

OTTERPOOL PARK – Y19/0257/FH

CONSULTATION SUMMARY TABLE

STATUTORY AND NON STATUTORY RESPONSES RECEIVED SINCE 10 OCTOBER 2022
CONSULTATION PERIOD 01 DECEMBER 2022 TO 09 JANUARY 2023

(Representation received as at 23.01.2023)

Table 1				
Consultation Responses (Statutory and Non Statutory Consultees)				
Ref	Name	Date Received	Comments	LPA Reference
1	The British Horse Society	09.12.2022 22.12.2022	Would like an updated drawing indicating the proposes non-motorised paths to be able to see the proposed bridleways.	LPA 371
2	Health & Safety Executive	06.12.2022	Thank you for your letter of 1 December 2022 and Safety Executive (HSE), requesting comments on the outline planning application for a comprehensive residential-led mixed use development. This has been forwarded to the HSE's Land Use Planning advice team to respond. In this case, we can confirm that the proposed development does not lie on the Consultation Zone of any of the major hazard sites or major accident hazard pipelines considered by HSE.	LPA 376

			Therefore, based on the information provided there is no need to consult HSE's Land Use Planning advice team on this application, and we have no comments to make . We hope this takes your assessment of the outline planning application forward.	
3	Marine Management	07.12.2022	<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>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>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: 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</p> <p>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</p>	LPA 384

			<p>directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link: https://www.gov.uk/guidance/make-a-marine-licence-application</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> <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>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.	
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			<ul style="list-style-type: none"> • 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>	
4	MOD	07.12.2022	<p>MOD Safeguarding – SITE OUTSIDE SAFEGUARDING AREA (SOSA) Thank you for consulting the Ministry of Defence (MOD) on the above proposed development, an amendment to the ongoing application Y19/0257/FH, 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> <p>The amendment relates to information and statements received relating to the Environmental Statement, including updates to the Strategic Design Principles and Development Specification.</p>	LPA 397

			<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. The MOD must emphasise that the advice provided within this letter is in response to the data and/or information detailed above/in the developer's letter/document titled "Strategic Design Principles" and "Development Specification" dated November 2022.</p> <p>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> <p>I trust this is clear however should you have any questions please do not hesitate to contact me.</p>	
5	NATS Safeguarding	06.12.2022	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.</p> <p>However, please be aware that this response applies specifically to the above 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. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise.</p>	LPA 386

			<p>It remains your responsibility to ensure that all the appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended, or further application for approval, then as 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>	
6	Network Rail	21.12.2022	<p>Thank you for consulting Network Rail on the above application. Apologies for the delay.</p> <p>I believe we issued a response in relation to this scheme in May 2022 that asked for updates for a s106 request for station improvement contributions? This is because Westenhanger Station would need to be able to safely accommodate the increase in rail passengers that would be brought by the new development. Please note our position remains the same.</p>	LPA 388
7	Sport England	05.12.2022	<p>Thank you for reconsulting Sport England on this application. I confirm I have no further comments to add to those made previously.</p>	LPA 396
8	Theatres Trust	01.12.2022	<p>Thank you for re-consulting Theatres Trust regarding this application following of additional/revised documents.</p> <p>These currently remains no specific theatres, arts centres or other such performance buildings proposed within this scheme, therefore we have no further comment to make at this stage.</p>	LPA 395
9	East Kent College	05.12.2022	<p>EKC Group is a family of six community-based colleges across East Kent, including Folkestone College. Our mission is to play a leading role for East Kent in developing the economic and social prosperity of the communities we serve.</p>	LPA 399

			<p>We have the following comments on the outline planning application:</p> <ul style="list-style-type: none"> • We support the overall vision and strategy for the development • We support the proposal for a single secondary school and sixth form; however, we also note the safeguarding of land for a further 6FE secondary schools. Based on the current Kent education system (grammar and high school selective system), we believe there should only be one secondary school to prevent a 'sink school' scenario. If two schools were created, one of the schools would always be poor performing, with parents not wishing to send their children there. There should be a single sixth form focusing on A Levels, with technical and vocational education delivered by further education providers, including Folkestone College and Ashford College. This will ensure that each institution delivers the education they are best at and will provide clearer and higher quality progression options for young people. It is important that there is excellent access to cost effective transport to the Colleges and that there is good availability of information, advice, and guidance to young people to support the right choice for all. • There should be consideration of a multi-use community centre on the development, near to excellent transport links. This could be used for adult and community education to support lifelong learning, and provision of careers information, advice, and guidance. 	
10	Southern Water		<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 the additional sewerage flows are complete.</p> <p>Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern</p>	LPA 393

			<p>Water seeks to limit the timescales to a maximum of 24 months form a firm commitment of the development.</p> <p>All other comments in out previous response dated 23/05/2019 remain unchanged and valid.</p>	
11	Historic England	16.01.2023	<p>Summary</p> <p>Historic England remains of the view that the proposed garden settlement at Otterpool Park would cause serious harm to heritage of great importance. We think the harm would be towards or at the upper end of less than substantial in National Planning Policy Framework (NPPF) terms for the Scheduled Monuments Westenhanger Castle, the Barrow Cemetery and Barrow 44. For Barrow 44 the harm could be substantial depending on how future phases are detailed. For the Westenhanger Causeway, the harm would be in the middle of the range of less than substantial.</p> <p>In all cases the harm arises because each heritage asset derives significance from their landscape setting and the character of the landscape setting would alter to one which is strongly urban.</p> <p>However, Historic England is persuaded, through a combination of amendments and the draft conditions and S.106 Heads of Terms, that it should be possible to put in place safeguards to avoid or minimise harm including to Barrow 44 and to secure a sufficiently large package of heritage benefits. Provided that the safeguards are in place, we think this this could be sufficient to meet key policy tests (NPPF, paragraphs 195 and 202).</p> <p>Historic England, therefore, no longer objects to this application provided that safeguards are secured as proposed in the draft conditions and S.106 Heads of Terms and amended in the way we recommend in Appendix 1 of this advice letter.</p>	LPA 375

