index (new work, infrastructure).</p> <p>Junction 23: M20 Junction 9 – KCC has not seen any further mitigation plans for this junction.</p> <p>Junction 24: B2064 Cheriton High Street / B2063 Risborough Lane - A financial contribution of £210,000 is required towards sustainable transport measures along the Cheriton High Street corridor to mitigate the impact of the development.</p> <p>Junction 25: B2064 Cheriton Road / A2034 Cherry Garden Avenue - The County Council is currently considering options to improve the operation of this junction both in terms of highway safety and capacity. A financial contribution of £150,000 is required to mitigate the impact of the development that KCC will use towards delivering a highway improvement scheme here.</p> <p>Junction 26: A259 Prospect Road / Stade Street - KCC has not seen any further mitigation plans for this junction.</p> <p>Junction 27: Barrow Hill Shuttle Signals - A planning condition is required to lengthen the cycle times to 120 seconds in order to mitigate the impact of the proposed development. Queue lengths will need to be monitored over time as part of the monitor and manage approach. SH18: A260 Spitfire Way / White Horse Hill / A20 Slip Roads - It would be appropriate for National Highways to secure a contribution to widen the A20 coastbound off-slip to mitigate the impact of the development given that there are no current sources of funding towards the wider Local Plan highway improvement scheme.</p> <p>SH18: A260 Spitfire Way/White Horse Hill/A20 Slip Roads – It would be appropriate for National Highways to secure a contribution to widen the A20 coastbound off-slip to mitigate the impact of the development given that there are no current sources of funding towards the wider Local Plan highway improvement scheme</p> <p>SH19: Alkham Valley Road / A20 slip roads - A financial contribution of £30,000 is required towards widening of the Alkham Valley Road south arm on the approach to the roundabout to mitigate the impact of the development. SH16: A260 Canterbury Road / Alkham Valley Road - The County Council is currently considering options to improve the operation of this junction both in terms of highway safety and capacity. As such a financial contribution of £200,000 is required to mitigate the impact of the development that KCC will use towards delivering a highway improvement scheme here.</p> <p>All new junctions on to the local highway network will be assessed as part of the tier 2 application and approved as part of reserved matters applications (tier 3) which is acceptable to KCC Highways and Transportation.</p>	
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		<p>outcome of such an approach. Whilst the use of a Grampian condition at the outline stage therefore may be an effective vehicle to address matters at this time, it still leaves the fundamental policy requirement of the waste management capacity safeguarding of the consented Otterpool Quarry site uncertain and at some risk of attracting an objection from the County Council in addressing this at the detailed planning stage.</p> <p>The County Council also notes the wider waste needs of the proposed development raised in the Council's earlier correspondence, particularly the need to provide additional waste capacity for arisings from the proposed new development. In waste policy terms, the consented Otterpool Quarry site would have planning merits for other waste uses and in the absence of conclusion of where new capacity is to be provided, the uncertainty of leaving matters to the detailed planning stage is greater.</p> <p>Waste Management Capacity Requirements</p> <p>The third area of concern previously raised relates to the need to plan for waste arisings from the Otterpool Park development. This is a significant development anticipated to be built out over many years. It will give rise to both commercial and household waste that should be properly planned for as an integral part of the development. Waste planning policy requires consideration to be given to the 'proximity principle' and support for the establishment of the 'Circular Economy' in managing waste streams. It is noted that the applicant contends that these matters have been addressed in the in OP5 Chapter 17: Waste and Resource Management and Appendix 17.1: Waste Strategy document. The application states that "<i>The first consideration of circular economy and resource efficiency is – does it need to be built? In the case of the Material Recycling Facility (MRF) and Anaerobic Digestion (AD) plants D parts of the PWF – it is not. The carbon and resource savings from not building would likely outweigh the emissions from transport. The Development's waste will merely be added to the existing collection routes.</i>" This a considerable assumption and one that ignores that significant transportation to non-proximate of waste materials will not have considered the established proximity principle, in this case, there is permitted capacity that is proximate which should be afforded considerable weight in the decision making. The contention that the applicant has little if any interest in developing the facility, is not relevant to the understanding of the proximate waste management needs of a significant new settlement.</p> <p>In summary, Policy DM8 has not been appropriately applied when considering the safeguard capacity that falls within the proposed area. The County Council remains of the view that a relocation of the consented waste capacity or its retention within the proposed area would represent the most appropriate way to address this matter and be in accordance with local and national planning policy and guidance.</p> <p>The County Council as Waste Planning Authority would welcome continued working with the District Council to address matters raised within this response.</p> <p>Waste Management</p> <p>The County Council, as Waste Disposal Authority has provided comments directly relating to the Environmental Statement of OP5 Chapter 17 – Waste and Resource Management and the Environmental Statement Appendix 17.1 Waste Strategy. The extract of the text from the PDF of this content dated 25 November 2022 within the File Database.</p> <p>As a result the County Council, as Waste Disposal Authority would welcome further discussions with the applicant and the District Council in respect of the matters raised.</p>	
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		<p>8. Sustainable Urban Drainage Systems (SUDS)</p> <p>The County Council, as Lead Local Flood Authority notes that there has been no changes made to OP5 App 15.1 - Flood Risk Assessment and Surface Water Drainage Strategy.</p> <p>KCC requests confirmation from the applicant that the additional material application material as of 31 August 2020 has no implications on the Flood Risk Assessment and Surface Water Drainage Strategy (FRA&SWDS) and that it therefore remains valid.</p> <p>With regards to the proposed alteration to the County Council's conditions and with the inclusion of the word "detrimental" - whilst KCC does not object to this amend, before accepting the change, KCC requests that applicant clarifies how they would propose to demonstrate that outfalls from their site which may change the base flow conditions do so such that they are not deemed to be detrimental (particularly when considering downstream features such as the Addington Reservoir).</p> <p>Further to this the County Council as Lead Local Flood Authority requests that the Local Planning Authority considers if there may be a conflict with any conditions which are recommended by the Environment Agency regarding the East Stour River being that it is a main river under their remit.</p> <p>9. Heritage Conservation</p> <p>The County Council previously raised significant concerns about the impact of the proposed development on several scheduled Prehistoric Barrows that are located within the development site. Whilst the applicant has made some amendments to the application, these significant concerns remain. The County Council remains of the view that the applicant's assessment of harm to these assets is incorrect. The County Council notes the applicant's response within the Otterpool Park Response to Kent County Council (August 2022) refers to embedded mitigation measures, but these had been taken into account in KCC's assessment of harm.</p> <p>The County Council had previously recommended that, because of the harm that will be caused to the barrows, changes to the development proposals were necessary. The applicant has not made any changes to the Parameter Plans to address these concerns. Changes have however been made to the Strategic Design Principles document (OPA5 Appendix 4.3) which the applicant explains are "<i>to add security that the detailed design of development will be appropriate</i>".</p> <p>The County Council recognises it is necessary to view the existing parameter plans in conjunction with the other revised documents submitted for approval (namely the revised Strategic Design Principles and amended Development Specification), but nevertheless is concerned that no changes have been made to the Parameter Plans themselves.</p> <p>Taking the documents for approval in combination (and taking account of the additions made to the Strategic Design Principle) KCC remain of the view that the proposed development could result in significant adverse effects, which are likely to fall at the very upper-end of less than substantial harm, or potentially in a worse-case scenario result in substantial harm, to these nationally important heritage assets. The County Council does not think this harm is justified and KCC consider that additional changes are needed to minimise harm.</p> <p>Whilst KCC recognises that some of the principles set out in Appendix 2 of the Strategic Design Principles are to be welcomed, the County Council does not think on the whole (taken alongside the other documents for approval) these measures are sufficient</p>	
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		<p>to avoid or minimise harm to an acceptable level. For example, in the case of Barrow 44, the principle of allowing for “<i>the spatial patterning</i>” of the barrows and “<i>their relationship with the river valley and each other to be appreciated</i>” is included. However, the other principles and parameters also describe a space that “<i>must be enclosed by development</i>” with a “<i>9m minimum buffer of open space</i>”. It is noted that the enclosing development should be “<i>at the lowest level of what is shown on the building heights parameter plan</i>”, but this commitment is unclear as the building heights parameter plan (OPM(P)4003_revYY) does not include minimum (lowest) levels, only maximum heights which for this parcel is for “<i>development up to 18m above existing ground levels</i>” (the highest there is). Also, it is unclear whether this commitment relates only to the immediate enclosing development.</p> <p>The County Council recommends that for the applicant to provide certainty, amendments should be made to the Parameter Plans so that a clear and robust set of parameters within which acceptable development can be brought forward through detailed design work in Tiers 2 and 3 is established at the outline consent stage.</p> <p>For the barrow cemetery at Barrow Hill, the County Council has previously indicated to the applicant (and this remains the case) that KCC does not agree with the division they have made in the application documentation between barrows 58, 113, 114 & 135 and barrows 115, 130 & 131. The barrows are all component parts of the same cemetery (they are one Scheduled Monument). There is no evidence that the more distant barrows have any less of a connection to the cemetery group. The County Council considers that on the basis of current information, the correct approach is to treat each barrow as contributing equally to the cemetery’s group value.</p> <p>The previous, disjointed approach is continued in the amendments to the updated Strategic Design Principles document (Appendix 2), where different key design principles are set out for the barrows at Barrow Hill Green¹ to those for Barrow 130 (described as south-west of Barrow Hill) and 131 (north-west of Barrow Hill). In particular, the severance of Barrow 131 from the other barrows in this cemetery group is harmful as it will prevent appreciation of the cemetery as a whole; it will remove the ability to understand the dispersed linear layout of the cemetery and it will significantly impact the ability to appreciate the scale and landscape setting of this nationally important group of funerary monuments. Notably the newly added design principles state only that the design of development around barrow 131 should be “<i>defined by the barrow itself</i>” with “<i>appreciation</i>” given to the wider landscape. The Strategic Design Principles document does not give specific mention of the relationship with the other barrows of the cemetery and how this will be maintained.</p> <p>The County Council must therefore conclude that the present documents submitted for approval have not addressed previous comments on this aspect. The County Council also does not consider that the applicant has appropriately responded to the group value of the cemetery, which is identified as a key element of the asset’s significance. The County Council’s assessment of the potential harm to the barrow cemetery therefore largely remains unchanged.</p> <p>The County Council comments above have concentrated on the impacts on the barrows and how amendments proposed by the applicant have responded to these impacts. In terms of the other feedback from the applicant, KCC notes that the applicant has not committed to funding a project specific community archaeologist. This is disappointing as KCC’s experience is that funding such a post would be the most meaningful (and long-lasting) way of delivering public engagement and participation in archaeological-led community activities. The applicant does commit to delivering public benefit through archaeological engagement, but the suggested ways of delivering such engagement appear to relate more to a “show and tell” approach, rather than the type of community-led participation that a project appointed community archaeologist would facilitate. KCC considers that archaeological engagement delivered through a community archaeologist post could more effectively help with developing a sense of place and assist in the integration of new communities with surrounding area.</p>	
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8	Kent Downs AONB	05.10.2022 Previous comments (22.06.2022)	<p>Amended outline application, with all matters reserved, for a comprehensive residential led mixed use development etc.</p> <p>FURTHER/AMENDED INFORMATION AUGUST 2022</p> <p>Thank you for consulting the AONB Unit on the amendments to the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership.</p> <p>Only selective elements of the amendments are relevant to the AONB and our response therefore focuses on the amended GI Strategy, Strategic Design Principles Document, and the Arcadis Response to the AONB comments submitted in June 2022.</p> <p>OTTERPOOL PARK GREEN INFRASTRUCTURE STRATEGY, AMENDED AUGUST 22</p> <p>The amendments to the GI Strategy, in so far as they relate to AONB issues, are limited to an amendment to Principle 4, to include reference to the need for open space to consider reducing recreational pressure on the AONB and, somewhat retrospectively, including reference to the AONB influencing the masterplan.</p> <p>The AONBs fundamental concern, that the GI Strategy fails to incorporate any principle that seeks to ensure that the Green Infrastructure helps integrate and mitigate development when viewed from the North Downs escarpment, remains unaddressed and is a fundamental omission of this document, given the specific reference, as set out in policy SS6 of the CS Review that '<i>it is essential that the landscape-led proposals include appropriate structural landscaping in order to avoid or minimise adverse impacts on the AONB and views in and out of the AONB in accordance with policy SS7' set out in policy SS6 of the CS Review.</i> The AONB Unit therefore maintains its view that Principle 7 should be amended to include a requirement for planting to assist in minimising views out from the AONB through integration of the development into the landscape and filtering of views of development from the AONB to the north, as required in the CS Review.</p> <p>STRATEGIC DESIGN PRINCIPLES, AMENDED AUGUST 22</p> <p>The AONB Unit welcomes the amendments to the Strategic Design Principles (SDPs), now acknowledging the sensitive views to and from the North Downs escarpment as a site influence for the various character areas, incorporating requirements to address this and the addition of a new site wide principle aimed at integrating the settlement into the setting of the Kent Downs. For clarity, we would request the following minor amendments in respect of the amended Character Area principles:</p> <p>Town Centre & Castle Park – within Fig 4.4, bullet point 5 should also be shown within developable areas, not just within the proposed Castle Park.</p> <p>River Stour - on Fig 4.6, bullet point 9 is erroneously shown along the northern boundary; it should be shown centrally within the proposed developable area.</p>	LPA 382

