

OTTERPOOL PARK – Y19/0257/FH

CONSULTATION SUMMARY TABLE

STATUTORY AND NON STATUTORY RESPONSES RECEIVED SINCE 09 JANUARY 2023

CONSULTATION PERIOD 15 FEBRUARY 2023 TO 16 MARCH 2023

(Representation received as at 16.03.2023)

Table 1				
Consultation Responses (Statutory and Non Statutory Consultees)				
Ref	Name	Date Received	Comments	LPA Reference
01	The British Horse Society	22.02.2023	The comments from the British Horse Society remain as per our previous representation in May and December of last year	LPA 371
02	Health & Safety Executive	16.02.2023	Thank you for your email seeking HSE’s observations on the application (Y19/0257/FH). However, this application does not fall within any HSE consultation zones. There is therefore no need to consult HSE Land Use Planning (LUP) team on this planning application and the HSE LUP team has no comment to make	LPA 376
03	Marine Management	16.02.2023	Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant	LPA 384

			<p>themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.</p> <p><u>Response to your consultation</u></p> <p>The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England’s marine area on behalf of the UK government. The MMO’s delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.</p> <p><u>Marine Licensing</u></p> <p>Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.</p> <p>Such activities include the construction, alteration, or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.</p> <p>Applicants should be directed to the MMO’s online portal to register for an application for marine licence</p>	
04	NATS Safeguarding	16.02.2023	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. 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 en route air traffic) based on the information supplied at the time of the application. This letter does not</p>	LPA 386

			<p>provide any indication to the position of any other party, whether they be an airport, airspace user or otherwise.</p> <p>It remains your responsibility to ensure that all appropriate consultees are properly consulted.</p> <p>If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of revised, amended, or further application for approval, than as statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted</p>	
05	Sport England	22.02.2023	Thank you for reconsulting Sport England on this application. I have no further comments to those made previously	LPA 396
06	Theatres Trust	22.03.2023	<p>Thank you for re-consulting Theatres Trust regarding this application following the submission of further/additional/revised documents.</p> <p>There remains no specific theatres, arts centres, or other such performance buildings proposed within this scheme, therefore we again have no comment to make at this stage and there is no need to further consult Theatres Trust unless such uses are proposed.</p>	LPA 395
07	National Highways	09.03.2023	<p>Thank you for your email of 15 February 2023 consulting National Highways regarding the above updated application; initially seeking a response no later than 16 March 2023, but then asking if a response could be sent no later than 9 March 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 response.</p> <p>We remain committed to working with all parties to progress the application such that it can be determined. All parties acknowledge that there are certain matters still outstanding as it has not been possible to progress them</p>	LPA 385

			<p>to-date. However, we are content that the application and its supporting evidence is sufficiently advanced for us to submit our formal recommendation. This is on the basis that between now and the issuing of any consent, the outstanding work will have been completed and with any final version of the consent/S106 reflecting the concluded position.</p> <p>Therefore, please find attached our formal Recommendation of No Objection subject to the imposition of conditions (or, in some cases, inclusion to the same effect of clauses in the S106). You will note we have copied our response to the applicant and KCC Highways; and will continue to engage with all parties to conclude all the outstanding matters.</p> <hr/> <p>National Highways Ref: 84249 #18625 Referring to the consultation on a planning application dated 27 April 2022 referenced above, in the vicinity of the M20 and A20 that forms part of the Strategic 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 at 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>	
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¹ Where relevant, further information will be provided within Annex A.