		<p>Historic England remain seriously concerned about this application, despite the withdrawal of our formal objection to it, because of the high levels of harm to important heritage. We request that, if there are any further amendments to the draft conditions and S.106 agreement, they should be sent to Historic England for us to consider and advise whether they alter our position on this application.</p> <p>Historic England advice</p> <p>This represents Historic England’s concluding advice on the proposed settlement of Otterpool Park. We repeat here, for ease, a summary of the key heritage assets which form the focus of Historic England’s advice, along with an updated impact and position section. However, we would expect your Council to also seek the views of its own Conservation Specialist as there a far wider implications for the historic environment including impacts to designated heritage outside the focus of this advice.</p> <p>We also note that while Kent County Council is your lead advisor on broader archaeological issues, Historic England will liaise with its Heritage Conservation Team about non-designated archaeology of national importance.</p> <p><u>Significance</u></p> <p><i>Summary</i></p> <p>The heritage of Otterpool Park is extensive, rich, and intimately linked to the use of the site for thousands of years.</p> <p>At its heart is the partly ruinous 14th century Westenhanger Castle, a scheduled monument of exceptional significance sited in a gently undulating landscape at the foot of the North Downs. The castle’s landscape setting is fundamental to understanding its significance. It allows an appreciation of the castle as the focal point of a large rural estate, which is understood in a number of views from within the site. Archaeological features within its</p>	
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		<p>setting also paint a vivid picture of the castle’s magnificence and help explain the historic functional relationship of castle to landscape, e.g., the causeway which was the principal route into the castle.</p> <p>The castle, and evidence of activity associated with it, overlays a much older, complex funerary landscape, which includes scheduled Bronze Age burial mounds (comprising a cemetery group and two isolated barrows). The landscape of Otterpool Park is intimately linked to an understanding and appreciation of the significance of these ancient burial monuments, which were often sited on high points or ‘false crests’ or river valleys (e.g., the barrow cemetery and barrow 44). The current landscape setting highlights that these barrow sites were specifically chosen to allow views of, and be seen from, other key features in the landscape.</p> <p><i>Westenhanger Castle</i></p> <p>The scheduled monument and grade I listed Westenhanger Castle is of exceptional significance for the way that its buried archaeology, earthworks, roofed and ruined medieval and post medieval ranges illustrate its magnificence and changing fortunes from its construction in the 14th century as a castle, through to its development as an important country house and its decline by c1700.</p> <p>Although much altered since its heyday, it is still possible to gain a clear idea of the scale, prominence, and status of the castle from the standing buildings, and associated features like the curtain wall and moat. These features, together with extensive buried remains, contribute to the exceptional significance of Westenhanger Castle.</p> <p>The setting of the castle also makes an important contribution to its significance for the way it continues to illustrate the castle’s role as a country residence and focal point of a designed landscape and wider historic estate.</p>	
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			<p>A late medieval moated castle like Westenhanger Castle was a high-status residence for a wealthy family and would almost certainly have had an associated designed landscape for the enjoyment of its owners and to impress visitors. Of this we know only a little.</p> <p>However, our knowledge is better for the 16th and 17th centuries when the castle was developed into a major country house (including a period in royal use). It had landscaped gardens immediately around it set within an extensive deer park, through which approaches to the house along a causeway were deliberately designed for impressive effect.</p> <p>Evidence of this former historic landscape survives as buried remains, e.g., the park ditch, earthworks like the causeway (a scheduled monument) – see further below, and water features associated with medieval activity. These features help to explain the historic relationship between the castle and its landscape setting.</p> <p>Perhaps more fundamentally, the continued relationship of castle to countryside, including the site of the proposed Otterpool Park, is essential to understanding the castle’s role as the focal point of a large country estate. The land surrounding the castle, including the application site, therefore makes an important contribution to the significance of the scheduled monument and associated grade I listed buildings. This contribution to significance is enhanced by features such as the causeway.</p> <p><i>Westenhanger Causeway</i> The causeway, which survives as a linear earthwork and associated buried remains, served as the principal access to Westenhanger Castle in the medieval and post medieval period.</p> <p>Causeways are commonly associated with major houses and castles, providing a highly formal and prominent route to access an important site.</p>	
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		<p>cemeteries. As enduring features in the landscape, they often acted as a focus for burials in later periods.</p> <p>The evidential and aesthetic value of these assets are intrinsically linked to their setting. They are typically sited on topographic high points or ‘false crests’ and are often distributed along river valleys. This likely serves to enhance the monumentality of the feature and provide sightlines both to and from key locations, such as other barrow sites, landscape features, or activity zones like settlements. The siting and patterning of barrows, both regarding the wider landscape and their relationships to each other, continues as a key research topic. Further study into barrows and their settings can inform a wide range of Bronze Age research, including change and continuity of ritual practice, as well as the development and maintenance of territorial boundaries and socio-economic constructs.</p> <p>The group of designated barrows within the development boundary of Otterpool Park provides a good example of an Early Bronze Age (2600-1600 BC) funerary landscape. There is a strong group value within the Barrow Hill cemetery group itself and across the wider funerary landscape – which includes barrows 44 and 136, other non-designated barrows, and the buried remains of cremation pits in the vicinity of the barrows (potentially dating to the Late Bronze Age) that were recorded during evaluations. The non-designated archaeological remains of a Bronze Age settlement site at Lympne Industrial Estate also contributes to a more holistic understanding of the Prehistoric landscape in this area.</p> <p>A key part of the significance of all these barrows is the fact that they belong to a wider complex of funerary monuments that was designed to be seen. In order to appreciate that intended visibility and inter-visibility, the landscape setting is a key part of their significance. Taking that into account and considering each designated asset independently, we have the following comments:</p>	
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			<p>1) Barrow cemetery to the south-west of Barrowhill (barrows 58, 113,114, 115, 130, 131 and 135 (SM 1475132). This designation is comprised of seven barrows that were evidently intended to form a group on the slopes of Barrowhill and were intended to be seen and understood as a group. Beyond that, they were intended to have an appreciable relationship with the wider landscape and probably with the other two barrows that are separately designated. That landscape setting contributes to their significance.</p> <p>2) Bell barrow approximately 750m to the south-west of Westenhanger Castle, also known as barrow 44 (SM 1475133). This is a single barrow which has been separately designated, but which nonetheless forms part of the wider landscape of funerary monuments here. It occupies a carefully chosen location on a low hill within a bend in the East Stour River, which contributes to its significance.</p> <p>3) Round barrow approximately 400m north-east of Upper Otterpool Farmhouse, also known as barrow 136 (SM 1475688). This is also a single barrow which has been separately designated, but which again forms part of the wider prehistoric funerary landscape. The location is on a slight spur on a north-east facing slope and will have been chosen to ensure that its presence could be appreciated by people in the surrounding land.</p> <p><i>Non-designated archaeological remains</i></p> <p>There is the potential for further non-designated archaeological remains to be of equivalent significance to scheduled monuments. A route for determining appropriate mitigation for as yet unidentified non-designated heritage assets of equivalent significance to scheduled monuments needs to be more clearly established.</p> <p>For example, three further barrow sites (barrow 253, 263, and 284) which, though not designated, contribute to our understanding of the Bronze Age funerary landscape and activity of the site as a whole. The information</p>	
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		<p>obtained through geophysical survey and/or trial trench evaluation at this stage was highly targeted and limited. Further information obtained during subsequent evaluation stages may revise our understanding of the significance of these heritage assets.</p> <p>Further information revealed through the recent archaeological evaluation works have the potential to augment our understanding of the significance of other known heritage assets within the application site. Currently unknown archaeological remains may also be found which have the potential to be of national significance.</p> <p><u>Impact</u> <i>Westenhanger Castle</i> The most recent amendments do not change Historic England's view about the level of harm caused to the significance of the scheduled monument and grade I listed Westenhanger Castle, which remain as follows.</p> <p>We consider that the proposed garden settlement of Otterpool Park has the potential to cause a high level of harm to the significance of Westenhanger Castle. We consider that harm would be towards the upper end of the range of less than substantial, for the following reasons.</p> <p>Firstly, the construction of a large new settlement so close to the castle would fundamentally change its setting from one which is strongly rural in character to one which is very urban. That harm would be compounded by development adjacent to the causeway as this would severely compromise the ability to experience the best views of the castle in an expansive rural setting with the Kent Downs to the north as a prominent backdrop.</p> <p>Both the overall scale of development and, in particular, the development parcels around the causeway would seriously harm an understanding that</p>	
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		<p>the castle was designed as a high-status country residence which served as the focal point of a rural estate.</p> <p>Harm could also be increased by the design of the proposed Castle Park because if this were to be very urban in character, it would further erode the significance the castle derives from its rural setting. Features such as a cricket pitch and playground, though probably necessary to ensure the park functions effectively, could nevertheless contribute to the park's urban character.</p> <p>The junction between Castle Park and the urban edge could also add to the overall harm because depending on how this is designed, it could add to the sense that the castle's setting would be heavily urbanised. We are therefore concerned about a design intention for the park edges to be "open and permeable, with green connections to other surrounding park areas and houses facing into and enjoying the park" (p.58, Heritage Strategy) because this suggests to us that the houses might be quite visible from within the park and from views out from the castle, adding to the overall sense of urbanisation within the setting of the castle.</p> <p>Further harm could arise from the construction of a new access and parking for the castle, depending on where these are located. These are ancillary needs which we recognise are essential to securing a long-term beneficial use for the castle, but they may also, conversely, cause harm depending on their location and form.</p> <p>The specific treatment of known and as yet unknown archaeological features associated with the castle and within its setting, could also add to the overall harm, and could be a missed opportunity in placemaking terms. The loss of any evidence of the former park boundary would also be harmful to the castle's significance as it would erode the archaeological resource which helps explain its history and development. Failure to incorporate an</p>	
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		<p>understanding of this archaeological feature in into the detailed design of future phases would also be a real missed opportunity in placemaking terms.</p> <p><i>Westenhanger Causeway</i> Development of no more than 18m in height is proposed beside the southern end of the causeway, with a minimum landscape buffer of 65m (ES, Chapter 9, 9.4.150). The northern half of the causeway would cross the proposed Castle Park.</p> <p>Development in such close to proximity to the southern end of the causeway would harm an understanding of this feature as the principal access route across a rural approach to Westenhanger Castle because it would urbanise the immediate setting of its southern end and would contribute to the entire loss of its rural setting.</p> <p>Landscape proposals on and around the causeway also have the potential to contribute to the overall harm. For example, formal planting, pathways running parallel to the causeway and SUDS, depending on how they are detailed, could be harmful to both the archaeological and aesthetic values of the causeway. There is not enough detail within the outline application to be specific about the extent and nature of this harm, but we highlight it for its potential to contribute to the overall harm to heritage significance. Similarly, giving the causeway a function as a cycle and pedestrian route is positive in place making terms but it will be important not to undermine this by inappropriate surface materials and access routes which could harm archaeological remains or the aesthetic values of the causeway.</p> <p>In NPPF terms, overall, we consider the harm to the causeway would cause less than substantial harm in the middle of the range.</p> <p><i>Barrows</i></p>	
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		<p>1) Barrow cemetery to the south-west of Barrowhill (barrows 58, 113,114, 115, 130, 131 and 135 (SM 1475132))</p> <p>The applicant has agreed to conditions which would provide further controls and could decrease the level of harm to the significance of this scheduled monument in subsequent Phases of the development. However, with these additional safeguards in place, Historic England still considers that the proposed development would cause a high level of harm to the significance of the scheduled barrow cemetery. In NPPF terms, this would be at the upper end of less than substantial harm.</p> <p>The most harmful element with respect to this specific asset remains the potential severance of barrow 131 from the wider cemetery group by a main 'movement corridor' (i.e., roadway) and 'low height' development (up to 12m).</p> <p>We consider development of this form and in this location would make it difficult to understand and appreciate that the barrows are a group with a deliberate and nuanced relationship to one another that is intrinsic to the significance of the scheduled monument, i.e. that the very high group value of this cemetery site would be seriously harmed by the complete severance of Barrow 131 from the group.</p> <p>However, conditions have been drafted which would secure the provision of a connection corridor between barrow 131 and the rest of the barrow cemetery, incorporating this barrow within the heritage trail, and the treatment of these barrows as one cemetery group. These conditions go some way to ensuring that the detailed design would retain some of this relationship and reduce the harm to the cemetery's significance.</p> <p>We welcome these conditions, which address concerns raised in our earlier advice. However, we think that, fundamentally, the proximity, scale, and</p>	