		<p>The addition of a new site-wide Principle 2 in the SDP Document, which seeks to assist in integrating the development into the landscape, is very much welcomed and we are supportive of many of the stipulations that are set out within it. We would comment however that in order to comply with CS Review policies SS6 and SS7 and respond to requirements/guidance in respect of AONB setting issues within the NPPF and nPPG, there needs to be more emphasis on maximising opportunities to mitigate development through reducing the impact on views from the North Downs escarpment. Our detailed comments are provided below:</p> <p><i>Develop masterplans and Design Codes which assist in integrating the settlement into the setting of the Kent Downs AONB, enhancing landscape and visual impact including:</i></p> <p>The requirement of CSR policies SS6 and SS7 is to minimise impacts on views into and out of the AONB. It is therefore considered essential that reference to maximising opportunities to reduce the visual impact of development as viewed from the North Downs escarpment to the north is included here.</p> <p><i>° Design, scale, setting and materials of new development must respond to the distinctive character and special qualities of the AONB and its setting; allow for significant tree planting between areas of buildings where necessary; and have regard to the Kentish Contemporary Vernacular Study and Colour Study (Doc. Ref. OP5 Appendix 12.5)</i></p> <p>As above, reference to minimising impact on views from the north should be incorporated. ‘Where necessary’ is a loose term; we consider this would benefit from clarification along the lines of ‘to mitigate views of large areas of built form where visible from the North Downs escarpment.’</p> <p><i>° Tier 2 masterplan proposals must show how the spacing, alignment, massing and overall design quality has had responded to the distinctive character and special qualities of the AONB and its setting.</i></p> <p>As above, reference to minimising impact on views from the north should be incorporated. We would also welcome reference to orientation of buildings, particularly larger ones, such as schools, block of flats and employment buildings.</p> <p><i>° Demonstrate how the planting framework contributes towards local character, adds to the sense of place, and helps with orientation and provides robust defensible edges to it, in part to ensure that abrupt changes of landscape character would not occur.</i></p> <p>While we support the specified requirements, in order to meet the requirements of policies SS6 and SS7, it is essential for this to be amended to include ensuring that the planting framework is designed to maximise opportunities to filter and break up large blocks of development in views from the AONB to the north.</p> <p><i>° Demonstrate consideration of the form, open spaces and vegetation that will be introduced to help define views into, out of and within the masterplan and integrate the settlement into its surroundings, in particular the impact on the setting of the AONB</i></p> <p><i>° Incorporate the use of non-reflective/appropriately coloured building façade and roof materials, green roofs and green walls on homes and incorporate PV oriented south where feasible, therefore limiting visibility in views from the AONB in the north.</i></p> <p>While we are wholly supportive of this principle, it needs to apply to all buildings, not just homes as currently specified, particularly as it is the non-residential buildings that have potential to be more impactful due to their larger scale. It might also be worth specifying that this is applicable to facades facing/visible from the North Downs escarpment, to provide more flexibility and variation on southern elevations.</p>	
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			<p>CONCLUSION</p> <p>The revisions to the application include amendments to the Strategic Design Principles, which incorporate measures that seek to ensure mitigation of impacts on the AONB, in more detailed future planning of Otterpool Park. As such, these amendments to the SPD are welcomed.</p> <p>However, no amendments are made to the overall quantum of development, nor the Parameter Plans and the application as proposed remains in excess of the landscape carrying capacity of the site. We note that this is a view shared by Natural England.</p> <p>This is despite strengthened requirements in both the NPPF relating to development impacting on the setting of AONBs (needing to be sited and designed to avoid or minimise adverse impacts) as well as stringent requirements now being incorporated into the adopted Core Strategy Review allocating the site, included as they were found necessary to make the allocation sound.</p> <p>The application as proposed still fails to meet the stringent requirements to avoid or minimise impacts on the AONB, including on views out from it; while some of the measures may reduce impacts, opportunities to avoid or minimise, which is the policy requirement, simply aren't incorporated. As previously advised, this would require avoiding siting overly tall buildings that cannot be mitigated by landscaping on parts of the site visible from the AONB, significantly increasing the amount and layering of structural planting between and within development parcels with a consequent potential need to reduce the quantum of development to accommodate this.</p> <p>We note that the applicant is very open that the structural planting scheme has not been designed to attempt to screen the development in views from the AONB (see first sentence on page 19 of the Arcadis response to AONB Unit's comments). We consider this a fundamental flaw of the mitigation strategy and structural landscaping proposals and to be wholly in conflict with the CSR policy requirements which are clear that Structural Planting should be incorporated to 'avoid or minimise adverse impacts on the Kent Downs AONB and views into and out of the AONB.'</p> <p>In its current form, the height, densities, and inadequate provision of structural planting would create an unsympathetic, strongly urbanising presence within the views and setting of the AONB, as borne out in the photomontages included in the LVIA, wholly in conflict with the NPPF and Core Strategy Review requirements to avoid or minimise impacts to AONB setting. As such the AONB Unit maintains its objection to the application in its current form and request that the structural planting and quantum and form of development is reviewed to ensure compliance with the NPPF and adopted Development Plan.</p>	
9	Marine Management Organisation	<p>(1)12.09.2022 (2)14.09.2022</p> <p>Previous comments (19.05.2022)</p>	<p>Thank you for including the Marine Management Organisation (MMO) in your recent consultation submission. The MMO will review your document and respond to you directly should a bespoke response from us within your deadline, please consider the following information as a formal response.</p> <p>Marine Management Organisation Functions The MMO is a non-departmental public body responsible for the management of England's' marine area on behalf of the UK Government. The MMO's delivery functions are marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing grants.</p> <p>Marine Planning and Local Plan development Under delegation from the Secretary of State for Environment, Food and Rural Affairs (the marine planning authority), the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up</p>	LPA 384