		<p>This represents National Highways' formal recommendation and is copied to the Department for Transport as per the terms of our Licence.</p> <p>Annex A National Highways' assessment of the proposed development</p> <p>National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provision of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.</p> <p><u>Recommendation:</u> that conditions should be attached to any planning permission that may be granted</p> <p>National Highways has undertaken a comprehensive and detailed examination of the expected impacts of the proposed development over an extended period of time, and as a result of this the applicant has proposed a number of physical mitigation measures to address these impacts. The proposals and their supporting information have been subject to review by National Highways, and we are therefore satisfied that the suitability of these proposals has been demonstrated to a sufficient degree such that they can be secured via appropriate measures.</p> <p>It is recognised that, due to the expectation that the development as a whole will take place over a number of years, the actual impacts on the SRN may alter, depending on the effects of a number of proposed measures relating to active and sustainable transport which are to be implemented as part of the proposed development. It is therefore acknowledged that, while the physical mitigation proposals for the SRN have been tested against agreed</p>	
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			<p>assumptions representing a “worst case” for vehicle trips using the SRN, the success of the proposed active and sustainable transport measures may result in certain physical mitigations being required at a later date than presently forecast or being capable of being reduced in scope to reflect a reduction in the vehicle trips associated with the development.</p> <p>Accordingly, National Highways is content that the proposed “monitor and manage” strategy for the development will, in principle, provide an appropriate framework for the actual impacts of the development to be appraised, and for further assessments to be prepared by the applicant where the data indicates that the “worst case” mitigation is no longer necessary or can be adjusted to reflect the updated impacts.</p> <p>Based on the “worst case” assessments, it is agreed that the following mitigation measures are required to address impacts on the SRN:</p> <ul style="list-style-type: none"> ▪ Improvements to, and in the vicinity of, M20 Junction 9 (shown on drawing references 10029956-ARC-XX-DR-HE-0052 P01 and 10029956-ARC-XX-XX-DR-HE-0049 P02) ▪ Improvements to, and in the vicinity of, M20 Junction 10 and the A292 / M20 Westbound On-Slip (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-50) ▪ Improvements to, and in the vicinity of, M20 Junction 10a (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0051) ▪ Improvements to, and in the vicinity of, M20 Junction 11, including works to the junction (partial signalisation) and merge/diverge provision on the M20 main carriageway (shown on drawing reference 029956-ARC-XX-XX-DR-HE-0036 P02) ▪ Improvements to, and in the vicinity of, the M20 Junction 12 Eastbound merge (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0040 P02) 	
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			<ul style="list-style-type: none"> ▪ Improvements to, and in the vicinity of, M20 Junction 13 (shown on drawing reference 10029956-ARC-XX-DR-T-0017) ▪ Improvements to, and in the vicinity of, the A260 Spitfire Way/White Horse Hill/A20 slip roads junction (shown on drawing reference 10029956-OP-ARC-XX-DR-T-0018) <p>National Highways has discussed a number of Heads of Terms for Section 106 agreement which set out the purpose, roles and responsibilities underpinning the proposed monitor and manage strategy, as well as clearly identifying the proposed SRN mitigation measures which would be subject to further future consideration via the agreed methodologies to be set out in the monitor and manage Strategy. The Section 106 would sit alongside a number of planning conditions, with these conditions addressing matters which are considered to be most clearly and simply dealt with in such a manner.</p> <p>National Highways has therefore consulted in detail with the Local Planning Authority to determine the necessary content of both the Section 106 Heads of Terms (insofar as these relate to impacts and mitigation proposals affecting the SRN) and the planning conditions. Our comments within this NPHR and suggested condition wording below reflect the issued draft Master conditions schedule and S106 Heads of Terms documents dated 8 March 2023. It has been agreed that National Highways will be continue to be consulted on the wording of any planning consent and accompanying S106 as they evolve ahead of any final issuing. As necessary we may update our NPHR to reflect any material alterations to wording.</p> <p>We note that the S106 Heads of Terms reflect the requirement for new traffic surveys to be undertaken at M20 Junctions 10 and 10a, which has not been possible during the assessment of the application due to ongoing roadworks at A2070 Orbital Park junction which would impact on the collection of appropriate data. It is further noted that the Orbital Park works are now scheduled to continue until the end of April 2023. National Highways will</p>	
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		<p>work with the applicant and KCC to enable completion of these surveys as soon as network conditions are suitable.</p> <p>On the basis we are content that the subject to the imposition of the following recommended conditions (or their inclusion to the same effect in the S106) that the proposals will not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN (the tests set out in DfT C1/22 and MHCLG NPPF2021).</p> <p><u>Mitigations Required Per Se</u> It is agreed that the following works are required and will be implemented irrespective of the “monitor and manage” strategy:</p> <p>Improvements to, and in the vicinity of, M20 Junction 11, specifically the proposed partial signalisation works to the junction (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0036 PO2)</p> <p>These works are to be secured via a condition as set out below.</p> <p>Condition: 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 number 10029956-ARC-XX-XX-DR-HE 0036 P02 have been opened to all traffic.</p> <p>Reason: To ensure that the M20 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 requirement of road safety and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>Informative:</p>	
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		<p>This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works.</p> <p>It is the applicant's responsibility to ensure that before that before commencement of any works to the public highway, and necessary Agreements under the Highways Act 1980 are also obtained (and at no cost to National Highways). Works to the public highway will normally require an agreement, under Section 278 of the Highways Act, with National Highways. 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.</p> <p>Advice on this matter can be obtained from the Spatial Planning Team.</p> <p>Mitigation Required Unless Monitor & Manage Indicates Otherwise It is agreed that the requirement for the following works will be appraised via the monitor and manage strategy, and, with regard to the following <u>specific</u> works.</p> <p>These works are to be secured via the various conditions as set out below.</p> <p>Improvements to, and in the vicinity of, M20 Junction 9 (shown on drawing references 10029956-ARC-XX-DR-HE-052 P01 and 10029956-ARC-XX-XX-DR-HE-0049 P02)</p> <p>Condition M20 J9 No part of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of, the M20 Junction 9 shown on drawing numbers 10029956-ARC-XX-DR-HE-0052 P01 and 10029956-</p>	
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			<p>ARC-XX-XX-DR-HE-0049 P02 (or an alternative is agreed via the Monitor & Manage Framework as may be approved in writing by the local planning authority and National Highways) have been opened to all traffic.</p> <p>Reason This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>Improvement to, and in the vicinity of, M20 Junction 11, <u>specifically</u> eastbound merge and westbound diverge provision of the M20 main carriageway (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0036 P02)</p> <p>Condition M20 J11: eastbound merge and westbound diverge No more than 4,023 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 number 10029956-ARC-XX-XX-DR-HE-0036 P02 (or an alternative is agreed via the Monitor and Manage Framework as may be approved in writing by the local planning authority and National Highways) have been opened to all traffic.</p> <p>Reason This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p>	
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		<p>Improvements to, and in the vicinity of, M20 Junction 11, specifically eastbound diverge provision on the M20 main carriageway (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0036 P02)</p> <p>Condition M20 J11: eastbound diverge No more than 5,264 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 number 10029956-ARC-XX-XX-DR-HE-0036 P02 (or an alternative is agreed via the Monitor & Manage Framework as may be approved in writing by the local planning authority and National Highways) have been opened to all traffic.</p> <p>Reason This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>Improvements to, and in the vicinity of, M20 Junction 11, specifically westbound merge provision on the M20 main carriageway (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0036 P02)</p> <p>Condition M20 J11: westbound merge No more than 6,601 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 number 10029956-ARC-XX-XX-Dr-HE-0036 P02 (or an alternative is agreed via the Monitor & Manage Framework as may be approved in writing by the local planning authority and National Highways) have been opened to all traffic.</p> <p>Reason</p>	
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			<p>This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>Improvements to, and in the vicinity of, the M20 Junction 12 Eastbound merge (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0040 P02)</p> <p>Condition: M20 J12 Eastbound merge No more than 8,499 of the dwellings of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of, the M20 Junction 12 shown on drawing number 10029956-ARC-XX-XX-DR-HE-0040 (or an alternative is agreed via the Monitor & Manage Framework as may be approved in writing by the local planning authority and National Highways) have been opened to all traffic.</p> <p>Reason This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>Improvements to, and in the vicinity of, M20 Junction 13 (shown on drawing reference 10029956-ARC-XX-DR-T-0017)</p> <p>Condition M20 J13 No more than 5,059 of the dwellings of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of, the M20 Junction 13 shown on drawing number 10029956-ARC-XX-DR-T-0017 (or an alternative is agreed via the Monitor & Manage Framework as may be</p>	
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		<p>approved in writing by the local planning authority and National Highways) have been opened to all traffic.</p> <p>Reason This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>Improvements to, and in the vicinity of, the A260 Spitfire Way/White Horse Hill/A20 slip roads junction (shown on drawing reference 10029956-OP-ARC-XX-DR-T-0018)</p> <p>Condition A260 Spitfire Way/White Horse Hill/A20 slip roads junction No part of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of, the A260 Spitfire Way/White Horse Hill/A20 slip roads junction shown on drawing number 10029956-OP-ARC-XX-DR-T-0018 (or an alternative is agreed via the Monitor & Manage Framework as may be approved in writing by the local planning authority and National Highways) have been opened to all traffic.</p> <p>Reason This is to ensure that the A20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>Informative to be added in connection with all the above conditions:</p> <p>This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement between the applicant and National Highways (as the strategic highway</p>	
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		<p>company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works.</p> <p>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 public highway will normally require an agreement, under Section 278 of the Highways Act, with National Highways. 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.</p> <p>Mitigation Required Unless Monitor and Manage Indicates Otherwise; and subject to the outcome of the Road Safety Audit process</p> <p>It is agreed that the requirement for the following works will be appraised via the monitor and manage strategy, and, with regard to the following <u>specific</u> works.</p> <p>These works are to be secured via the various conditions as set out below.</p> <p>Improvements to, and in the vicinity of, M20 Junction 10 and the A292 / M20 Westbound On-Slip (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-50)</p> <p>Condition M20J10 and A292 / M20 Westbound On-Slip</p> <p>No part of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of, the M20 Junction 10 and the A292 / M20 Westbound On-slip shown on drawing number 10029956-ARC-XX-XX-DR-HE- 50) (or an alternative is agreed via the Monitor & Manage Framework as may be approved in writing by the local planning authority and National Highways) have been opened to all traffic. The improvement</p>	
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		<p>scheme shall be subject to the outcome of the required Road Safety Assessment and Non-Motorised User Audit processes.*</p> <p>Reason This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>*Note: As at 09/03/2023 the normal pre-planning permission RSA processes are not complete. However, National Highways are content that sufficient evidence has been produced to demonstrate that a national policy and standards compliant mitigation scheme can be designed and implemented at the M20 Junction 10 and A292/M20 Westbound On-slip: and on this basis (subject to the imposition of all National Highways recommended conditions on any consent granted) National have no objection to the application being determined by the Council. In the event that the processes are completed at the time of issuing any planning permission, and subject to agreement with National Highways, drawing number 10029956-ARC-XX-XX-DR-HE-50 may be amended to reflect the final agreed M20 Junction 10/A292 M20 Westbound On-slip mitigation scheme.</p> <p>Improvements to, and in the vicinity of, M20 Junction 10a (shown on drawing reference 10029956-ARC-XX-XX-DR-HE-0051)</p> <p>Ccondition M20J10a No part of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of, the M20 Junction 10a shown on drawing number 10029956-ARC-XX-XX-DR-HE-0051) (or an alternative is agreed via the Monitor & Manage Framework as may be approved in</p>	
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			<p>writing by the local planning authority and National Highways) have been opened to all traffic. The improvement scheme shall be subject to the outcome of the required Road Safety Assessment and Non-Motorised User Audit processes.*</p> <p>Reason This is to ensure that the M20 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 and paragraph 111 of the National Planning Policy Framework (2021).</p> <p>*Note: As at 09/03/2023 the normal pre-planning permission RSA processes are not complete. However, National Highways are content that sufficient evidence has been produced to demonstrate that a national policy and standards compliant mitigation scheme can be designed and implemented at the M20 Junction 10a; and on this basis (subject to the imposition of all National Highways recommended conditions on any consent granted) National Highways have no objection to the application being determined by the Council. In the event that the processes are completed at the time of issuing any planning permission, and subject to agreement with National Highways, drawing number 10029956-ARC-XX-XX-DR-HE-0051 may be amended to reflect the final agreed M20 Junction 10a mitigation scheme.</p> <p>Informative to be added in connection with all the above conditions: This development involves work to the public highway (strategic road network) that can only be undertaken within the scope of a legal Agreement between the applicant and National Highways (as the strategic highway company appointed by the Secretary of State for Transport). Planning permission in itself does not permit these works.</p>	
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		<p>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 public highway will normally require an agreement, under Section 278 of the Highways Act, with National Highways. 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.</p> <p><u>Additional Condition applying to the whole development and any phases thereto</u></p> <p>In order to safeguard the safety, reliability, and operational efficiency of the SRN the following additional condition is necessary.</p> <p>Pre-Commencement Condition: Construction Traffic Management Plan (CTMP)</p> <p>Condition: No works shall commence on the site (including site clearance or preparation) until the details of a Construction Traffic Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Traffic Management Plan.</p> <p>Reason: To ensure that the Motorway and Trunk Road network in the vicinity of the site 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 and paragraph 111 of the National Planning Policy Framework (2021)</p>	
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			<p>Informative: The CTMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but, is not limited to: site hours of operation; numbers, frequency, routing, and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors, and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, and detritus etc. from entering the public highway (and means to remove if it occurs).</p> <p><u>NEW: Standing advice to the local planning authority</u> The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.</p> <p>Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.</p> <p>These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.</p>	
08	KCC Ecology Advice	09.03.2023	<i>The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council.</i>	LPA 380