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			<p>extent of development around the scheduled monument would also seriously erode the landscape setting that helps to explain the barrows' deliberate siting as a group on Barrowhill. It would also detract from the understanding and appreciation of the cemetery's association with the wider Bronze Age funerary landscape and activity which includes other designated and non-designated barrow sites.</p> <p>Without additional topographic and visual information to understand the final form and relationship of the development to the barrows, it is difficult to be precise about the exact nature of the harm, but we are confident that development of such great extent and the resulting loss of the landscape setting would be very harmful to the significance of this asset.</p> <p>Where we have greater certainty about the form of future development, for example, from the proposed roadway close to barrows 115 and 130 (Development Areas and Movement Corridors Parameter Plan (ES Appendix 4.2)) we are able to conclude that this key infrastructure would further erode the barrows' landscape setting, contributing to the overall harm.</p> <p>We acknowledge inbuilt measures to minimise harm, such as intermittent planting on the northern edge of the public green space to maintain visual connections between the barrow cemetery and North Downs. However, in our view this would only go a limited way to reducing impacts from what amounts to a profound change in the landscape setting of the barrows. We have previously also considered that the harm to this scheduled monument as a whole could be heightened by the potential for SUDS within close proximity. Therefore, a further draft condition has been shared with Historic England which would give us confidence that no harm would arise from the impact of SUDS or other water management features.</p> <p>For the above reasons, we continue to strongly disagree with the conclusions of the ES (Chapter 9, 9.5.4), which states that all the barrows in</p>	
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		<p>this cemetery group would experience a negligible impact through change to their setting resulting in no significant effects.</p> <p>1) Bell barrow approximately 750m to the south-west of Westenhanger Castle, also known as barrow 44 (SM 1475133)</p> <p>The most recent amendments have corrected a previously but they do not substantially change Historic England’s view on the level of harm which may be caused to the significance of the scheduled monument known as barrow 44.</p> <p>We welcome the most recent amendment to the design parameters which clarified the maximum building heights of two and three storeys closest to the barrow with the intention being ‘to ensure acceptable massing relationship between built form and barrow 44’ (SDP Appendix 2 p. 87). However, as outlined previously, without additional assessment to support these amendments it is difficult to assess the degree to which this would reduce harm and thus whether the heights suggested are proportionate or sufficient.</p> <p>The applicant has gone some way to addressing our concerns through the provision of constraints on the neighbouring development and through specifying the design of a green space which retains at least some of the significance gained through the barrow’s setting and interrelationship with the river valley. Nevertheless, the proposed development would constitute a fundamental change within the setting of this scheduled monument. This would inherently degrade our ability to understand and appreciate this barrow within the landscape and its interconnectivity with other barrows, the East Stour River, and the North Downs.</p> <p>Therefore, we consider that the proposed development around Barrow 44 has the potential to cause a high level of less than substantial harm to the significance of the scheduled monument, and that there is still the potential</p>	
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		<p>for this harm to be substantial in NPPF terms, depending on how future phases are detailed.</p> <p>We continue to disagree with the conclusions of the ES which uses a flawed methodology to equate significance of effect with harm in NPPF terms. In this case, the ES notes that substantial harm can only arise from total loss of significance. Such an approach does not accord with the NPPF, which clearly differentiates substantial harm from total loss (see for example NPPF 201, which refers to substantial harm <u>or</u> total loss of significance). It must therefore stand that substantial harm can occur independent of total loss.</p> <p>2) Round barrow approximately 400m north-east of Upper Otterpool Farmhouse, also known as barrow 136</p> <p>No recent amendments have been made which would affect our assessment of impact to the scheduled monument known as barrow 136.</p> <p>We therefore still consider that the harm to the heritage significance of Barrow 136 would be of a lower order than that to other designated barrows within Otterpool Park, partly because the retention of this barrow within the country park would retain, to a greater degree, a sense of its landscape setting.</p> <p>Nevertheless, because of the severance of this barrow from the wider landscape, the loss of a key view between it and Barrow 44, along with a visual connection between the barrow, East Stour River corridor and North Downs (due to intervening development of 18m), and the proximity of 15m high development to its south, we conclude that the proposal would still cause harm in NPPF terms.</p> <p>We still conclude that the proposal would cause a higher level of harm than the 'negligible' impact and slight adverse effect identified in the ES (9.5.10)</p>	
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			<p>from development within its setting. We nonetheless consider this harm to be low on the scale of less than substantial harm.</p> <p><i>Non-designated archaeology</i> There is still the potential for a high level of harm and extensive impacts to non- designated archaeology, most clearly illustrated through direct removal of archaeological remains.</p> <p>For example, the current plans outline that three non-designated barrow monuments (barrows 253, 284 and 263) would be built over with proposed development. This would be ‘mitigated by archaeological excavation and recording,’ however the NPPF states that ‘the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted’ (Para 205).</p> <p>Further archaeological evaluation work may identify higher significance in these, or other non-designated or currently unknown archaeological remains, than currently understood. While we agree that it is not proportionate to preserve all archaeological remains in situ, clear measures must be in place to ensure that there is a procedure for this re-evaluation and decision taking to be made in the event of new discoveries being made during the course of implementing any permitted works.</p> <p><i>AONB</i> Many of the heritage assets considered by this letter are important landscape features in the setting of the AONB. As such they may make a positive contribution to its natural beauty. The high levels of harm to heritage assets that we have identified may also, therefore, harm the natural beauty of the AONB. However, we defer to the Kent Downs AONB unit to provide more detailed advice in this respect.</p> <p><u>Policy and Legislative context for decision taking</u></p>	
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		<p>The legislative context for decision taking where this applies to listed buildings is set out in the 1990 Planning (Listed Buildings and Conservation Areas) Act, section 66(1) which places a statutory duty on a Local Authority to give special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The act must be applied to dual designated sites, i.e., a building which is both scheduled and listed and therefore applies those parts of Westenhanger Castle which are dual designated like the barns in the outer court as well as the grade I listed Westenhanger Manor.</p> <p>Your own Local Plan Policies SS7 New Garden Settlement Place Shaping Principles and HE2 that heritage-led place making, and conservation of important archaeology and their settings are priorities for your District, and for this development in particular.</p> <p>Also, of relevance to decision taking are policies governing change to the Historic Environment described in Section 16 of the NPPF. These include the need to give great weight to the conservation of designated heritage assets, noting that the more important the asset, the greater the weight (Paragraph 199).</p> <p>The NPPF also highlights the need to avoid or minimise any conflict between a heritage asset's conservation and any aspect of the proposal (paragraph 195). It also notes the need to provide clear and convincing justification for any harm to, or loss of, the significance of a designated heritage asset and that substantial harm to designated heritage of the highest significance, must be wholly exceptional (paragraph 200).</p> <p>For cases of substantial harm to designated heritage, paragraph 201 states that "local authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss."</p>	
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		<p>Where a proposal causes less than substantial harm, the NPPF requires that it is weighed against the public benefits of a proposal in the manner described in paragraph 202. Heritage benefits are a public benefit to consider in the weighing exercise.</p> <p><u>Historic England Position</u></p> <p>Historic England is persuaded that a combination of recent amendments and the draft conditions and S.106 Heads of Terms provide safeguards which reduce our previous concerns about avoiding or minimising harm including to Barrow 44 and secure a sufficient package of heritage benefits to weigh against harm (paragraphs 195 and 202, NPPF).</p> <p>Therefore, we do not object to this application provided that the draft conditions and Heads of Terms are amended in the way outlined in appendix 1 of this letter prior to determination. If further amendments to the conditions and S.106 Heads of Terms are proposed, please contact us so that we can provide a view about whether they would alter our position on this application.</p> <p>However, we remain seriously concerned about this application, despite the withdrawal of our formal objection to it, because of the high levels of harm that it would cause.</p> <p>Historic England takes such major impacts to important heritage very seriously and we are deeply disappointed that that the applicant did not amend the control documents as recommended in our earlier advice in order to reduce harm to heritage significance.</p> <p>We therefore remain of the view, despite recent amendments, that the proposal would cause very serious harm to heritage of great importance because it would fundamentally alter the character of the Otterpool Park</p>	
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		<p>landscape from one which is predominantly rural to one which is highly urban.</p> <p>For the avoidance of doubt, we continue to believe that the level of harm would, in NPPF terms, be towards or at the upper end of the less than substantial for Westenhanger Castle, the Barrow Cemetery and Barrow 44. For Barrow 44 the harm could be substantial depending on how future phases are detailed. For the Westenhanger Causeway, the harm would be in middle of the range of less than substantial. The harm arises in all cases because the proposed settlement would directly remove much of the immediate landscape setting that contributes to the significance of these assets.</p> <p>In making its final decision on this application, your Council will need to give special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess as defined in duty (S.66 (1) of the 1990 Planning (Listed Buildings and Conservation Areas) Act.</p> <p>This statutory duty applies to the grade I listed Westenhanger Manor and the Grade I Barns at Westenhanger, in addition to any other listed buildings you assess are affected by this proposal.</p> <p>Your Council will also need to weigh all remaining harm to designated heritage against the public benefits of the proposal in the manner described in paragraph 202 of the NPPF, noting that in Historic England's view, the levels of harm to important heritage is towards or at the upper end of less than substantial in NPPF terms.</p> <p>Historic England considers that the application is capable of securing heritage benefits as described in the draft conditions and S.106 Heads of Terms and these would contribute towards the public benefits you must consider in the weighing exercise.</p>	
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		<p>In your decision taking, you must also give great weight to the conservation of the heritage assets, noting that the more important the asset, the greater the weight (paragraph 199). In this case, Westenhanger Castle and Causeway and the scheduled barrows are all of the highest significance and so their conservation must be given the greatest weight in your decision taking.</p> <p>You will also need to consider your own Local Plan policies in reaching a decision on this proposal including Policies SS7 New Garden Settlement Place Shaping Principles and HE2 that heritage-led place making, and conservation of important archaeology and their settings. You will need to carefully consider if the application is capable of meeting your own policies on archaeology given the extensive change proposed with the setting of important designated archaeological sites.</p> <p>Recommendation Historic England does not object to this application provided that the safeguards to avoid or minimise harm and the heritage benefits as proposed in the draft conditions and S.106 are delivered and include the suggested amendments in Appendix 1 of this advice.</p> <p>We remain seriously concerned about the high level of harm to heritage of great importance and most especially to the scheduled Westenhanger Castle, Westenhanger Causeway, Barrow Cemetery and Barrow 44. Therefore, we recommend that if this application is approved, any approval must contain conditions and benefits secured via the S.106 which incorporate our amendments in Appendix 1.</p> <p>We request that, if there are any further amendments to the draft conditions and S.106 agreement, they should be sent to Historic England for us to consider and advise whether they alter our position on this application. In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act</p>	
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			<p>1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.</p> <p>You should also bear in mind section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Finally, your Council must bear in section 85(1) of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs.</p> <p>1) Appendix 1 Suggested amendments – draft conditions</p> <p>Tier 1 Site Wise Strategies (Updates)</p> <ul style="list-style-type: none"> • This should refer to the most up to date Heritage Strategy which is dated August 2022 <p>Heritage Research and Mitigations Strategies (Update)</p> <ul style="list-style-type: none"> • We think this would be helpful if this was amended to prior submission for development on early parcels rather than prior to commencement of development on early parcels <p>Castle Implementation & Phasing Plan (CIPP)</p> <ul style="list-style-type: none"> • Suggest addition of an extra bullet point which refers to works described in page 135 of the updated CMP that include conservation works to the barns (we can discuss this further if helpful) • As many of the works included as heritage benefits in this condition are capable of being delivered easily (subject to gaining SMC), we think the condition should go further to specify have been completed, rather than commenced. This is in order to ensure delivery of heritage benefits up front and early in the wider deliver of Otterpool Park 	
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			<ul style="list-style-type: none"> If it is feasible to add an informative, it may be worth including a reference to the need to plan and gain scheduled monument consent for works covered by this condition <p>Additional condition SUDS are only mentioned in relation to the condition about the Barrow Cemetery but we think that the same principles around avoiding harm through direct or indirect changes relates to SUDS would apply to all scheduled monuments. We therefore recommend an additional condition for SUDS related to the other scheduled barrows, Westenhanger Causeway and Westenhanger Causeway</p> <p>2) Suggested amendments – S.106 Heads of Terms</p> <p>No 2 Castle Protocol</p> <ul style="list-style-type: none"> The castle protocol must cover an agreed area – we suggest cross reference to a plan, e.g. a parameter plan to define the castle area The challenge with this application has always been securing heritage benefits associated with the reuse of the castle which will be subject to a drop-in application. However, while we acknowledge this is not insignificant challenge, we think the scope of the work covered in the protocol could be more tightly defined by directly referencing specific policies in the CMP which refer to sustainable reuse and enhanced public access. We therefore request that No 2. Castle Protocol is amended to include reference to policies U1-7 in the CMP (p.152) In bullet point F, which refers to timelines to submit applications, we request this amended to “and timeline for implementation.” 	
12	National Highways	09.01.2023	As you will be aware, we continue to work with all parties on many fronts in order to identify, assess and agree all impacts and implications; and then identify and agree appropriate, timely mitigation within an overall Monitor & Manage Framework. This work continues at pace.	LPA 385