		<p>to the Mean High Water Springs (MHWS) mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of MHWS, there will be an overlap with terrestrial plans, which generally extend to the Mean Low Water Springs (MLWS) mark. To work together in this overlap, the Department of Environment, Food and Rural Affairs (Defra) created the Coastal Concordat. This is a framework enabling decision-makers to co-ordinate processes for coastal development consents. It is designed to streamline the process where multiple consents are required from numerous decision-makers, thereby saving time and resources. Defra encourage coastal authorities to sign up as it provides a road map to simplify the process of consenting a development, which may require both a terrestrial planning consent and a marine licence. Furthermore, marine plans inform and guide decision-makers on development in marine and coastal areas.</p> <p>Under Section 58(3) of Marine and Coastal Access Act (MCAA) 2009 all public authorities making decisions capable of affecting the UK marine area (but which are not for authorisation or enforcement) <u>must have regard to</u> the relevant marine plan and the UK Marine Policy Statement. This includes local authorities developing planning documents for areas with a coastal influence. We advise that all marine plan objectives and policies are taken into consideration by local planning authorities when plan-making. It is important to note that individual marine plan policies do not work in isolation, and decision-makers should consider a whole-plan approach. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service: soundness self-assessment checklist. We have also produced a guidance note aimed at local authorities who wish to consider how local plans could have regard to marine plans. For any other information please contact your local marine planning officer. You can find their details on our gov.uk page.</p> <p>See this map on our website to locate the marine plan areas in England. For further information on how to apply the marine plans and the subsequent policies, please visit our Explore Marine Plans online digital service.</p> <p>The adoption of the North East, North West, South East, and South West Marine Plans in 2021 follows the adoption of the East Marine Plans in 2014 and the South Marine Plans in 2018. All marine plans for English waters are a material consideration for public authorities with decision- making functions and provide a framework for integrated plan-led management.</p> <p><u>Marine Licensing and consultation requests below MHWS</u></p> <p>Activities taking place below MHWS (which includes the tidal influence/limit of any river or estuary) may require a marine licence in accordance with the MCAA. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object. Activities between MHWS and MLWS may also require a local authority planning permission. Such permissions would need to be in accordance with the relevant marine plan under section 58(1) of the MCAA. Local authorities may wish to refer to our marine licensing guide for local planning authorities for more detailed information. We have produced a guidance note (worked example) on the decision-making process under S58(1) of MCAA, which decision-makers may find useful. The licensing team can be contacted at: marine.consents@marinemanagement.org.uk.</p> <p>Consultation request for development above MHWS If you are requesting a consultee response from the MMO on a planning which your authority considers will affect the marine area, please consider the following points:</p> <ul style="list-style-type: none"> • The UK Marine Policy Statement and relevant marine plan are material considerations for decision making, but Local plans may be a more relevant consideration in certain circumstances. This is because a marine plan is not a 'development plan' under the Planning and Compulsory Purchase Act 2004. Local planning authorities will wish to consider this when determining whether a planning application above MHWS should be referred to the MMO for a consultee response. • It is for the relevant decision maker to ensure s58 of MCAA has been considered as part of the decision making process. If a public authority takes a decision under s58(1) of the MCAA that is not in accordance with a marine plan, then the authority must state its reasons under s58(2) of the same act. 	
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		<p>14.09.2022 (2)</p>	<ul style="list-style-type: none"> • If the MMO does not respond to specific consultation request, then please use the guide above guidance to assist in making a determination on any planning application <p>Minerals and Waste Local Plans and Local Aggregate Assessments</p> <p>If you are consulting on minerals and waste local plan or local aggregate assessment the MMO recommends reference to marine aggregates, and to the documents below to included:</p> <ul style="list-style-type: none"> • The Marine Policy Statement (MPS); Section 3.5 which highlights the importance marine aggregates and its supply to England's (and the UK's) construction industry • The National Planning Policy Framework which sets out policies for national (England) construction mineral supply • The mineral planning practice guidance which includes specific references to the role of marine aggregates in the wider portfolio of supply. The national and regional guidelines for aggregate provision in England 2005-2020 predict likely aggregate demand over this period including marine supply. <p>The minerals planning practice guidance requires local mineral planning authorities to prepare Local Aggregate Assessments. These assessments must consider the opportunities and constraints of all mineral supplies into their planning regions – including marine sources. This means that even land-locked counties may have to consider the role that marine-sourced supplies (delivered by rail or river) have – particularly where land-based resources are becoming increasingly constrained.</p> <p><u>Marine Licensing, Wildlife Licences, and other permissions</u></p> <p>Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.</p> <p><u>Response to your consultation</u></p> <p>The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.</p> <p><u>Marine Licensing</u></p> <p>Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.</p> <p>Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.</p> <p>Applicants should be directed to the MMO's online portal to register for an application for marine licence</p> <p>https://www.gov.uk/guidance/make-a-marine-licence-application</p>	
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		<p>You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.</p> <p>The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.</p> <p>A wildlife licence is also required for activities that that would affect a UK or European protected marine species.</p> <p>The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:</p> <ul style="list-style-type: none">• local planning authority name,• planning officer name and contact details,• planning application reference. <p>Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.</p> <p><u>Environmental Impact Assessment</u></p> <p>With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.</p> <p>In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations http://www.legislation.gov.uk/ukxi/2017/571/contents/made may be applicable.</p> <p>If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link</p> <p>https://www.gov.uk/guidance/make-a-marine-licence-application</p> <p><u>Marine Planning</u></p> <p>Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.</p>	
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			<p>Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental, and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.</p> <p>At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.</p> <p>A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.</p> <p>Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act and the UK Marine Policy Statement unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our online guidance and the Planning Advisory Service soundness self-assessment checklist. If you wish to contact your local marine planning officer you can find their details on our gov.uk page.</p> <p><u>Minerals and waste plans and local aggregate assessments</u></p> <p>If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;</p> <ul style="list-style-type: none"> • The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry. • The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply. • The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply. • The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply. <p>The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.</p>	
10	MOD Safeguarding	20.09.2022	<p>Thank you for consulting the Ministry of Defence (MOD) on the above proposed development, with amended documents, which was received by this office.</p> <p>The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.</p>	LPA 397