			<p><i>It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries, or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.</i></p> <p>Ecological Surveys</p> <p>We advise that we are satisfied that the submitted ecological surveys are sufficient to inform the determination of the planning application. We acknowledge that a number of surveys have not been updated as part of the current submission but as the habitats have not significantly changed, we are satisfied they are sufficient. However, we highlight that updated ecological surveys will have to be carried out throughout the development period across the whole site to inform further the reserved matter stages/tiers of the proposed development (if granted). The following surveys have been carried out:</p> <ul style="list-style-type: none"> • Phase 1 habitat • Reptile • Badger • Amphibian • Water vole • Otter • Dormouse • Hedgerow • Wintering bird surveys • Breeding Birds • Assessment of farmland bird assemblage 	
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			<ul style="list-style-type: none"> • Targeted Invertebrate surveys. • Badger <p>The following was detailed within the submitted surveys:</p> <ul style="list-style-type: none"> • Range of habitats throughout the site – including S41 habitats. • 3 species of reptiles • GCN recorded within 9 ponds. • Smooth and Palmate Newt, common frog and toad recorded during GCN survey. • 103 badger setts were recorded, in addition to multiple latrines, hairs, pathways and mammal runs. • 9 species of foraging/commuting bats • 13 bat roosts within and adjacent to the site (including a maternity roost of brown long eared bats). • 90 species of breeding birds (including 31 notable species) • 77 species of wintering birds (including 32 notable species) • Water Vole within 24 water bodies • Barn owl pellets recorded within 1 building. • Evidence of breeding kingfisher on the Stour • Evidence of Otter along the Stour River • Dormouse within adjacent woodlands • Suitable habitat for Hedgehogs and harvest mice within the site • 12 important hedgerows within the site • 5 bumblebee, 3 solitary bee species and glow worm • Suitable habitat for aquatic invertebrates and fish • Brown Hare • 103 badger setts (including 18 main setts) were recorded within the site and wider area. 	
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		<p>Mitigation</p> <p>As the site is currently largely arable fields and due to the proposed habitat creation throughout the site we are generally satisfied, with the exception of farmland birds/hare that the proposed species mitigation can be implemented within the proposed development.</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 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.</p> <p>An overview of the ecological mitigation has been submitted and it has detailed the following will be implemented. We highlight that 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>GCN</p> <ul style="list-style-type: none"> • Retention of all, bar one, ponds with GCN present • Retention and enhancement habitat within the site to increase connectivity through the site (green corridors and use of underpasses for roads). • Creation of additional ponds within the site • Works carried out under an EPS/DLL licence. <p>Reptiles</p> <ul style="list-style-type: none"> • Retention and enhancement of habitats within the site. • Works will require translocations/phased clearance to on site habitats. 	
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			<p>Water Voles</p> <ul style="list-style-type: none"> • Enhancement of terrestrial habitat along the river Stour and creation and enhancements of ditches and terrestrial habitat within the NE and West of the site. • Retain connectivity through the site through considerate design of bridges/underpasses etc. • Works will require translocation/displacement and will need to be carried out under a NE Licence. <p>Bats</p> <ul style="list-style-type: none"> • Retention and enhancement of foraging/commuting areas • Creation of habitats to benefit foraging/commuting bats. • Minimising light spill on to retain/created habitats and creation of dark corridors through the site. This is supported through the proposal to created habitat buffers which will be 5m from the edge of the hedgerow or 25m from the edge of hedgerow if dark corridors. • Creation of at least 4 bat houses <p>Badgers</p> <ul style="list-style-type: none"> • Retention of setts within the site where possible – currently at least 2 main setts and 4 outlier setts will be lost and indirect impacts to main, outlier, annexe, and subsidiary setts. • Protecting retained setts during construction. • Replacement setts to be crated to mitigate for the loss of any main setts – details of location to be agreed at the specific phase/tier. • Inclusion of tunnels under roads <p>Wintering /Breeding Birds (not farmland birds)</p> <ul style="list-style-type: none"> • Enhancement and creation of habitats within the site. • Inclusion of breeding birds feature within the site. • Wetland/woodland areas will be protected from disturbance through the use of signs/fencing. 	
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			<p>Farmland Birds/Brown Hare</p> <ul style="list-style-type: none"> • Impact can not be mitigated on site. • Offsite habitat creation anticipated and be phased as development progresses. • Relies on agreements with farmers/landowners in the surrounding area. <p>Other Species not listed above.</p> <ul style="list-style-type: none"> • No specific mitigation proposed the enhancements/habitat creation detailed for the above listed species will support those species. <p>Habitats The master plan has been designed to retain or minimise impacts on existing habitats. For example:</p> <ul style="list-style-type: none"> • The areas of Ancient Woodland will have a minimum of 50m buffer. • Non AW woodland will have a minimum of 23m buffer. • Hedgerows will be largely retained/buffered. Where hedgerows will be lost the hedgerows will be replaced. • Buffer of at least 50m along the River Stour. <p>Concerns While we are general satisfied that the mitigation can be implemented (as detailed above) we highlight the following points with regard to the proposed mitigation.</p> <ol style="list-style-type: none"> 1. There is a need to ensure that the proposed habitat buffers and dark corridors are achievable as they could be impacted by a number of factors such as: <ul style="list-style-type: none"> • Change in regulations in space required for roads/pathways. • Lighting required for school pitches/Health and Safety 	
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			<ul style="list-style-type: none">• Changes to the layout over the lifetime of the development• Flood pitch lighting is not used within the sports pitches adjacent to the dark corridor areas. <p>2. Impacts from light spill. There is a need for future tiers/reserve matter application clearly demonstrate that they are achieving the minimal/no light spill within the dark areas/habitats buffers.</p> <p>The development should still be aiming to reduced/minimise light spill on all vegetated boundaries regardless of whether it is a dark corridor. We would still anticipate that bats and other nocturnal species use these features.</p> <p>3. Increases to development footprint of housing. If planning permission is granted we would expect those habitat buffer requirements detailed within the ES to be secured by condition and demonstrated within future Tiers/Reserved Matter applications. Therefore there is a need to ensure that the proposed habitat buffers are achievable and retainable.</p> <p>It's our experience from reviewing other large developments that the area of green space/mitigation areas will often be reduced at the reserved matter stage. This is usually due to the applicant for the reserve matters not fully understanding what has been agreed at the outline stage and then mitigation areas are being designed to be more formal amenity areas. There is a need to ensure that the mitigation/enhancements/habitat creation agreed at this stage of future tiers will be implemented and demonstrated within the reserve matters application.</p>	
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			<p>4. Implementation of the mitigation. The submitted ES has outlined the principle of the proposed offsite mitigation but there is a need to ensure that it can be achieved, and a strategic approach is implemented by Otterpool Park and, if granted, is something that developers for each phase pay in to/contribute to. It must not be something that each developer has to implement individually as it unlikely to be achievable if the mitigation is not within that phase/tier.</p> <p>There is a need to ensure that the on-site mitigation for the species recorded within the site is implemented in advance. This is something that we would expect Otterpool park to implement rather than development for each phase. As the mitigation for the development has been designed to take in to account the whole site it is not appropriate or achievable for the developers for each phase to carry out the habitat creation.</p> <p>Measures need to be in place prior to future residents moving in to ensure that areas where there is expected to be minimal or no recreations pressure can be implemented.</p>	
			<p>5. Detailed mitigation strategy. The proposal is to be implemented as a tiered application an if granted the proposal is to be implemented over a number of years. Due to the size of the development and the connectivity of the populations throughout the site there is a need for a site wide mitigation strategy to be produced for the whole site if planning permission is granted to ensure the appropriate mitigation will be implemented. The mitigation strategy can then be reviewed and updated for each Tier/Reserve Matters application.</p>	