		<p>Therefore, rather than provide a response, that will soon need to be updated, I trust you will allow us a little more time to get as far as we can, as fast as we can, and then provide an up-to-date, complete response. I anticipate this should be by the end of January.</p> <p>While this work continues, hopefully including shortly agreeing the J10/10a surveys, we continue to recommend that the Council does not determine the application for the reasons set out in our previous NHPRs.</p> <p>Thank you for your email dated 1 December 2022 consulting National Highways regarding the above updated application. As agreed, we are responding no later than 20 January 2023.</p> <p>As you are aware National Highways has been having on-going extensive discussions with the applicant in relation to these proposals. We have therefore reviewed the formally submitted documents in this context and now provide our comments.</p> <p>Please find below:</p> <ul style="list-style-type: none">a) Our National Highways Planning Response form setting out our comments and then our formal recommendation that the application should not be determined as yet to allow our engagement to continue and all transport related matters to be resolved. This is simply to allow further work to continue; for example, with regards to agreeing conditions and completion of RSA1s. Once you have a confirmed committee date, we will provide an updated NPHR prior to it.b) A Technical Note setting out further comments with regards various on-going engagement matters. <p>Referring to the consultation on a planning application dated 27 April 2022 referenced, in the vicinity of the M20 and A20 that form part of the Strategic</p>	
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		<p>Road Network, notice is hereby given that National Highways formal recommendation is that we:</p> <ul style="list-style-type: none"> a) Offer no objection (see reasons at Annex A); b) Recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons); c) recommend that planning permission not be granted for a specified period (see reasons in Annex A); d) recommend that the application be refused (see reasons at Annex A); <p>Highways Act 1980 Section 175B is not relevant to this application.¹</p> <p>This represents National Highways’ formal recommendation and is copied to the Department for Transport as per the terms of our Licence.</p> <hr/> <p>¹Where relevant, further information will be provided within Annex A.</p> <p><u>Annex A</u></p> <p>National Highways’ assessment of the proposed development</p> <p>Recommendation That planning permission not be granted for a specified period</p> <p>It is recommended that the application should not be granted for a period of 3 months from 18 January 2023 unless all outstanding matters are resolved to National Highways satisfaction beforehand: in which case a new NHPR will be issued.</p> <p>Reasons</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 and A260 near Ashford and Folkestone.</p>	
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			<p>We will 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. In particular, the following comments should be passed on to the applicant:</p> <p>Throughout this response <u>ACTION points</u> for the applicant are highlighted <u>underlined in bold</u>.</p> <p><u>General Matters</u></p> <p>1) Implications of new DfT Circular 1/2022 replacing C2/13</p> <p>It will be noted by all parties that DfT published new Circular 1/22 in December 2022 that replaces the previous transport C2/13.</p> <p>In accordance with policy and practice, application should be determined on the basis of national policy and other material considerations in force at the time the planning decision, unless they are so far advanced that it would not be appropriate to require the application of the new policy and they do not significantly and materially not comply with the new policy.</p> <p>In the case of Otterpool we accept that the application is at an advanced stage and therefore appears capable of being determined in accordance with its compliance with C2/13.</p> <p>However, it is also good practice in such cases for the applicant to prepare a brief paper setting out the extent to which the application also complies with the new policy, highlighting any non-compliance and provide reasons why any non-compliance is not of such materiality that it becomes a determining factor.</p> <p><u>We require the applicant to prepare the above-described paper</u></p>	
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		<p>2) Implication flowing from need for M20J10/10a surveys</p> <p>Various junctions in the vicinity of M20J10/10a are likely to require mitigation. However, due to the on-going delivery of the transformational of the Orbital Park junction from a roundabout to signalled junction to support the Finberry, Orbital Park, Waeterbrook and other Ashford developments, it has not been possible to carry out the necessary traffic surveys; and hence it has not been possible to finalise the modelling and any requirements mitigation.</p> <p>A 'worse case' methodology was agreed by all parties and used to gain insight into what may be needed. However, all parties still wish to carry out the surveys and then work through the outcomes to agree mitigation. It is understood that the Bellamy Gurner A2070 improvement should be completed and open to traffic February 2023.</p> <p>Depending on:</p> <ul style="list-style-type: none"> • the exact timing of the opening, • the ability of the applicant to carry out the surveys all parties have agreed are necessary, • the outcome of the surveys/modelling compared to the 'worse case' exercise already carried out, • the conclusions reached as a result regarding the form of any required mitigation, • the time needed to draw up mitigation, WHCHAR/RSA (stage 1) the design and agree it (this may be a short period if the surveys also point towards the same mitigation as the 'worse case', • and the timing of all the above against the timing of the application being resolved at committee <p><u>It will be necessary to agree conditions to be attached to any consent to cover the various scenarios</u></p>	
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		<p>It may be that the committee are able to delegate to officers the task of agreeing conditions between the time of any committee resolutions and the issue of any consent and attendant S106 or other legal agreements, or to agree conditions that reflect progress at that date.</p> <p>3) Monitor and Manage Framework</p> <p>All parties agree that Otterpool is an appropriate candidate to make use of the emerging M&MMF way of working.</p> <p>Various of the matters raised in this response relate to items that will need to be included in the M&MF.</p> <p><u>The M&MF will need to be the subject of an agreed condition regarding its production and then implementation. Provided the M&MF basic condition covers the territory, it will not be necessary to resolve some of the actions identified in this response prior to any consent. But they must be kept 'on the table' for resolution at the appropriate time. We would request the applicant draws up for agreement by all parties a list of these actions.</u></p> <p>4) Mitigation Delivery</p> <p>It remains unclear who the promoter and guarantor of the required mitigations will be where these are consistent with the previous Local Plan schemes;</p> <p><u>this needs to be clarified and where the schemes are triggered part-way through the build-out of Otterpool Park, these schemes will need to be delivered in full.</u></p> <p><u>The proposed development will therefore be subject to Grampian conditions (i.e. no more than X occupations until Y mitigations are</u></p>	
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		<p><u>implemented and open to traffic) which will be based around the trigger points calculated within the Transport Response document.</u></p> <p>For the avoidance of any doubt, National Highways will not be</p> <ul style="list-style-type: none">• the promoter or guarantor of any Local Plan or Otterpool derived mitigations;• able to take on board the risk of congestion/safety concerns arising due to absence of mitigation due to funding gaps and will apply Grampian conditions accordingly to ensure this does not occur.<ul style="list-style-type: none">➤ This is not the same as any situation where, in the future, the implementation of the M&MF demonstrates that a change in the mitigation is warranted in the light of robust evidence at that time, and hence National Highways are agreeable to change in the form of timing or mitigation. <p>M20 Junction 9</p> <p>Previously requested additional work in relation to this junction has been undertaken and reviewed by us. It is noted that this work includes the Stage 1 RSA for the proposed mitigation measures (drawing reference 10029956-ARC-XX0XX-DR-HE 0049 PO2), which has been carried out in accordance with the scope agreed with us.</p> <p>It is noted that all except one recommendation from the RSA has been accepted and either incorporated into the submitted mitigation proposal of identified for action as part of the next stage of the design work. The submitted modelling results show that, although the mitigation measures would not fully resolve the existing congestion issues at the junction, they would substantially improve them and would address the specific impacts of the proposed development (in addition to providing some additional residual benefits).</p> <p>The applicant considers that, in practice, the improvements at this junction may not ultimately be required if the wider sustainable transport strategy is</p>	
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		<p>successful in reducing the demand for car-based trips via the SRN, and that the scheme should therefore be incorporated into the proposed monitor and manage strategy; this approach is acceptable in principle to us. It is recognised that the monitor and manage strategy should be capable of detecting and measuring future traffic changes at this junction and the work undertaken to date is sufficient for us to be satisfied that the proposed mitigation would be effective, should the monitoring data indicate that it is required.</p> <p><u>A specific reference to a monitoring schedule for M20 Junction 9 shall need to be included in the final Monitor and Manage strategy documents when these are prepared.</u></p> <p><u>M20 Junctions 10 and 10a</u> It has not as yet been possible for the applicant to conduct appropriate traffic surveys of these junctions due to the ongoing improvement works at the nearby Bellamy Gurner junctions, which has impacted our ability to accept the initial highway capacity modelling work presented in the TA report for these junctions.</p> <p>To address this for the purposes of the current outline planning application, we have agreed an alternative ‘worse case’ modelling methodology with the applicant based on robust estimates of current traffic which use previously collected data in conjunction with an additional margin for traffic growth which may have occurred in the interim period.</p> <p>The requested ‘worse case’ scenario modelling for these two junction has been conducted accordingly to the agreed methodology and has subsequently been reviewed by us. The results of the future year modelling show that the M20 Junction 10 will perform in an acceptable manner in the 2044 “Do Minimum” scenario. In the agreed “worse case” models, the degree of saturation slightly exceeds 90% for one arm in the AM peak and 2</p>	
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			<p>arms in the PM peak, however the changes to delay and queuing are limited and there are no such effects on either the M20 slips or the junction circulatory.</p> <p>The results of the M20 Junction 10a modelling show that in the 2044 “do minimum” scenario, there would be particularly high DoS figures (169%), on the M20 Eastbound off-slip; the “do something” scenario with the proposed mitigation applied reduces this substantially to 121%, with the mean max queue reducing from 115 PCU’s to 85. Although this arm of the junction will remain congested, the proposed mitigation would alleviate the impacts of the development and also reduce queues on the slip road.</p> <p>Based on the above, we are satisfied that the future performance of these junctions has been sufficiently demonstrated to a level of confidence appropriate for the current outline planning application. For the proposed improvements at Junction 10a, we have reviewed the associated general arrangement drawing (reference 10029956-ARC-XX-XX-DR-HE 0051) and considers that this provides sufficient detail for the purposes of the current outline planning application. However, it is noted that the lack of up-to-date traffic survey information means that it has not currently been possible for a Stage 1 Road Safety Audit to be completed for these proposals.</p> <p><u>Planning conditions will be required for junction J10/10a to secure new traffic survey work once it is possible for this to be undertaken in accordance with our requirements. A further planning condition will also be required to secure the mitigation (including a reference it being the subject of the outcome of the RSA process).</u></p> <p><u>A292 Hythe Road/M20 WB On Slip</u></p> <p>It has not yet been possible for the applicant to conduct appropriate traffic survey of this junction due to ongoing improvement works at the nearby Bellamy Gurner junction, which has impacted our ability to accept the initial</p>	
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		<p>highway capacity modelling presented in the TA report for this junction. To address this for the purpose of the current outline application, we have agreed an alternative “worse case” modelling methodology with the applicant based on robust estimates of current traffic which use previously collected data in conjunction with an additional margin for traffic growth which may have occurred in the interim period.</p> <p>The requested “worse case” scenario modelling for the junction has been conducted accordingly to the agreed methodology and has subsequently been reviewed by National Highways. The results of the future year modelling show that the A292 Hythe Road/M20 WB Ob Slip will limit queue length and delay increased in the AM peak on the M20 on-slip, but the in PM peak this combination results in an increase in queue lengths of 20 PCUs for the M20 On-slip and 10 PCU’s for the A292 Hythe Road eastbound. These increases would not specifically impact upon the SRN (as the queued vehicles would be held at the signals on the KCC road network). However, the impacts to the A292 itself will need to be appraised further by KCC and the deliverability of this mitigation proposal will be reliant on their views of these proposals.</p> <p><u>We will require confirmation of the acceptability of these proposals by KCC Highways prior to agreeing these as appropriate mitigation for the purposed of the current outline planning application.</u></p> <p>The submitted General Arrangement drawing (reference 10029956-ARC-XX-XX-DR-HE 0055) for the proposed mitigation is considered sufficient for the purposes of the current appraisals.</p> <p>The same consideration as set out in the section of M20J10/10a regarding conditions applies.</p> <p><u>A planning condition will be required for this junction to secure new traffic survey work once it is possible for this to be undertaken in</u></p>	
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		<p><u>accordance with National Highways' requirements. A further planning condition will also be required to secure any mitigation (including a reference it being the subject of the outcome of the RSA process).</u></p> <p><u>M20 Junction 11</u></p> <p>Previously requested additional work in relation to this junction has been undertaken by the applicant and reviewed by us. It is noted that this work includes the Stage 1 RSA for the proposed mitigation measures (drawing reference 10029956-ARC-XX-XX-DR-HE 0036 P02), which has been carried out in accordance with the scope agreed by us. It is noted that all recommendation from the RSA have been accepted and either incorporated into the submitted mitigation proposal or identified for action as part of the next stage of design work.</p> <p>The submitted modelling results show that the proposed mitigation measures would substantially improve the operation of the junction, addressing the impacts of the proposed development and delivering additional benefits in comparison to the “do minimum” scenario. It is therefore considered that the proposed mitigation in acceptable in principle (subject to any comments from the Kent Resilience Forum in connection with the use and management of the M20, especially around M20J11, for resilience purposes); the precise timing of the implementation of the mitigation will need to be determined through assessments in the identified year of the build-out stated in Table 13 of the Transport Response Review document.</p> <p><u>A planning condition will be require to secure these works; at the appropriate stage of the planning process we are minded to recommend the following planning condition be attached with any consent which may be granted, based on the information provided within the Transport Response Report;</u></p>	