			<p>This is an outline application with all matters reserved for a residential let development comprising of up to 8,500 homes, leisure, business and commercial use buildings, a primary and secondary school, open space, and a burial ground.</p> <p>This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.</p> <p>Ministry of Defence Safeguarding Department St George's House DIO Headquarters DMS Whittington Lichfield Staffordshire WS14 9PY Tel: 07815484477 E-mail: DIO-safeguarding-statutory@mod.gov.uk www.mod.uk/DIO 20 September 2022 The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed above the developer's documents titled 'Environmental Statement', 'Design and Access Statement' and 'Strategic Design Principles' dated August 2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response.</p>	
11	River Stour Internal Drainage Board (IDB)	28.10.2022	<p>Although this site lies outside of our IDB Drainage District, a proportion of the surface water generated by the development proposed will be discharged towards and into our district. The applicant will need Land Drainage Consent from Kent County Council for any works that has the potential to affect flow in any ditch or watercourse on or bordering the site, and we would look to work with them and your Authority to apply our Byelaw 3, specifically with regard to seeking a Surface Water Development Contribution for any increase in rates/volumes of discharge that may be directed into our District. This requirement is reflected in your Authority's draft F&H SFRA (Section 6.59).</p> <p>Byelaw 3 states:</p> <p><i>"3. Control of Introduction of Water and Increase in Flow or Volume of Water</i></p> <p><i>No person shall as a result of development (within the meaning of section 55 of the Town and Country Planning Act 1990 as amended ("the 1990 Act")) (whether or not such development is authorised by the 1990 Act or any regulation or order whatsoever or none of them) for any purpose by means of any channel, siphon, pipeline or sluice or by any other means whatsoever introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water in any watercourse in the District (without the previous consent of the Board)."</i></p> <p>Any such contribution will be a one-off payment, and will serve to facilitate the management of the increased flows resulting from the development into our District.</p> <p>Please refer to our website for further information on the SWDC, our policies and byelaws:</p> <p>https://rsidb.org.uk/consents-byelaws/</p> <p>We would encourage the applicant to seek to minimise any increase in the post-development rate and volume of surface water discharge and we would encourage the applicant and/or their consultants to contact us to discuss this issue at their earliest convenience.</p>	LPA 398
12	KCC Growth & Communities	18.11.2022	<p>Thank you for inviting Kent County Council to comment on the outline planning application for the comprehensive, residential led, mixed-use development at Otterpool Park.</p>	LPA 381