			<p>Individual mitigation strategies cannot be for each Tier/Reserved/Matters application as habitat creation associated with that Tier/Reserved Matters application may have carried out within another part of the site.</p> <p>The habitats on site will have a number of uses (ecological mitigation/amenity/SuDS etc) therefore there is a need to ensure that the proposed mitigation must be designed to take account other uses/users of the site.</p> <p>We are aware that the development (if granted) will take a number of years to implement and therefore there will be a need for the mitigation strategy to be regularly reviewed and updated to take in to account updated survey results.</p> <p>There must be ecological site wide oversight of the implementation of the Tier/Ecological Mitigation to ensure that any habitat creation linked to the species mitigation can be implemented in advance to ensure the proposed habitat has been established to a good quality when the ecological mitigation for particular phases commences.</p> <p>As detailed above there is a need to ensure that this is undertaken by Otterpool Park not the individual developments. We highlight that the habitat creation works must not be the responsibility of the develop for a particular phase – particularly when the mitigation is located elsewhere within the wider site.</p> <p>6. Amendments to the site layout/masterplan. Regular changes/tweaks to the master plan/site layout many 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.</p>	
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		<p>Management</p> <p>We advise that there will be a need for a detailed management plan to be produced if planning permission is granted. The management plan must reflect the requirements of the Biodiversity Action Plan (BAP) however we highlight that the BAP only includes certain species but there is a need to ensure the management plan addresses the requirements of all species recorded within the site.</p> <p>The management plan will have to be regularly updated as the development works progress and to take in to account the results of ongoing monitoring and habitat creation.</p> <p>There is a need to ensure that ultimately there is only one management plan for the whole site and it incorporates all the management requirements within it (e.g. Recreation / SuDS / Ecology). As different tiers are submitted, we advise that there is a need for the site wide management plan to be updated rather than the production of separate management plans for each phase. This will ensure that all the requirements are within the one document and there is no risk of the same area being managed twice for two separate functions.</p> <p>Monitoring</p> <p>We advise that there will be a need for on going site wide monitoring and updated surveys are not restricted to the area where a particular phase is being proposed. This is to ensure that an understanding of the ecological interest of the site is understood through the whole development process.</p> <p>This will ensure that the mitigation proposed is appropriate and inform the ongoing management plan reviews.</p> <p>Biodiversity Net Gain</p> <p>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</p>	
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			<p>carry this out may 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 changed and therefore don't require the calculation to be updated and the below comments are still valid.</p> <p>The submitted report has detailed that there will be an anticipated positive BNG for hedgerows, river corridor and habitats of within the site. We do agree that it will be likely that a BNG can be achieved for all three aspects but we do query if the anticipated BNG for habitats will exceed 20%. The report has assessed as grassland habitats Lowland meadow and Other Neutral Grassland achieving a condition of good and due to the fact the site is currently largely arable and the high recreational pressure anticipated within the site we query if that is achievable.</p> <p>Our view is the habitat creation within the areas with high recreational pressure should be considered as moderate as best. The BNG assessments will have to be updated with every detailed application and in the event that the habitat creation has established better than anticipated then it can be assessed as good rather than moderate.</p> <p>We recommend that the BNG assessments for the detailed application cover the whole of the Otterpool Park site as they can take in to account the advance habitat creation being carried out and it will identify where further management is required.</p> <p>Habitats Regulations Assessment We have reviewed the updated HRA.</p> <p>The HRA has considered the impact the proposal will have due to Impacts from Water quality and Air Quality and recreational pressure and concluded that the proposal will not have an adverse impact on the designated sites.</p>	
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			<p>We advise that we are not experts on water quality or air quality and we recommend that FHDC must be satisfied with the conclusions of the HRA with regard to both matters.</p> <p>The submitted information has detailed that there is a need for ongoing monitoring for assessing the impact of recreational pressure and air quality for updating the appropriate assessment for future submissions associated with this application (if planning permission is granted).</p> <p>We highlight that there is a need to ensure that this is implemented. We advise that there will be a need for the HRA to be reviewed with every application. Due to changes within the environment over time issues /considerations may develop that were not considered as part of the original HRA.</p>	
09	KCC Flood & Water Management (SUDS)	15.02.2023	We have no further comment to make on this proposal and would refer you to our previous response dated 5 January 2023. This response have 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	LPA 400
10	KCC Growth, Environment & Transport	17.03.2023	<p>The County Council has provided support for the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting.</p> <p>The County Council has worked closely with the District Council in the preparation of a submission of an Expression of Interest and the Locally-Led Garden Villages, Towns and Cities Prospectus. The County Council also engaged in preparation, examination, and adoption of the Core Strategy Review, which provides detailed policies to guide this new strategic development.</p> <p>This strategic location offers a unique range of opportunities to deliver a sustainable settlement of the highest quality, founded on garden city</p>	LPA 401

		<p>principles. Otterpool Park can offer an exceptional response to the demonstrable need for new homes by maximising the existing strengths of the area and embracing new and emerging environmental technologies to deliver a healthy, inclusive, and thriving community.</p> <p>The County Council has submitted four formal responses to this Outline Planning Application – 4 August 2019, 7 July 2022, 25 November 2022, 18 January 2023. The County Council would ask that commentary from these responses should be considered in the determination of the application by the Local Planning Authority. The County Council provides this additional response to provide overall consideration of the application, taking into account the application material submitted to date and the engagement between the Local Planning Authority and Applicant.</p> <p>The County Council has welcomed the continued engagement with the Local Planning Authority and the Applicant and recognises that a considerable number of issues raised within its previous responses have been addressed. As set out within this response, many of the concerns of the County Council have been satisfied through the provision of planning conditions and through the Heads of Terms discussions for the Section 106 Agreement. It is of vital importance that the Applicant (Otterpool Park LLP) and the Local Planning Authority continue to engage with the County Council to ensure that the provisions and obligations which have been agreed to date are appropriately secured for the County Council to be satisfied that the necessary infrastructure provision will be delivered in a timely manner to support the proposals.</p> <p>The County Council, as Minerals and Waste Authority, would continue to raise an <u>objection</u> to the planning application in respect of lack of provision of adequate waste facilities to support the development –referring the Local Planning Authority to the previous commentary on the matter as set out within the County Council responses to this application. The County Council, as Minerals and Waste Planning Authority, has included a proposal within this response to overcome this objection in the interest of identifying a more sustainable solution that addresses the waste arisings from this significant</p>	
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			<p>development and would welcome further engagement with the Local Planning Authority on this matter.</p> <p>The full version of this response can be found in the files section of the comments page under: KCC Growth, Environment and Transport document.</p>	
11	The Gardens Trust	22.03.2023	<p>Thank you for consulting the Gardens Trust in its role as a Statutory Consultee on the above application which may affect Sandling Park and/or Port Lympne, historic designed landscapes of national importance which are included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II and II*.</p> <p>We have considered the information provided in support of the application and liaised with our colleagues in Kent Gardens Trust.</p> <p>On the basis of this we confirm that we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals</p>	LPA 374
12	Natural England	02.03.2023	<p>Thank you for consulting Natural England on the additional information which has been provided in support of the above application.</p> <p>We note and welcome the further information provided in support of the HRA and Landscape Impacts, and Response to Natural England. We wish to refer your authority of our advice of 26 January 2023, which is also applicable to the additional information provided, and is explained further below.</p> <p>We have welcomed working closely with your authority. We and look forward to continuing to work with you to address these matters at Tier 2 and ensure that the application can demonstrate that it will fully adhere to all of the Core Strategy Review Policies.</p>	LPA 387