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		<p><u>Condition X:</u> <i>No more than 4,525 of the dwellings of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of the M20 Junction 11 shown on drawing no 10029956-ARC-XX-XX-DR-HE 0036 P02 (or such other scheme that substantially accords with the principles of this scheme and the recommendation set out in the DRMB complaint Road Safety Audit), as may be approved in writing by the local planning authority (and National Highways and KCC Highways as overseeing authorities) have been opened to all traffic.</i></p> <p>Reason: <i>To ensure that the M20 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.</i></p> <p>Informative: <i>This development involves work to the public highway (strategic road network and local road network) that can only be undertaken within the scope of a legal Agreement or Agreements between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport) and, as necessary and appropriate, the Local Highways Authority. Planning permission itself does not permit these works.</i></p> <p><i>It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the highway will normally require any agreement or agreements, under Section 278 of the Highways Act, with National Highways and the Local Highway Authority. Any new access to the SRN (completely new or simply materially altered) also requires specific consent from National Highways under S175B of the Highways Act 1980.</i></p>	
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		<p><i>Advice on this matter can be obtain from the Spatial Planning Team, National Highways.</i></p> <p><u>A20 Ashford Road/Ashford Road</u> Previously requested additional modelling work in relation to this junction has been undertaken by the applicant and reviewed by us.</p> <p><u>It is noted that this work does not include a Stage 1 RSA for the proposed mitigation measures (drawing reference 10029956- ARC-XX-XX-DR-HE 0036 P02); this will need to be undertaken in accordance with a scope agreed with us.</u></p> <p>Notwithstanding the above, the submitted modelling results show that the proposals would be sufficient to address the impacts of the development if they were to occur as predicted by the “do something” modelling. It is noted that this junction would be affected by the proposed part signalisation at Junction 11, and it is stated that would be likely to increase “platooning” of vehicles passing the junctions, which would create more opportunities for turns from Ashford Road.</p> <p>It is therefore suggested that this junction be included as part of the monitor and manage strategy; in the event that congestion is observed to arise, the proposed mitigation would be implemented if/when an appropriate trigger point (to be agreed as part of the development of the monitor and manage strategy) is reached. It is recognised that the monitor and manage strategy should be capable of detecting and measuring future traffic changes at this junction and that the work undertake to date is sufficient (subject to completion of the required RSA) for us to be satisfied that the proposed mitigation would be effective, should the monitoring data indicate that it is required.</p>	
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		<p><u>Specific reference to a monitoring schedule for the A20 Ashford Road/Ashford Road junction shall therefore be included in the final Monitor and Manage strategy documents when these are prepared. Ashford A20 Ashford Road Small Roundabout</u></p> <p>Previously requested additional modelling work in relation to this junction has been undertaken by the applicant and reviewed by us. The results of the future year modelling show the RFCs for the A20 Ashford Road northbound arm would increase to just under 0.90 in the 2044 “Do Something” AM Peak scenarios.</p> <p>This is slightly over the standard 0.85 threshold, however the results for queue lengths and delay indicate that in practice this would not be expected to result in any operational issues at the junction. It is therefore considered that there would not be any impacts arising as a result of the proposed development which will require mitigation measures.</p> <p>However, the proximity of this junction to both M20 Junction 11 and the A20 Ashford Road/Ashford Road junctions is noted: it is proposed by the applicant that this junction should be included in the monitor and manage strategy so that any unanticipated effect from the proposed mitigation measures at these junction can be recorded. This is acceptable in principle; on the basis that,</p> <p><u>specific reference to a monitoring schedule for the A20 Ashford Road/Ashford Road junction shall therefore be included in the final Manage and Monitor strategy documents when these are prepared. The monitor and manage strategy must additionally be clear on how any need to additional mitigation at this junction will be addressed in financial terms.</u></p> <p><u>M20 Junction 13 – Castle Hill Interchange</u></p>	
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			<p>Previous requested additional modelling work in relation to this junction has been undertaken by the applicant and reviewed by us. It is noted that, whilst we have previously accepted the principle of this junction being addressed via the monitor and manage strategy, it has been request that suitable mitigation measures be identified which could be implemented if it is determined that these are needed. Drawing 10029956-ARC-XX-DR-T 0017 shows a proposed scheme which has been developed for the wider Local Plan (for which the associated technical work included consideration of the Otterpool Park proposals). It is noted from Table 13 of the Transport Review Response document that it is anticipated that the need for these works would be determined via review of monitoring data collected during year 4 of the scheme build-out.</p> <p><u>It is noted that this work does not include a Stage 1 RSA for the proposed mitigation measure (drawing reference 10029956-ARC-XX-XX-DR-HE 0036 P02); this will need to be undertake in accordance with a scope agreed with us. The condition required to cover the mitigation can reflect the RSA status.</u></p> <p><u>It is not clear from the Transport Response Review document whether the “Do Something” models include the Local Plan mitigation scheme; this will need to be clarified before we can confirm the acceptability of the proposals for inclusion in the monitor and manage strategy.</u></p> <p><u>M20 Slip Roads Merge/Diverge and Weaving</u></p> <p>The required additional information with regards to the expected phasing of the proposed Merge/Diverge mitigation measures has been supplied in tables 13 and 52 of the Transport Response Review document.</p> <p>It is noted that the M20 Slip Road analysis has identified a potential future need for mitigation works at Junction 12 on the M20 mainline; these works do not directly affect the junction itself (the impact if vehicles from Otterpool Park using this junction is minimal, due to its distance from the development)</p>	
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		<p>and hence the mitigation proposals are based on the results of the corresponding merge/diverge assessments. The proposed works are show on drawing No. 10029956-ARC-XX-XX-DR-HE 0040 Rev P01. It is further noted that a Stage 1 RSA has been carried out for the proposals; this has identified a small number of amendments to the design which have accepted by the designers, and it is understood that these are reflected in the analysis presented in the Transport Response Review document.</p> <p><u>The supplied drawing is considered acceptable for the purposes of the current outline application. However, as any works to the mainline of the motorway would be expected to have significant impacts during construction, assessment of whether the need for these works will be triggered at or prior to the completing of the 8,500 homes build-out in 2042 will need to be undertaken as part of the monitor and manage process. Specific reference to a monitoring schedule for the M20 Junction 12 shall therefore be included in the final Monitor and Manage strategy documents when these are prepared.</u></p> <p><u>User Centric Approach and Sustainable Travel Modes</u> It is noted that the “core” list of measure presented within the Transport Response Report does not identify the signalisation of Junction 11; this should be explicitly included as it is clear that this improvement will be required regardless of the performance of the monitor and manage strategy.</p> <p><u>The content of the TRR report does not contain the request demonstration of how different “live” documents relate to one another, and the role each will play in the implementation of the Monitor and Manage strategy; this will need to be provided.</u></p> <p><u>A260 Spitfire Way Junction/A260 Alkham Valley Road Junction/A260 Canterbury Road Junction</u></p>	
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		<p>The A260 junctions at Spitfire Way, Alkham Valley Road, and Canterbury Road lie in very close proximity to the A20; whilst these junctions themselves are within the remit of KCC Highways, their analysis and proposals remain of interest to us.</p> <p>These junctions have been examined as part of previous Local Plan work and all have mitigation schemes associated with them as a result of this. The work undertaken by the applicant (and reviewed by KCC) indicates that these proposals would (as expected) be sufficient in principle to address the impacts of the Otterpool Park development. The applicant has previously suggested a contributions-based approach to funding the improvements, but with both KCC and we have stated that this is not acceptable and that it must be demonstrated that Otterpool Park can deliver either the Local Plan schemes or suitable alternatives at the point in time at which this becomes necessary.</p> <p>The applicant has therefore developed alternative mitigation proposals for the A260 Spitfire Way junction; these proposals are shown on drawing 10029956-OP-ARC-XX-DR-T 0018. These proposals are designed to address the impacts of Otterpool Park in isolation; it is understood that this scheme could then be further upgraded to the “full” Local Plan scheme when triggered by other Local Plan developments. On the basis that this modelling has been reviewed and accepted by KCC, the results indicate that the partial mitigation would be sufficient to address the specific impacts of the Otterpool Park development. As such in principle this would be acceptable for inclusion within the monitor and manage strategy.</p> <p><u>It is noted that this work does not include Stage 1 RSA for the proposed mitigation measures (drawing reference 1029956-OP-ARC-DR-T 0018); this will need to be undertaken in accordance with a scope agreed with us.</u></p>	
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		<p><u>Subject to completion and acceptance of the Stage 1 RSA, specific reference to a monitoring schedule for the A260 Spitfire Way junction shall be included in the final Monitor and Measure strategy documents when these are prepared.</u></p> <p>For the A260 Alkaham Valley Road junction, reference is made to mitigation shown on drawing 10029956-OP-ARC-XX-DR-T 0019, which is stated in Table 12 of the Transport Response Review document to be same as the Local Plan proposals. No modelling summary is presented for this junction, although it is stated that this also proposed to form part of the monitor and manage strategy.</p> <p>Similarly, for the A260 Canterbury Road junction, reference is mad to mitigation shown on drawing 10029956-OP-ARC-XX-DR-T 0020 which is stated in Table 13 of the Transport Response Review document to be the same ss the Local Plan proposals. No modelling summary is presented for this junction, although it is stated that this is also proposed to form part of the monitor and manage strategy.</p> <p>It is further stated within Table 13 that it is proposed that specific mitigation proposals for these junctions would be shared with National Highways in year 4 of the planned build-out, as it is anticipated that the need (or otherwise) for these works would be able to be determined for monitoring surveys at this time.</p> <p><u>It is noted that the current submission for these two junctions does not include a Stage 1 RSA for the proposed mitigation measures (drawing reference 10029956-OP-ARC-XX-DR-T 0018); this will either need to be undertaken in accordance with a scope agreed with National Highways, or evidence of this having been undertaken as part of the development of the proposals for the purposes of the Local Plan will need to be submitted.</u></p>	
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		<p><u>Subject to clarification with regards to the Stage 1 RSA's, and confirmation of KCC's agreement to the proposed mitigation measures, specific reference to a monitoring schedule for the A260 Alkham Valley Road junction and the A260 Canterbury Road junction shall be included in the final Monitor and Manage strategy documents when these are prepared.</u></p> <p>The above represents our <i>current</i> requirements. As the analysis progresses, it is possible that further requirements may emerge.</p> <p>Note: To assist the applicant, we also enclose an update of the previously circulated Technical Note, setting our latest comments and requirements and making reference to the various actions now completed or still to be completed.</p> <p><u>Conclusion</u></p> <p>Following our review of the submitted additional and updated technical information package in respect of Otterpool Park planning application, our overall conclusions can be summarised as follows:</p> <ul style="list-style-type: none">• Good progress has been made with a substantial number of the previously identified actions now either confirmed to be completed or partially completed• Certain action remain outstanding• As a result of the further analysis, some new actions have been identified; these are also identified above <p>We note that, given the interplay between the strategic and local road networks, National Highways will require confirmation from KCC that they are content with the proposals put forward in the most recent submission documents in order for National Highways to reach a final "sign off" of the proposed package of mitigation measures.</p>	
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			<p>National Highways is committed to continued working with all parties in order to secure this outcome. Given the above, it is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability, and or/operational efficiency of SRN (the tests set out in the DfT Circular 02/2013 [particularly paras 8 to 11] and MHCLG NPPF2021 [particularly paras 110 to 113]. This response detail the steps that need to be taken in order to resolve this issue.</p> <p>In the light of the above, National Highways currently recommends that planning permission not be granted (other than a refusal if the Council so wishes) for a period of three months from the date of this response to allow the applicant to resolve the outstanding matters.</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 outstanding matters.</p>	
13	KCC Ecology Advice	06.01.2023	<p>The following is provided by Kent County Council’s Ecological Advice Service (EAS) for Local Planning Authorities.</p> <p>Following the recent response from KCC (EAS) dated 06.10.2022 which is reproduced in the January 2023 response - the updated response received has the following updated paragraphs with the content: (please see file within the consultation response tables October 2022 for the original response)</p> <p>Mitigation</p> <p>However an updated nutrient neutrality report has been submitted and plans have been provided showing that additional stormwater wetlands will be created within the site (particularly the north). The additional stormwater wetlands may mean that species mitigation (detailed below) cannot be carried out as anticipated. Due to the amendments to the site layout we</p>	LPA 380