			<p>The County Council has reviewed the <i>further amendments</i> in relation to the Outline Planning Application as received by Folkestone and Hythe District Council, as Local Planning Authority on 31 August 2022. This also includes the <i>further information</i> and <i>other information</i> submitted on the same date in relation to the existing Environmental Statement.</p> <p>Overall, the County Council continues to have a number of significant concerns with the proposal, summarised below:</p> <ul style="list-style-type: none"> • 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 (Highways and Transportation). • KCC, as Minerals and Waste Planning Authority and Waste Disposal Authority, is not satisfied with the proposed strategy for the management of waste arising from the development. The application does not consider in appropriate depth the loss of the permitted waste management facility capacity at Otterpool Quarry against the Kent Minerals and Waste Local Plan (2013-30) (KMWLP). To support the development, a sustainable waste management strategy must be agreed, and ensuring the timely provision of appropriate waste management infrastructure is crucial. The County Council also raises landwon mineral safeguarding matters which require addressing in line with the KMWLP. Further detail is set out within Chapter 6 (Minerals and Waste) and Chapter 7 (Waste Management). • The County Council's previous comments in respect of heritage conservation have not been addressed by the applicant. KCC is not satisfied with the assessment of harm that has been carried out in respect of the Prehistoric Barrows, leading to concerns regarding the impact and potential adverse effects that the proposed development may have on these assets. Further detail is set out within Chapter 9 (Heritage Conservation). <p>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.</p> <p>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. However, as this response highlights, there are a number of matters that require careful consideration ahead of determination of this planning application. The County Council would welcome further engagement with the applicant to discuss the issues raised within this response to ensure they are satisfactorily addressed to ensure that key infrastructure and services continue to be planned for, funded, and delivered to a high standard.</p> <p>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</p>	
13	National Highways (formerly Highways England)	27.09.2022(1)	<p>All parties continue to engage on the above application. While much progress has been made, various matters remain outstanding.</p> <p>Therefore, given our last Holding Recommendation technically expired on 24 September, please find attached a replacement Holding Recommendation, setting out the latest position.</p> <p>It will be updated in future as appropriate; for example, when we respond to the Council's 12 September consultation by the target date of 10 October 2022.</p>	LPA 385

		<p>Referring to the consultation on a planning application referenced above dated 27th April 2022, in the vicinity of the M20 that forms part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:</p> <p>a) offer no objection (see reasons at Annex A).</p> <p>b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons).</p> <p>c) recommend that planning permission not be granted for a specified period (see reasons at Annex A).</p> <p>d) recommend that the application be refused (see reasons at Annex A)</p> <p>Highways Act 1980 Section 175B is relevant to this application.¹ This represents National Highways formal recommendation and is copied to the Department for Transport as per the terms of our Licence.</p> <p>Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.</p> <p><u>Annex A</u> National Highway's assessment of the proposed development</p> <p>National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p><u>Recommendation:</u> <u>that planning permission not be granted for a specified period:</u> <u>Reasons:</u></p> <p>We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M20 Junctions 9 to 13, and A20/A260.</p> <p>We require further information to be provided by the applicant on this application in order that an informed decision can be made in relation to the potential impacts of the development on the strategic road network.</p> <p><u>Progress since 24 June 2022</u> We continue to engage with the applicant, Council and Kent County Highways on all transport related aspects of the Otterpool application.</p>	
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¹ Where relevant, further information will be provided within Annex A.