		<p>We wish to clarify the following point within the <i>Response to Natural England Part 1</i> document: <i>We were glad to hear that Natural England are in agreement with us that there are no significant issues on the Otterpool Park project, and we have requested on the call that they provide a statement to this effect prior to the upcoming planning committee meeting.</i></p> <p>We have not concluded that there are no significant issues regarding Otterpool Park and have provided a detailed response to your authority based on the information provided in support of the application. This highlights outstanding matters which we have agreed we will work with your authority to address at Tier 2 of this application.</p> <p><u>Landscape</u> The height, massing, and density of the proposed development, remains a significant concern with proposals for buildings of 12-18 metres and unclear density parameters for example. We reiterate that additional information is required to demonstrate that the development will be sensitively designed and located to avoid or minimise impact on the Kent Downs AONB as required by Paragraph 176 of the NPPF.</p> <p>We have advised that of critical importance is the provision of carefully designed advanced mitigation planting which can demonstrate that the significant impact of the development can be mitigated to an acceptable level and are pleased to be working with your authority to address this. We note and welcome the provision of Conditions and have the following advice:</p> <p>We note that Conditions relate to the current GI Strategy (March 2022). As we have advised, the current mitigation planting requires additional information in order to demonstrate that impacts to the AONB can be mitigated. We therefore advise that it is of key importance that the GI Strategy is able to encompass the additional detail regarding mitigation planting, which will be included at the Tier 2 stage.</p>	
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		<p>We advise that clarity is required regarding location and timing and type of advanced structural planting. The Conditions currently do not clearly direct the requirement for advanced structural planting. Furthermore, we advise that the accompanying reason should be to mitigate the effects of the development on the Kent Downs AONB. We further advise that The Delivery Plan should clarify the requirement to mitigate for effects to the Kent Downs AONB.</p> <p>We welcome the opportunity to work with your authority and provide further advice regarding the location type and form of structural planting which will be required to demonstrate how the design of the development has responded to this sensitive receptor site, guided by strong development principles and the need to mitigate for impacts to the Kent Downs AONB to an acceptable level.</p> <p>We therefore remain concerned that the application, as submitted, will have a significant impact on the Kent Downs AONB, and we welcome the opportunity to address these matters at the Tier 2 stage.</p> <p><u>HRA</u></p> <p>We note and welcome the additional information supplied to support the HRA and note that the assessments have progressed to the Appropriate Assessment Stage. We look forward to receiving additional assessment for Air Quality at Tier 2. As you are aware your authority is required to undertake an HRA and ensure that mitigation measures which clearly demonstrate that there will be no Adverse Effect on Integrity of any International Site are certain and secured.</p> <p>We advise that further clarity and narrative is required as detailed in our previous advice regarding impact and mitigation. For example it remains unclear how any residual Recreational Impact to Folkestone to Etchinghill Escarpment SAC will be mitigated and note that these matters will be addressed in Tier 2.</p> <p>Nutrient Neutrality</p>	
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		26.012023	<p>In addition to the comments provided on 26 January we wish to provide the following advice regarding the proposed nutrient neutrality mitigation scheme to be considered at Tier 2.</p> <p>We acknowledge that the proposed nutrient mitigation wetlands will be predominantly supplied from surface water and treated wastewater discharge. There is a likelihood however that water may require abstraction from existing smaller local watercourses (as mentioned in the Nutrient Budget Analysis Update, October 2022).</p> <p>Due to the Stour catchment being a water constrained catchment, it is likely that any water abstraction licence may have seasonal restrictions in place. These restrictions will need to be considered within the detailed design and efficiency calculations, for any nutrient mitigation wetlands that rely on abstraction. We advise that you speak to the Environment Agency when conducting the detailed design of these wetlands, to ascertain the likely water abstraction restrictions that could be imposed on any abstraction permit</p> <p>We hope that the above is helpful and look forward to working with your authority as the application progresses.</p> <p>SUMMARY OF NATURAL ENGLAND'S ADVICE FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATES SITES AND PROTECTED LANDSCAPES</p> <p>Natural England welcomes the effort put into the sustainable development of the project so far. As submitted, the application could have potential significant effects on:</p> <ul style="list-style-type: none"> • Kent Downs Area of Outstanding Natural Beauty (AONB) • StodMarsh Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC), Ramsar site 	
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			<ul style="list-style-type: none"> • Folkestone to Etchinghill Escarpment (SAC) • Wye and Crundale Downs (SSSI) • Dover to Kingsdown Cliffs Special Areas of Conservation (SACs) • Dungeness, Romney Marsh and Rye Bay, Special Protection Area (SPA) and Ramsar site • Dungeness (SAC) • Otterpool Quarry (SSSI) • Lympne Escarpment (SSSI) • Hatch Park (SSSI) <p>Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.</p> <p>The following information is required:</p> <p>Landscape- As submitted the proposed development will have a significant adverse effect on the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB) and on the views from the AONB scarp which at present cannot be fully mitigated. Our previous letter dated 15 July 2022 is still applicable in its requests toward protecting the integrity of the AONB.</p> <p>Air Quality - We recommend that where impacts to designated sites cannot be ruled out, mitigation is proposed to prevent these from occurring. We also advise that where a likely significant effect to the Folkestone to Etchinghill Escarpment Special Area of Conservation (SAC) cannot be ruled out, the Habitats Regulations Assessment should proceed to Appropriate Assessment.</p> <p>Recreational Pressure - We welcome the further work undertaken in respect of recreational pressure on Folkestone to Etchinghill Escarpment, Wye and Crundale Downs and Dover to Kingsdown Cliffs Special Areas of Conservation (SACs), and the Dungeness, Romney Marsh and Rye Bay, Special Protection Area (SPA) and Ramsar site and the Dungeness SAC.</p>	
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			<p>However with regard to the Folkestone to Etchingill Escarpment, Wye and Crundale Downs SACs additional information is required in order to support the conclusion of no likely significant effect within the HRA.</p> <p>Natural England’s further advice on designated sites/landscapes and advice on other issues is set out below and expanded upon in Annex 1:</p> <p>Additional Information required Natural England has reviewed the additional information provided in support of this application dated August, October and November 2022 received for the Otterpool Park planning application. Natural England has completed an assessment of this information and we are pleased to provide our latest advice Annexe 1 appended to this letter.</p> <p>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England’s advice. You must also allow a further period of 21 days before the operation can commence.</p> <p>Annex 1: Natural England’s detailed comments in relation to the additional information submitted in support of the application. NE has reviewed the additional information provided and this can be found in the files section of the application library dated 06.03.2023.</p>	
13	Sports England	22.02.2023	Thank you for reconsulting Sport England on this application. I have no further comments to add to those made previously.	LPA 396
14	Kent Downs AONB	07.03.2023	FURTHER INFORMATION FEBRUARY 2023	LPA 382

			<p>Thank you for consulting the AONB Unit on the additional information in respect of the above application. The following comments are from the Kent Downs AONB Unit and as such are at an officer level and do not necessarily represent the comments of the whole AONB partnership.</p> <p>The additional information fails to address the concerns raised in our previous consultation response and therefore we maintain the position set out in our response dated 5 October 2022.</p> <p>We would also comment that it is disappointing that the draft conditions relating to landscape/green infrastructure have not been shared with the AONB Unit as they have with Natural England, nor is there any commitment to further engage with the AONB Unit as there is with Natural England as set out in Appendix F of the Arcadis Statement.</p>	
15	KCC Highways & Transportation	22.02.2023	<p>Thank you for the consultation on the additional information as dated 15 February 2023 on the Folkestone and Hythe District Council planning website. I have the following comments to make in respect of highways matters:</p> <ul style="list-style-type: none"> • The amended drawing (10029956-ARC-XX-XX-DR-HE-0039 P04) for the Aldington Road closure is now acceptable. This now shows vehicle tracking for an 11.4 metre long refuse vehicle at the existing access point together with localised carriageway widening and a no-through road sign at the junction of the A261 Hythe Road and Aldington Road. It has been agreed that the Stage 1 Road Safety Audit can be subject to an appropriate planning condition as this road closure is not required until development to the south of the A20 comes forward. • The new drawing (10029956-ARC-XX-XX-DR-HE-0052 P01) for Fougères Way is acceptable. This shows the tie-in details of the 3rd lane on Fougères Way with the right hand turn lane serving The Range. A new traffic survey is required to be undertaken prior to the commencement of development associated with the outline planning 	LPA 410