			<p>would have expected a review of the species mitigation to have been carried out as part of the current update.</p> <p>Due to the size of the site we are confident that appropriate species mitigation can be carried out within the proposed development site. An overview of the ecological mitigation has been submitted and it has detailed the following will be implemented. We highlight the amendments to the site plan will have to be taken in to account when the detailed mitigation strategies are being prepared for each tier.</p> <p>Concerns While we are generally satisfied that the mitigation can be implemented, we highlight the following points with regard to the proposed mitigation:</p> <p>6. Regular changes/tweaks to the master plan/site layout may mean that over time there is not capacity for the proposed species mitigation to be implemented. We highlight that any changes to the site layout/master plan must be carried out in consultation with the applicants ecologist and mitigation strategies reviewed as part of any changes (additional comment to October response)</p> <p>Management</p> <p>No additional comments.</p> <p>Monitoring No additional comments</p> <p>Biodiversity Net Gain (new opening paragraph) An updated BNG assessment has not been carried out as a result of the proposal to create stormwater wetlands. We highlight that the proposal to carry this out might result in changes to the anticipated BNG (positive or negatively). However, as many of the additional stormwater wetlands are located in SuDS we don't think the conclusions will have significantly</p>	
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			<p>changed and therefore don't require the calculation to be updated and the below comments are still valid.</p> <p>Habitat Regulations Assessment (new opening paragraph) We have reviewed the updated HRA, and we are satisfied that our comments provided in October are still valid.</p> <p>The rest of the response mirrors the only submitted in October 2022 and the above information has been added for the January 2023 response.</p>	
14	CPRE	09.01.2023	<p>In addition to the comments already submitted by Graham Horner on behalf of CPRE Shepway for CPRE Kent, with which we agree, CPRE Ashford has considered the wider impacts that the planning of the 8500 dwelling garden town needs to evaluate and plan to monitor impacts and traffic beyond the F&H District boundary, specifically to the west towards Ashford and south west to those parts of Romney Marsh noted in the vision for Otterpool but most easily reached via routes through Aldington and Hamstreet.</p> <p>Also, the proposals for a 30-mph speed limit on the A20 are in conflict with its role not only a major Kent Highway but also a national strategic road including for HGV traffic whenever there are constraints or problems on the M20: a situation that occurs quite often.</p> <p>Also, the effect of a 30-mph speed limit on the A20 will almost certainly drive traffic onto rural roads that have neither the engineering subbase nor the width to take such traffic but have the national speed limit of 60 mph so will default as a faster route on GPS systems. This will likely include the B2067 through Aldington towards Hamstreet and Romney Marsh and the Roman Road through Aldington village towards Ashford. Within the development the proposal to close Harringe Lane will be likely to divert traffic west to roads in Ashford borough just 250 metres west of Harringe Lane, including Church Lane and Calleywell Road which will become attractive, and GPS recommended if there is a 30-mph speed limit on the A20 and a necessity</p>	LPA 372