			<p>They include:</p> <ol style="list-style-type: none">1. Surveys to support the modelling2. Modelling methodology3. Modelling input/outputs4. Modelling result interpretations5. SRN required mitigations (based on modelling results) – including interpretation of Design Manual for Roads & Bridges, leading to potential requirement regarding Departures from Standards (Note: this is simply a process, almost all works include some form of technical departure)6. Interplay between the SRN and local network mitigations to ensure safety, reliability, and operational efficiency of both7. Monitor & Manage Framework to assist in moving from prediction to vision and validate means of moving from agreed fallback baseline mitigations, via monitoring, to something else if warranted by progress on sustainable transport aspirations and programmes8. Funding of all mitigations etc. by the applicant and/or others in accordance with the adopted Core Strategy9. Formation of a Transport Review Group to run with all the above over the years during the implementation of any consented development <p>Much progress has been made, but there is much still to be done.</p> <p>We are doing as much work in parallel as possible, but all parties recognise, that before we/KCC are able to provide a complete response, we will need the complete package made up of all the currently separate elements, all of which must appropriately inter-relate and support each other.</p> <p>National Highways has committed to engaging at all levels and with all possible pace (commensurate with our resources and commitments to all our customers/ stakeholders) to progress the application.</p> <p>We received the latest consultation from the Council about the application on 12 September 2022. We will be providing a response by the 10 October target date.</p> <p>Therefore, while all parties are aware of the on-going work, for the avoidance of doubt, this updated “Holding Recommendation” extends it for a further 3 months. This is simply an administrative action rather than any indication of how long the required work may take or what we will be recommending at the end of the process.</p> <p>Conclusion</p> <p>Given the above, and not untypically for a project of this scale and at this stage in the process, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT Circular 02/2013 [particularly paras 8 to 11] and MHCLG NPPF2021 [particularly paras 110 to 113]).</p> <p>In light of the above, National Highways currently recommends that planning permission not be granted for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.</p> <p>This recommendation can be replaced, renewed, or reviewed during the three-month period, or at its end, dependent on progress made with regards to the outstanding matters.</p> <p>Thank you for your email of 12 September 2022 reconsulting all parties on the above application and seeking response no later than 10 October 2022.</p>	
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		11.10.2022(2) Previous Comments (24.06.2022)	<p>We continue to engage on the above application, alongside Kent County Highways and others in relation to the transport aspects of the proposals. While much progress has been made, various matters remain outstanding.</p> <p>Please find attached a replacement Holding Recommendation, and JSJV Technical Note, setting out the latest position.</p> <p>Received on 11 October 2022 – the Transport Response Review Report (Otterpool Park) (this Technical Report prepared by SYSTRA on behalf of National Highways in order to inform the National Highways response to the revised Planning Submission relating to development know as Otterpool Park, near Folkestone, Kent.</p> <p>This document can be found in the “Files Section of The Otterpool Park” called “Transport Response Review Report JSJV TN” dated 11 October 2022 within the file directory.</p>	
14	NATS Safeguarding	12.09.2022 Previous comments (06.05.2022)	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria.</p> <p>Accordingly, NATS (En Route) Public Limited (“NERL”) has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the detailed consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application.</p> <p>This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise.</p> <p>It remains your responsibility to ensure that all appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS which become the basis of a revised, amended, or further application, than a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted.</p>	LPA 386
15	Natural England	14.10.2022 Previous comments (15.07.2022 05.08.2022)	<p>Please find below Natural England’s consultation in response to the updated Nutrient Neutrality Assessment by Arcadis (July 2022) Thank you for your consultation on the above dated 12 September 2022 which was received by Natural England on the same date.</p> <p>Following our letter on the 5 August 2022 in which we provided our advice on designated sites, Soils and Agricultural Land Quality, and Protected Species, I am pleased to provide our further advice in relation to the recently submitted Nutrient Budget Analysis Update document (July 2022).</p> <p>Natural England welcomes the steps that have been taken to address the ‘nutrient neutrality’ issues affecting the Stodmarsh designated sites. We also welcome the resubmission of the nutrient budget for the development, which now utilises the updated Stodmarsh nutrient budget calculator (March 2022).</p> <p>Updated Nutrient Budget Natural England has reviewed the latest nutrient budget calculations and we advise that we consider it has one error within the calculations. From reviewing the average annual rainfall at the site using the National River Flow Archive (Catchment Info for</p>	LPA 387

		<p>40011 - Great Stour at Horton (ceh.ac.uk)), we advise that the annual average rainfall (mm) used in Stage 2 of the calculations should be set as 750.1 – 800, not 700.1 – 750.</p> <p>Aside from the above point, Natural England does not have any further comments to make on the nutrient budget calculations.</p> <p>Proposed Mitigation Wetlands</p> <p>Natural England, in partnership with The Rivers Trust and Constructed Wetland Association, has recently published the document 'Framework approach for Responding to Wetland Mitigation Proposals' which can be found on The Rivers Trust Constructed Wetland Hub. This wetland mitigation framework is being used by Natural England to adequately review wetland proposals and designs which are focused on Nutrient Neutrality mitigation. For this reason, we recommend that the developers utilise this document to assist in their wetland designs.</p> <p>Natural England notes that the Arcadis Nutrient Budget Analysis Update (July 2022) has used the medium nutrient removal efficiency ratings based on literature from Land <i>et al.</i>, 2016, to calculate the required size of mitigation wetlands required for the development. However, we advise that this approach does not take into account the inlet concentration, which will strongly influence the load removal in most wetland treatment systems. If the inlet nutrient concentrations are low, then it is unlikely that the wetlands will remove the required load of nutrients sufficiently to achieve nutrient neutrality for the development. We therefore recommend that further design of the wetland should utilise industry best-practice approaches to calculate the nutrient removal and associated wetland area.</p> <p>These include;</p> <ul style="list-style-type: none">• The P-K-C* approach• A 'plug flow' model termed the k-C* approach; or• Regression (or exponential decay) equations; <p>Please also note that we advise the wetland designs should use at least two of these approaches, and then the most precautionary calculation should be used to inform the nutrient removal rating of the wetland.</p> <p>Natural England notes that the Onsite WwTW will discharge effluent into one of the proposed wetlands. As the nutrient permit levels and effluent volume from the onsite WwTW are known, it is possible to utilise the recommended above approaches to accurately calculate the nutrient removal rate of this wetland.</p> <p>We advise that there are a multitude of factors that can influence the effectiveness of constructed mitigation wetlands. Therefore, we highly recommend that information found in the Wetland Mitigation Framework is considered when designing the nutrient mitigation wetlands. Additionally, further background information on constructed wetlands can be found within the 'Introduction to Freshwater Wetlands for Improving Water Quality (JP044)' report, which was recently published by Natural England.</p> <p>Final Comments</p> <p>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.</p> <p>I hope these comments are helpful and we remain fully committed to working with Folkestone and Hythe District Council and the applicant to ensure that the proposed development avoids or fully mitigates adverse impacts on designated sites. We would be pleased to provide further advice through our Discretionary Advice Service if this would be helpful.</p>	
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16	Office for Nuclear Regulation	20.09.2022 13.05.2022	With regard to planning application Y19/0257/FH, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.	LPA 390
17	Easements and Wayleaves Southern Gas /SGN	15.09.2022	<p>In response to the attached Notice, I am writing to advise that Southern Gas Networks PLC's ("SGN") records indicate the presence of a low pressure gas main on/ within the Application boundary.</p> <p>In the event that planning permission be granted, SGN request that an informative note be appended to the decision notice to draw this to the attention of the Applicant. Such note will state that prior to proceeding with any physical works near SGN's low pressure gas main , the Applicant must arrange for the location of it to be determined on site and if requested , enter into an Asset Protection Agreement with SGN . SGN expect the Applicant to pay its associated legal costs for the negotiation of this Agreement.</p> <p>Within the comments is a outline map document that can be found within "Files" section of the planning application folder on the website by using this link and the Document reference with the files is "SGN Comments"/Email/31 May 2022</p>	LPA 392
18	Southern Water Planning (Future Growth Planning Team)	10.10.2022 Previous Comments (30.06.2022)	<p>Thank you for your letter dated 07/09/2022.</p> <p>No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.</p> <p>All other comments in our previous response dated 30/06/2022 remain unchanged and valid.</p> <p>(30 Southern Water Map Guide Browser Diagrams (dated 24.06.2022) attached to response, can be found in the "File Directory" associated with the outline planning application)</p>	LPA 393 LPA 394
19	Sports England	13.09.2022	Thank you for reconsulting Sport England. I have no further comments to add	LPA 396
20	Theatres Trust	03.10.2022 Previous comments (20.05.2022)	<p>The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory planning advice on theatre buildings and theatre use in England through The Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning applications which include 'development involving any land on which there is a theatre'.</p> <p>Comment: Thank you for re-consulting Theatres Trust regarding this application following submission of additional/revised documents.</p> <p>There currently remains no specific theatres, arts centres, or other such performing buildings within this scheme, therefore we have no further comments to make at this stage.</p>	LPA 395