			<p>permission to ascertain whether or not traffic flows and capacity have changed since the 2018 baseline survey given the 2021 traffic survey that was carried out by the Eureka Park development which shows a significant reduction in traffic flows at this junction. The trigger point for this junction improvement can then be agreed as part of the monitor and manage approach.</p> <ul style="list-style-type: none"> • A Stage 1 Road Safety Audit has now been submitted for the A260 Spitfire Way / White Horse Hill / A20 Slip Roads roundabout junction. This is acceptable to KCC Highways and Transportation and all of the issues raised in the audit can be addressed through the detailed design stage as part of the required Section 278 Highway Agreement. A new traffic survey is also required to be undertaken prior to the commencement of development associated with the outline planning permission to ascertain whether or not traffic flows and capacity have changed since the 2018 baseline survey. The trigger point for this junction improvement can then be agreed as part of the monitor and manage approach. • The proposed mitigation scheme for the A292 / M20 WB On-Slip Junction will mitigate the impact of the development based on the updated modelling results for this junction as shown in Appendix 1 of the National Highways response document. New traffic surveys are due to be commenced shortly at the A292 / M20 WB on-slip junction and M20 Junction 10A as the roadworks on the A2070 are now almost complete and this will inform the trigger point for this mitigation scheme. A Stage 1 Road Safety Audit will be required for this proposed mitigation scheme. <p>My previous concerns with the application have therefore now been fully addressed and I therefore have no objections to the application subject to the following highway conditions / Section 106 legal agreement provisions. Please note that the Section 106 legal agreement requirements are attached in a separate document due to the size of the document.</p>	
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			<p>Conditions Tier 1 - Site Wide Conditions</p> <ol style="list-style-type: none"> 1) Submission and approval of details of a Construction Management Plan before the commencement for each phase on site to include the following: <ul style="list-style-type: none"> • Routing of construction and delivery vehicles to / from site • Parking and turning areas for construction and delivery vehicles and site personnel • Timing of deliveries • Provision of wheel washing facilities • Temporary traffic management/signage 2) Before and after construction of each phase of development, highway condition surveys for highway access routes should be undertaken and a commitment provided to fund the repair of any damage caused by vehicles related to the development. 3) Prior to the occupation of any dwelling, a Travel Behaviour Monitoring Scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The Travel Behaviour Monitoring Scheme shall set out the details of the monitoring arrangements to be implemented to enable monitoring by the local highway authority of movements, on the local highway network, by all modes. It shall include details of the location of monitoring equipment the duration of monitoring and the reporting and analysis of information derived from the monitoring. The scheme shall also take account of the transport contributions and measures before additional mitigation is required in order to avoid severe impact on the road network. Appropriate mechanisms for managing trips across Further Key Phases shall be included within each subsequent Key Phase Transport Assessment. 	
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			<p>4) Within 6 months of commencement of development (save site clearance works) a Traffic Regulation Order (TRO) application shall be submitted to the Local Highway Authority for the proposed waiting restrictions on Military Road, Hythe for the proposed highway improvement scheme as shown in drawing 10029956-ARC-XX-XX-DR-HE-0047. The highway improvement scheme shall then be delivered prior to the first occupation of any development on site.</p> <p>5) Prior to the occupation of the 7,000th dwelling a Traffic Regulation Order (TRO) application shall be submitted to the Local Highway Authority for the proposed box junction at London Road / Barrack Hill in Hythe as shown in drawing 10029956-ARC-XX-XX-DR-HE-46 Revision P1. The box junction shall then be delivered prior to the 7,500th dwelling on site.</p> <p>6) Within 12 months of commencement of development (except enabling works) a Traffic Regulation Order (TRO) application shall be submitted to the Local Highway Authority for the proposed box junction at Prospect Road / Stade Street, Hythe as shown in drawing 10029956-ARC-XX-XX-DR-HE-48. The box junction shall then be delivered prior to the first occupation of any development on site.</p> <p>7) No development, except for Enabling Works, shall take place until a scheme to deliver the following works is submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:</p> <ul style="list-style-type: none"> • Details of works required to upgrade Newingreen Junction to provide additional highway capacity, improve highway safety and provide suitable access for extra-large Heavy Goods Vehicles travelling between M20 J11 and Link Park Industrial Estate • Details of works required to enable access at the eastern and western junctions of the proposed 'Otterpool Avenue' <p>Details are to be agreed in writing with the Local Highway Authority prior to construction and include a DRMB compliant Stage 1 Road Safety Audit</p>	
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			<p>and a Section 278 Highway Agreement entered into between the developer and KCC Highways. The development shall thereafter be carried out in accordance with the approved details. No development shall be occupied until the improvements are completed.</p> <p>8) Prior to the submission of any Reserved Matters Applications south of the A20 a scheme to deliver the following works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:</p> <ul style="list-style-type: none"> • Works required to close the existing vehicular access at Harrindge Lane to vehicular traffic but keep it open for pedestrian, footway and cycleway and bridleway traffic; • Works required to remove the junction at Aldington Road/Lympne Hill and make this a through road; <p>Details to be agreed in writing with the Highway Authority prior to construction and include a Stage 1 Road Safety Audit and a Section 278 Agreement entered into between the developer and KCC Highways. The development shall thereafter be carried out in accordance with approved details.</p> <p>9) No development, except for Enabling Works, shall take place until:</p> <ul style="list-style-type: none"> • New traffic surveys are undertaken at M20 Junctions 10a and A292 Hythe Road/M20 westbound on slip, methodology of which must be agreed in writing by KCC Highways and National Highways. • The surveys reference above are to be used to assess the suitability of the improvement schemes as shown on drawing number 100299566-ARC-XX-XX-DR-HE50 and 100299566-ARC-XX-DR-HE51, and then the final proposed improvement scheme and accompanying DMRB compliant Stage 1 Road Safety Audit must be submitted for approval by the local planning authority (in consultation with National Highways and KCC Highways); 	
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			<p>No more than [to be confirmed] of the dwellings of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of the above junctions as shown on the drawings approved above have been opened to all traffic, unless an alternative outcome (such as mitigation design, whether it is necessary or trigger for implementation) is approved in writing by the Local Planning Authority (in consultation with KCC Highways and National Highways) through the monitor and manage process, as set out in the Section 106 Legal Agreement.</p> <p>10) No development, except for Enabling Works, shall take place until:</p> <ul style="list-style-type: none"> • New traffic surveys are undertaken at M20 Junction 9, methodology of which must be agreed in writing by KCC Highways and National Highways. • The surveys referenced above are to be used to assess the suitability of the improvement schemes as shown on drawing numbers 10029956-ARC-XX-XX-DR-HE-0049 P02 and 10029956-ARC-XX-DR-HE-0052 P01 and then the final proposed improvement scheme and accompanying DMRB compliant Stage 1 Road Safety Audit must be submitted for approval by the local planning authority (in consultation with KCC Highways and National Highways); <p>No dwellings shall be occupied until the improvements to, and in the vicinity of the above junctions as shown on the drawings approved above have been opened to all traffic, unless an alternative outcome (such as mitigation design, whether it is necessary or trigger for implementation) is approved in writing by the Local Planning Authority (in consultation with KCC Highways and National Highways) through the monitor and manage process, as set out in the Section 106 Legal Agreement.</p>	