			<p>for residents of Otterpool when there are A20 or M20 problems or congestion at J11.</p> <p>If the impacts and monitoring plans on settlements and roads outside the boundary of F&H have been considered and planned for, then Ashford CPRE will be pleased to read them and comment at the next stages of consultation.</p> <p>The reserved matters proposals for Barrow Green will also be of particular interest in this respect, as the planning of a settlement in the extreme west of the District will be unsound without the wider impacts beyond the district boundary being fully considered.</p>	
15	Network Rail	11.01.2023	<p>Thank you for consulting Network Rail on the above application. Following my previous response dated 21/12/2022, we have been consulting internally and I can confirm we have no objections to the proposals. Network Rail are currently working in partnership with Otterpool Park to develop Pace 1 proposals which will include a feasibility and options study. We are looking at improvements to Westenhanger Station so that it can safely accommodate the influx of rail passengers from the new development, the nature of which will be agreed following discussion of a delivery strategy.</p>	LPA 378
16	Environment Agency	11.01.2023	<p>We have reviewed the further amendments submitted to us on 01/12/2022. These amendments do not change our previous response, KT/2019/125452/04-L01, dated 28/10/2022.</p> <p>All our previously requested conditions should remain the same.</p>	LPA 373
17	KCC Flood & Water Management	05.01.2023	<p>Thank you for your consultation on the above referenced application (Y19/0257/FH). Kent County Council as Lead Flood Authority have the following comments:</p>	LPA 400