PARISH AND TOWN COUNCIL RESPONSES RECEIVED FROM 31 AUGUST TO 6 SEPTEMBER 2022 AND
BETWEEN 07 SEPTEMBER AND 10 OCTOBER 2022

Consultation Responses (Local Parish & Town Council responses)

21	Hythe Town Council	28.09.2022	<p>Hythe Town Council Planning Observations – Plans and Works Committee meeting held on 26 September 2022</p> <p>Comments – Object to the Outline Planning Application on the ground that there are issues with the following:</p> <ul style="list-style-type: none"> • Wildlife and Ecological, the displacement of the current wildlife is not acceptable. There several different species, including ground nesting birds. • The houses are not zero carbon, and the construction is not carbon free • There is a lack of initial infrastructure, no programme or a timeframe has been provided to show the continuous development of the infrastructure. The development requires a certain level of initial infrastructure as to not affect the local areas and Towns • Transport, it has been noted that there is no agreement with the rail link to stop at Westenhanger. It was noted that the bus link did not show the length of service. The development should consider a park and ride scheme for those looking to attend local Towns. • There is a lack of affordable housing, including affordable rentals and housing for first time buyers • There will be a massive impact on Hythe as a Town. There will be increased traffic causing access and egress issues, there will be parking issues when using the Towns amenities. The traffic will affect London Road and Sandling Road, and these roads already experience traffic issues. • The development is out of character with the local area. 	LPA 454
22	Brabourne Parish Council	30.09.2022	<p>The Parish Council maintains its objection to the application.</p> <p>It is considered that the issues that were raised in our initial objection have not been resolved.</p> <p>Specifically on healthcare, we express concern over the planned health centre in 'Zone5', which is considered to be unreasonably far for Brabourne resident if it is intended to replace Sellindge surgery.</p> <p>In addition, we are also concerned by the apparent lack of plans to account for the increased population at the local hospitals that these proposals will bring.</p> <p>It is further considered that the proposals would represent an unprecedented detraction from the setting of the Kent Downs AONB and would be detrimental to the District as a whole.</p>	LPA 462
23	Lympne Parish Council	04.10.2022	<p>Lympne Parish Council have reviewed the above application and wish to object to the application giving the following grounds for objection:</p> <p>The below in its majority is a repeat of the objections sent in previously in June this year:</p>	LPA 455

		<p>In order to assist the reader, the modifications to the last comment are highlighted –</p> <p>1- Lack of Defined Parameters for future Infrastructure, Phasing and Built Environment</p> <p>OP6 Guide to the Planning Application</p> <p>Section 4, paragraph 4.2 states ‘ The documents and plans for approval prescribe the limits and controls which would apply to any future development. It is against these that the outline planning application will be assessed. These parameters will shape future development delivered under the outline planning permission, should it be granted.’</p> <p>The OPA is so written as to give no actual commitment as to how a number of key issues will be addressed. Despite the huge number of words and diagrams included within the submission no definitive and unequivocal commitment is given regarding the environment, infrastructure and built environment as well as the general well-being of existing and future communities in and around the development area.</p> <p>The OPA actually admits to this: ‘1. Under the 3 tier planning approach adopted, Tier 1 comprises ‘setting out a spatial diagram of the proposed development and the strategic design principal that guide detailed design in the later tiers’</p> <p>OP16 2 Application Proposals states :</p> <p>‘2.5 With a large scale project such as the Proposed Development, it is inevitable that there will be changes between the preparation of the planning application and the completion of the development. It is <u>highly unlikely</u> that the project will be delivered precisely as originally considered. As such, the Applicant needs to ensure that the permission is <u>flexible</u>.</p> <p>2.6 The initial OPA provides a set of prescriptive Parameter Plans and Phasing plans for approval, together with a Development Specification confirming what will be delivered within each phase. As submitted, the documents for approval include <u>very limited</u> spatial options.</p> <p>2.7 Tier 1 (the OPA) – amended Parameter Plans and Development Specification has been prepared, whilst Phasing Plans for approval <u>have been removed</u></p> <p>Lympne parish Council object to the OPA on the grounds that the information provided within that application, due to the 3 tier planning format, fails to provide sufficient definitive parameters to ensure the visions and plans described in the multitude of documents which form the application will actually be provided or constructed, or in what order (phasing) they will be provided. The result of this will be harm to the local environment and the well-being of local residents during a protracted (a probable minimum of 19 years) and ever changing construction period. This harm will be caused by the lack of sufficient infra structure planning, noise, light, air and water pollution, traffic congestion and environmental damage due to, various, widespread, and simultaneous construction sites, each of which will be approved individually based more on ‘financial’ and current needs ‘viability’ than the original whole town vision.</p> <p>2. Visual Impact</p> <p>Lympne parish Council object to the OPA on the grounds that the scale and area of the application is totally inappropriate and contravenes all normal planning parameters associated with a predominantly Greenfield site located in close proximity to AONB</p>	
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24	Bilsington Parish Council	04.10.2022	<p>Bilsington Parish Council objects to the application on the following grounds:</p> <ul style="list-style-type: none"> No consideration has been given to traffic flows on the B2067 beyond Otterpool Lane it has been identified in the Parish that when there are issues on either the M20 or A20 the volume of traffic increases beyond the capacity of the road which is single track immediately past the White Horse Public house. It has been evidenced that Satnav users are frequently routed onto the B2067 rather than the A20 or M20 as this is the quicker route to follow. It is noted that other routes have been projected to have increased traffic levels in excess of 15%. The Parish Council is concerned that the provision of school places will not be available when the first properties are occupied necessitating parents having to resort to cars to take children to school in neighbouring districts, secondary pupils from neighbouring Aldington are already placed at Homewood in Tenterden necessitating a dedicated bus service which uses the inadequate B2067 through the parish of Bilsington. 	LPA 463