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			<p>11) No development, except for Enabling Works, shall take place until:</p> <ul style="list-style-type: none"> • New traffic surveys are undertaken at the Spitfire Way/A20 Coastbound Off-Slip/White Horse Hill Road/Canterbury Road roundabout, methodology of which must be agreed in writing by KCC Highways and National Highways. • The surveys referenced above are to be used to assess the suitability of the improvement scheme as shown on drawing number 10029956-ARC-XX-XX-DR-T-0018 P02 and then the final proposed improvement scheme and accompanying DMRB compliant Stage 1 Road Safety Audit must be submitted for approval by the local planning authority (in consultation with KCC Highways); <p>No more than [to be confirmed] of the dwellings of the development hereby permitted shall be occupied until the improvements to, and in the vicinity of the above junctions as shown on the drawings approved above have been opened to all traffic, unless an alternative outcome (such as mitigation design, whether it is necessary or trigger for implementation) is approved in writing by the Local Planning Authority (in consultation with National Highways and KCC Highways) through the monitor and manage process, as set out in the Section 106 Legal Agreement.</p> <p>12) Prior to the submission of any reserved matters applications, a scheme of works to improve the A20 western corridor between the proposed western junction Otterpool Avenue with the A20 and Barrow Hill (Grove Bridge) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:</p> <ul style="list-style-type: none"> • Keep clear markings for Barrow Hill shuttle signals; • Parking restrictions on Barrow Hill; • Widening of the existing footway on Barrow Hill; • How a slower speed environment will be promoted (including a speed limit reduction on Barrow Hill) • How access to existing homes and businesses will be retained. 	
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			<p>No more than 100 dwellings hereby permitted shall be occupied until the improvement are completed. A section 278 Highway Agreement shall be entered into between the developer and KCC Highways.</p> <p>13) No dwellings hereby approved shall be occupied until details of a scheme of works to improve the A20 corridor between Newingreen Junction and A20 southern roundabout where it meets M20 (J11) have been submitted to and approved by the Local Planning Authority in consultation with KCC Highways. The scheme shall show improvements with signalised junctions to access Otterpool Avenue the proposed new Business Area. No development shall be occupied until the improvement are completed. Details are to be agreed in writing with the Highway Authority prior to construction and a Section 278 Highway Agreement entered into between the developer and Kent County Council.</p> <p>14) No dwellings hereby approved shall be occupied until details of the following schemes for pedestrian, cycling and bridleway connections in accordance with the approved Public Rights of Way Management Scheme have been submitted to and approved by the Local Planning Authority:</p> <ul style="list-style-type: none"> • HE/281 improvements to the route between Stone Street and heading southeast through Sandling Park towards Hythe and Saltwood • HE/359 upgrade footpath to bridleway • HE/371 improve the connection to Public Right of Way (PRoW) and cycle network from Westenhanger Station to the north <p><u>Tier 2 – Phase Wide Conditions</u></p> <p>1) Prior to the approval of the first reserved matters application in any Key Phase, a Key Phase Framework shall be submitted to and approved in</p>	
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			<p>writing by the Local Planning Authority in consultation with the Local Highway Authority. The Key Phase Framework shall conform to the Key Phase Principles and matters approved that Key Phase and shall comprise:</p> <p>A) Transport Assessment for the Key Phase (with the first linked to the second Key Phase to come forward and for each subsequent Key Phase) that shall include:</p> <ul style="list-style-type: none"> a. Details of any mobility hubs required on the Key Phase in order to meet the requirements of the site wide mobility hub strategy in the approved Access and Movement Share Targets report dated March 2022; b. Details of the measures to implement Mobility as a Service (MaaS) for the Key Phase; c. Demonstrate, within the context of the monitored transport impacts that, in combination with Key Phases and reserved matters approved on adjoining land within the allocated site and applying committed and programmed mitigation measures and Key Phase proposed mitigation measures the transport movements proposed within the Key Phase are not likely to give rise to severe impacts upon the network. <p>B) Travel Plan for the Key Phase, setting out measure to be implemented in accordance with the principles and approach set out within the approved Site Wide Framework Travel Plan (March 2022) and Car Parking Strategy for the Key Phase.</p> <p><u>Tier Three – Reserved Matters Areas</u></p> <p>1) Prior to the commencement of any development within each reserved matters area, the following information shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The plans shall include the following:</p>	
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			<ul style="list-style-type: none"> • Car, coach, motorcycle, and cycle parking including the number of spaces, their location, layout, allocation, management, along with signage taking account of disabled person’s needs, electric vehicle charging points (including both ‘active’ and passive’ provision); • Facilities for the loading and unloading of vehicles including tracking plans demonstrating that vehicles can enter and leave the servicing area in a forward gear; • The layout of tertiary roads for the circulation of vehicles including the location of services media, junction works, traffic signs, street names on buildings, directional signs, pedestrian crossings, traffic control measures and turnarounds and the details of the construction standards and timetable; • The layout of public footways, cycleways, and other means of public access; • The scheme for lighting roads, footpaths, cycleways, and all other areas accessible to the public (where appropriate), including the height of lighting columns and the types, colour and brightness of proposed lights <p>2) Prior to the commencement of any development within each reserved matters area, hard and soft landscaping plans shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The plans shall include the following:</p> <ul style="list-style-type: none"> • The landscape treatment of roads (primary, secondary, tertiary, and green) footpaths and all pedestrian routes throughout the development; • A specification for the establishment of trees, (including within hard landscaped areas) and tree pit details; • Full details, including cross-sections, of all bridges and culverts • The location and specification of minor artefacts and structures, including street furniture, refuse or other storage units, signs, and lighting columns/brackets 	
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			<ul style="list-style-type: none"> • 1:500 plans (or at a scale otherwise agreed) including cross sections, of roads, paths, and cycleways; • Full details of all hard -surfacing materials (size, type and colour). <p>3) Prior to the commencement of any development within each reserved matters area, details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority showing locations and facilities relating to the mobility hubs approved pursuant to the tier 2 condition. The mobility hubs in each reserved matters area shall be constructed and available for use within 12 months of the first occupation of any dwelling in that Reserved Matters Area.</p> <p>4) Prior to the commencement of any development within each reserved matters area, details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority showing a Highway Adoption Strategy. The Adoption Strategy shall set out:</p> <ul style="list-style-type: none"> • The elements of the transport network within the site which shall be offered for adoption by the local highway authority. All main strategic routes should be offered for adoption by the local highway authority. • The elements of the transport network within the site which shall be retained in private ownership, or other, and in each case detail of the management arrangements for these elements of the network. • The elements of the recreational path network that shall be offered for adoption as Public Rights of Way. • The elements of the recreational path network which shall be retained in private ownership, and the management arrangements for these elements of the network. <p>The Adoption Strategy shall be fully implemented unless otherwise agreed in writing by the Local Planning Authority.</p> <p>5) Prior to the commencement of any development within each reserved matters area containing buildings, a Travel Plan shall be submitted to</p>	
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			<p>and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The Travel Plan shall include a statement that demonstrates how the detailed scheme accords with the Site Wide Framework Travel Plan:</p> <ul style="list-style-type: none"> • Aims to reduce car use by occupiers of that development by the targets as set out in the Transport Strategy and this encourage alternative modes of transport; • Incentive measures such as travel vouchers, bicycles etc. to be paid for by the developer for an agreed period of time; • Performance criteria together with the additional measures to be put in place if target reductions in car-based travel are not achieved. <p>Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.</p> <p>Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.</p> <p>Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.</p> <p>Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs, or other structures which project over</p>	
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			<p>the highway. Such works also require the approval of the Highway Authority.</p> <p>Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.</p> <p>Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.</p>	
16	Ashford Borough Council	16.03.2023	<p>With reference to our previous letter dated 23 June 2022 Ashford Borough Council continue to advocate that Folkestone & Hythe District Council engage with Ashford Borough Council in the manner referenced in that letter.</p> <p>The Council also wish to clarify that our comments made in response to waste water, the issue of neutrality and transport still apply.</p> <p>The Council has nothing further to add or comment at this stage.</p>	LPA 350
17	Ministry of Defence – Safeguarding	16.03.2023	<p>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>	LPA 397