			<ul style="list-style-type: none"> • Having reviewed the latest information supplied it raises no concerns for ourselves with regards to surface water management and as such we would refer you to our previous response and recommended conditions; • Although outside of our remit we would advise that as the LPA you should satisfy yourselves, via consultation with the Environment Agency, as to their acceptance of the change to the baseflows ultimately to the East Stour River and beyond.; • Changes to baseflows can have negative consequences as it will change the flow regime of the river, which impacts the biology; • Similarly, the additional baseflow may reduce the storage at Aldington, as it will be flowing when the reservoir is impounding, this may be negligible; <p>This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.</p>	
18	KCC Growth & Communities	18.01.2023	<p>The County Council has reviewed the further information submitted in November 2022 and has provided an extensive commentary on the submitted material, set out clearly in a subject chapter format.</p> <p>Overall, the County Council continues to have a number of issues with the proposal which require addressing, which we have provided as a summary below:</p> <p>Highways and Transportation: The County Council, as Local Highway Authority advises that there are number of issues requiring resolution and further information requiring submission ahead of determination of this application. The County Council requests the submission of further mitigation plans, Stage 1 Road Safety Audits and Designers Responses as detailed</p>	LPA 401

		<p>within Chapter 1 (Highways and Transportation). The County Council will also provide further commentary on the application once the additional information detailed within this response has been submitted.</p> <p>Public Rights of Way: The County Council, as Local Highway Authority requests that a Public Rights of Way Management Plan is prepared to provide greater clarity around timescales for certain elements of the application; and in respect of mitigation proposed, when this will be delivered. Further detail is provided in Chapter 3 (Public Rights of Way).</p> <p>Section 106 Agreement: The County Council has provided the proposed Section 106 Agreement Heads of Terms in respect of County Council matters for the proposal in Chapter 4 (Provision and Delivery of County Council Community Infrastructure and Services) of this response and would welcome continued engagement with the Applicant and the Local Planning Authority to ensure that these matters are understood and agreed.</p> <p>Education: The County Council as Local Education Authority is in broad agreement with the applicant in respect of the level of education provision to be provided – although seeks to secure flexibility in the deployment of contributions. A monitor and manage approach has been accepted, however, the County Council seeks engagement relating to the proposed triggers within Chapter 4 (Provision and Delivery of County Council Community Infrastructure and Services) of this response to provide a framework for delivery.</p> <p>Minerals and Waste / Waste Management: The County Council as Minerals and Waste Planning Authority identifies that no further information was submitted in November 2022 in respect of mineral safeguarding. The landwon mineral safeguarding matters, as raised within the County Council response of 25 November 2022 remain relevant in the consideration of this planning application and the County Council as Minerals and Waste Planning Authority</p>	
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		<p>raises an objection on this matter. The County Council as Minerals and Waste Planning Authority and Waste Disposal Authority remains dissatisfied with the proposed strategy for the management of waste arising from the development.</p> <p>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 submitted and agreed as part of the application to ensure the timely provision of appropriate waste management infrastructure is crucial. The County Council does not consider the use of Waste provided in Chapter 6 (Minerals and Waste) and Chapter 7 (Waste Management).</p> <p>Heritage Conservation: In respect of the historic environment, the County Council's primary areas of concern relate to the treatment of barrows, and the harm caused by development within their setting; and secondly, in relation to the securing of public benefit and enhancement works. The County Council maintains a holding objection to the scheme based on the harm which may be caused by the development to the barrows established by the Tier 1 Outline Parameters. Further detail is provided in Chapter 9 (Heritage Conservation).</p> <p>In recognition of both scale and complexity of this project, the County Council is keen to contribute effectively to detailed negotiations, including the Section 106 and Section 278 Agreements, the drafting of relevant conditions, the evolution of the proposals through Tier 2, master planning and reserved matter applications and provision planning. The County Council is keen to support the overall ambitions for the development by working creatively and boldly on delivery solutions.</p>	
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Consultation responses table
Otterpool Y19/0257/FH

			(For the complete response please see the file section of the application folders and the document is dated 18 January 2023)	
Responses as at 23.01.2023				