			<ul style="list-style-type: none"> • The Parish Council is concerned that the water demands of the new development will place significant strain on already under pressure resources given the hose pipe ban introduced this summer which is to stay in place until 2023 at the earliest. • What provision has been made for energy? The application mentions facilities and infrastructure is this the installation of heat pumps and solar panels to every property to reduce the apparent need for huge solar farms in the neighbouring district to the application site. 	
25	Aldington & Bonnington Parish Council	05.10.2022	<p>Aldington and Bonnington Parish Council welcome the opportunity to respond to the planning application given that our Local Planning Authority is the neighbouring Ashford Borough.</p> <p>The application site boundary is within 500 metres of our Parish Boundary and a proposed development of this magnitude will undoubtedly impact on the parishes of both Aldington and Bonnington.</p> <p>The Transport Response Report produced by Arcadia in August 2022 appears to have addressed some of the concerns regarding transport, but it would appear that the comments previously submitted by Aldington and Bonnington Parish Council regarding the usage of the B2067 and the local roads in Aldington have been ignored.</p> <p>The Parish Council wish to object to the application on the grounds that Highway Safety is a material consideration and due regard has not been given to roads in the neighbouring planning authority.</p> <p>Under the heading Transport Policy and Guidance a quotation is provided from item 24 of circular 02/13 in the “Assessment of Development Impact” section stating that <i>the overall forecast demand should be compared to the ability of the existing network to accommodate traffic over a period up to ten years after the date of registration of a planning application or the end of the relevant Local Plan whichever is the greater.</i></p> <p>The assessment for the year 2037 accords with this however there is no evidence to show that a baseline has been calculated for the B2067 from Otterpool Lane towards Aldington, Bonnington and beyond.</p> <p>In the Core Strategy review (h) states the existing bus network that serves the surrounding towns and villages will be upgraded and new services provided as an integral element of the transport hub and settlement. It is noted that a working group has been set up with representatives from Stagecoach South East, KCC Public Transport and Folkestone and Hythe District Council to consider the options available. Why have Ashford Borough Council been left out as their Parishes along the A20 corridor will be affected. The recent bus service cuts put forward by Kent County Council include the Stagecoach 111 service from Aldington to Folkestone, albeit one service a week. There will be no public transport to Sellindge where current medical services are located for many of the parishioners and potentially when the secondary school opens students from Aldington will be allocated places there rather than Homewood in Tenterden.</p> <p>Emphasis has been given to the acknowledgement that the Barrow Hill Shuttle Signals will exceed capacity with the proposed development, any car drivers using Satnav driving towards Ashford will immediately be diverted from the A20 along Otterpool Lane towards the B2067 to Aldington and beyond.</p> <p>Appendix B shows a breakdown of traffic flows at the various junctions, a welcome addition to the travel statement, however there does appear to be some discrepancy in the 2018 baseline figures looking at junctions 4 and 5. The number of vehicles travelling towards Ashford drops by 76 between the two junctions, this would appear to be far more than local traffic stopping, however there is another junction between the two at Church Lane, a single track road that goes to Aldington a well-known shortcut when there are difficulties on the A20 evidenced by local residents.</p>	LPA 450

			<p>It has been noted that the B2086 has been considered at its end in Canterbury with Canterbury City Council being consulted, there does not appear to be similar evidence of Ashford Borough Council being consulted over the B2067.</p> <p>In the Parish Council's previous submission it highlighted the issues caused when there is a problem on either the A20 or M20 this has come to light again on the 22nd and 23rd July this year both days due to M20 closures. On Friday 22nd between 3pm and 8pm there was a 100% increase in the volume of traffic passing along Roman Road in Aldington peaking at 298 in one direction in one hour. The following day, again between 1pm and 8pm an increase between 100% and 300% was observed with a peak one way flow of 222.</p> <p>Given the predicted increase used in calculating the 2044 flow at J5 of 15% the current road network through the village would not cope.</p> <p>The Parish Council request that consideration is given to some form of traffic management along the B2067 which is National Speed Limit as well as on the approaches to Aldington from the A20.</p> <p>The notification of the application lists Lighting as part of the proposals, however from all of the documents submitted it is not apparent what the proposals are. Ashford Local Plan 2030 includes a policy designed to protect the Dark Skies that the Kent Downs AONB and the parishes that adjoin the Folkestone and Hythe district currently benefit from. The Parish Council would object to any proposals that would be obtrusive as this is an environmental issue and will impact on the character of the area.</p>	
26	Stanford Parish Council	10.10.2022	<p>Stanford Parish Council has reviewed the revised documents and welcomes the clarifications.</p> <p>We note that the revisions mainly address points raised by some statutory consultees.</p> <p>Comments from parish councils and the public are listed but with no response.</p> <p>As such, we can find no reason to withdraw the objections we raised to the 2019 submission and the March 2022 submission.</p>	LPA 460
27	Ruckinge Parish Council	05.10.2022	<p>Ruckinge Parish Council are very concerned that no consideration has been given to the B2067 from its junction with Aldington Road through to the A2070 at Hamstreet. It is noted that Folkestone and Hythe District Council have consulted with Canterbury City Council and undertaken surveys and predictions for future traffic movements where Stone Street joins on to Old Dover Road.</p> <p>Upon studying the document in some depth it would appear that Ashford Borough Council the neighbouring Planning Authority have not been consulted in respect of travel movements.</p> <p>The B2067 is a recognised route from Folkestone and Hythe to Tenterden and beyond, even designated on SatNav systems therefore to omit this important route is leaving the Parishes along the route vulnerable to increased levels of traffic that the roads can barely cope with at the present time.</p> <p>Ruckinge being a historic village has many houses that front onto the B2067 that have no off road parking facilities and therefore have to park on the road effectively reducing its width by 50%. Any further through traffic is not only putting residents parked cars at risk of damage but pedestrians as well as there are no footpaths.</p> <p>The Parish Council would wish to see acknowledgement of the importance of the B2067 as well as giving consideration to providing adequate signage warning of the narrow roads as well as a reduction of the speed limit to provide a safe environment for pedestrians and cyclists.</p>	LPA 464

Consultation responses table
 Otterpool Y19/0257/FH

28	Rother District Council	17.10.2022	The Director of Place and Climate Change in exercise of his delegated authority on behalf of this Council has authorised for Folkestone & Hythe District Council to be advised that Rother District Council as adjoining local planning authority does not wish to object to the proposals for Otterpool Park development as it would not materially impact negatively upon the interests of this Council. However, given the scale of the proposed development and the potential for new residents to access the Dungeness area for recreation, Folkestone and Hythe District Council should ensure there is no adverse effects on the integrity of the Dungeness Complex of Natura 2000 sites, which straddle the district boundaries and that the recommendations of the SARMS are implemented where relevant.	LPA 457
Representations Received as at 15.12.2022				