			<p>Ministry of Defence Safeguarding Department St George’s House DIO Headquarters DMS Whittington Lichfield Staffordshire WS14 9PY Tel: 07815487744 E-mail: DIO-safeguarding-statutory@mod.gov.uk www.mod.uk/DIO 16 March 2023 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. The amendment relates to information and statements received relating to the Environmental Statement, including updates to the Strategic Design Principles and Development Specification.</p> <p>This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.</p> <p>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. 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>	
18	CPRE	16.03.2023	<p>CPRE Kent maintains its objection to this proposal and offers these supplementary comments to its previous responses which we would request be considered should the application be recommended for approval. We have reviewed the submitted documents which address issues of biodiversity. We have some concerns about the scope of the baseline</p>	LPA 372

			<p>surveys which affect the calculation of Net Gain. We agree with Natural England that the BNG has been overestimated by the applicant. It should be recognised that connectivity between green spaces, of all sizes, is fundamental to supporting a variety of species. Separation between 'wildlife corridors' and disturbances such as housing, roads, pathways, and cycle tracks where people move about with their pets is also critical to preserving real biodiversity. The threat to wildlife - reptiles, birds, dormice, etc - posed by domestic cats is of particular concern. The areas around watercourses must be allowed to function naturally with space for flooding. To this end, more densely packed housing leaving more space for informal landscaping should be encouraged in the detailed design. This need not mean taller buildings. Private gardens, often the enemies of biodiversity, can be made smaller if the public realm is an attractive place. Consideration should be given to the use of 'green bridges' as used successfully at Scotney to mitigate the growing intrusion of increased traffic along the A20 in particular.</p>	
19	The Ramblers Association	10.03.2023	<p>I am writing on behalf of the Kent Area of the Ramblers, in response to the updated planning application Y19 / 0257 / FH The Ramblers works to help everyone enjoy the pleasures and benefits of walking, and to enhance and protect the places where people love to walk. We are committed to encouraging and supporting walking, protecting, and expanding public rights of way and access land, and protecting the beauty of the countryside and other areas. As Ramblers we value our countryside for its natural beauty, sense of peace and tranquillity and wildlife, as well as its vital role in promoting wellbeing and sustainable economic growth. It is noted that there are a number of public rights of way within the proposed development site, and on this basis I would make the following observations: • That existing public rights of way should be maintained, including where these connect to the rest of the footpath network. • Where a public right of way needs to be temporarily closed due to construction activity, a suitable diversion should be sought via Kent County Council. • Any proposed modifications to existing</p>	LPA 402

			<p>footpaths to enable shared use should be designed so as to ensure the safety and enjoyment of all users • Given the proximity of the North Downs Way and Saxon Shore Way to the site, appropriate mitigating measures should be taken to minimise the visual impact that the development may have on these two significant trails.</p>	
20	Forestry Commission		<p>Thank you for consulting us via letter regarding this consultation. I apologise for sending this to you a day late. I hope that my comments below are helpful and ask that we are involved in any opportunities to work with the Council and Developer to help deliver the best possible value for people and the environment using trees and woodland as part of the project. In future, please consult us regarding planning applications by email at: planningconsultationSEL@forestrycommission.gov.uk This will help us to respond in good time.</p> <p>We welcome the commitment to significant amounts of green infrastructure proposed by this development. Large-scale strategic developments can provide substantial benefits and should maximise opportunities for environmental gains, especially given the development’s proximity to the Kent Downs AONB, the requirement for achieving nutrient neutrality and its proximity to Ancient Woodland. New Green Garden Towns should be an exemplar in sustainable development.</p> <p>Protection and Connectivity with Ancient Woodland</p> <p>As part of this, developments of this scale have a large zone of influence and it is important to protect and enhance the valuable species and habitats adjacent and near to the development. This includes significant levels of woodland, trees and hedgerows including veteran trees and Ancient Woodland which is an irreplaceable habitat and has been identified by Government policy as a high priority. For example, the Keepers of Time – A Statement of Policy for England’s Ancient and Native Woodland (published</p>	LPA 401

			<p>June 2005 updated May 2022) states that “Our main priority is to protect ancient woodland, and ancient and veteran trees from the threats listed in this policy document. We must also recognise the value of long established woodland and consider options to provide greater protection to these habitats from development.”</p> <p>We would very much welcome the opportunity to input into the master-planning and design process of green infrastructure to help ensure impacts on existing trees and woodlands are avoided and incorporated into the development to maximise the many benefits from using trees and woodland as part of the design. For example, to ensure an adequate buffer with ancient woodland adjacent to the site and use trees and woodland throughout the development as part of a mosaic set of habitats/greenspace connected with hedgerows and wildlife corridors as an integral part of the development. Ancient woodlands, ancient trees and veteran trees are irreplaceable habitats. Paragraph 180(c) of the NPPF sets out that development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In considering the impacts of the development on Ancient Woodland, Ancient and Veteran trees, the planning authority should consider <u>direct and indirect impacts resulting from both construction and operational phases</u>. Please refer to Natural England and Forestry Commission joint Standing Advice for Ancient Woodland and Ancient and Veteran Trees, updated in January 2022. The Standing Advice can be a material consideration for planning decisions and contains advice and guidance on assessing the effects of development, and how to avoid and mitigate impacts. It also includes an Assessment Guide which can help planners assess the impact of the proposed development on ancient woodland or ancient and veteran trees in line with the NPPF.</p> <p>The Kent Downs is one of Britain’s most wooded landscapes with the majority of this being irreplaceable ancient woodland. We encourage the</p>	
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			<p>proposed development to maximise the value of woodland creation and enhancement and improved connectivity as part of mitigating impacts on the wider landscape and environment and to expand and enhance ecological networks with trees and woodland as an integral part.</p> <p>Trees and woodland as part of nature-based solutions</p> <p>We would also encourage the developer and council to explore the use of trees as part of efforts to achieve nutrient neutrality, as trees and woodlands are well-placed to contribute significant multi-functional benefits as part of nature-based solutions. For example, interceptor woodlands can lock in nutrients while providing ecological and social benefits as part of a diverse mixture of habitats especially given the trees and woodlands throughout the site and nearby, including ancient woodland. As the Forestry Commission, we have the expertise and local knowledge to ensure the right trees are planted in the right place and to maximise wider gains. Indeed, Existing trees should be retained wherever possible, and opportunities should be taken to incorporate trees into development. Trees and woodlands provide multiple benefits to society such as storing carbon, regulating temperatures, strengthening flood resilience, and reducing noise and air pollution.[1] Paragraph 131 of the NPPF seeks to ensure new streets are tree lined, that opportunities should be taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible. Appropriate measures should be in place to secure the long-term maintenance of newly planted trees. The Forestry Commission may be able to give further support in developing appropriate conditions in relation to woodland creation, management, or mitigation.</p> <p>Delivering multi-functional benefits using trees and woodland as part of achieving Biodiversity Net Gain</p>	
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			<p>Trees and woodland can also be a highly valuable part of Biodiversity Net Gain (BNG) efforts where possible. Paragraph 174(d) of the NPPF sets out that planning (policies and) decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) encourages development design to integrate opportunities to improve biodiversity, especially where this can secure net gains for biodiversity. A requirement for most development to deliver a minimum of 10% BNG is expected to become mandatory from November 2023. The planning authority should consider the wide range of benefits trees, hedgerows and woodlands provide as part of delivering good practice biodiversity net gain requirements. Losses of irreplaceable or very high distinctiveness habitat cannot adequately be accounted for through BNG.</p> <p>We also encourage the development to explore the benefits of using timber from sustainably managed woodland (locally wherever possible) for the embodied carbon benefits this can provide by locking Carbon into development.</p> <p>We would also like to remind applicants that tree felling may require a felling licence from the Forestry Commission.</p> <p>I hope this is helpful. Please do contact us if you would like to discuss any of the above further and again, we would very much welcome the opportunity to use our expertise and local knowledge to input into the detailed master planning and design for this development.</p>	
Responses as at 16.03.2023				