

Application Number	Y19/0257/FH
Location	Land bounded by; the M20 and Channel Tunnel Railway Link (CTRL) to the north; the A20/Stone Street and Sandling Park to the east; Harringe lane to the west, and Aldington Road to the south
Application Description	<p>Outline application, with all matters reserved, for a comprehensive residential led mixed use development comprising:</p> <ul style="list-style-type: none">• Up to 8,500 residential homes including market and affordable homes; age restricted homes, assisted living homes, extra care facilities, care homes, sheltered housing and care villages;• Demolition of identified existing buildings;• A range of community uses including primary and secondary schools, health centres and nursery facilities;• Retail and related uses;• Leisure facilities;• Business and commercial uses;• Open space and public realm;• New planting and landscaping, and ecological enhancement works;• Sustainable urban drainage systems;• Burial ground;• Utility and energy facilities and infrastructure;• Waste and wastewater infrastructure and management facilities;• Vehicular bridge links;• Undercroft, surface and multi-storey car parking;• Creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site;• Improvements to the existing highway and local road network;• Lighting;• Engineering works, infrastructure and associated facilities;• Together with interim works or temporary structures required by the development and other associated works including temporary meanwhile uses.
Applicant	Otterpool Park LLP
Agent	Quod
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Summary of Main Issues

This outline planning application, submitted by Otterpool Park LLP, is the culmination of over 5 years of engagement with the local planning authority, statutory bodies and with local people and other stakeholders. The application seeks permission for the creation of a new standalone settlement including a new town centre with a diverse mix of jobs, shops, homes, leisure, educational and cultural facilities.

This report describes and assesses the application, including its impacts on the local area. The compliance with the development plan is explained, including how it addresses the key objectives of the recently adopted Core Strategy Review and supporting Place and Policies Local Plan, for which the new settlement is central to their delivery.

The recommendation of the Chief Planner is that planning permission should be granted, subject to conditions and completion of a satisfactory s106 legal agreement. The resolution of the Planning Committee is set out in the recommendation with the final decision being notified to the Secretary of State.

The report is set out as a series of chapters, relating to the following material planning considerations. More detail on each of the topics is set out in the body of the report and supported where relevant by additional information in Appendices to the report.

Chapter 1 describes the site and surroundings

Chapter 2 sets out the nature of the outline planning application and a summary of the proposal for redevelopment of the site, including land uses, building heights and a description of the key documents which would be approved if planning permission is granted.

Chapter 3 details the proposed development

Chapter 4 details the planning permissions and history of the site and key decisions relevant to the proposals.

Chapter 5 provides an overview of the responses received to the rounds of consultation undertaken for this planning application from the public, groups and statutory bodies. The different aspects raised by the consultation responses are considered in the different topic chapters in this report.

Chapter 6 summarises the policy documents and those policies relevant to the assessment of this planning application and whether, and the extent to which, policy requirements and objectives are met by the proposals.

Chapter 7 appraises the planning application under the following headings and the narrative that follows is intended to preface the appraisal:

Environmental Impact Assessment

The proposed development exceeds the suggested thresholds for an 'urban development project' in the EIA Regulations. Therefore, an Environmental Statement (ES) has been provided with the application, in line with the topics required in the Council's Scoping Opinion issued in June 2018 and the Council's addendum response July 2020.

The ES models the 'worst case' scenarios of the outline planning application given the inherent need for reasonable flexibility as detailed proposals come forward over the lifetime of the proposed development. Alternative proposals and the cumulative effects both as a combination of different effects associated with the development on defined sensitive receptors, and the combined effects are also considered.

The particular environmental effects and associated mitigation measures are detailed in the relevant chapters of this report. The mitigation measures which form part of the development proposals, as relied upon in the ES to limit or remove any significant adverse environmental effects are set out in the report and appendices including the proposed mechanisms to secure these measures.

Officers are content that the methodologies employed in the ES are appropriate and agree with the conclusions of the Temple Group's Final Review Report prepared on behalf of the Local Planning Authority which notes and advises that the ES's conclusions are sound (and are not countermanded by other substantive evidence). Officers are satisfied the ES complies with the regulations and that sufficient information has been provided for it to assess the environmental impact of the proposal.

The Principle of Development

The principle of a new standalone settlement to accommodate a new settlement comprising a total of 8,000 – 10,000 homes is established in the development plan and within the site allocation area of Policy SS6.

The proposed land uses within the application area accord with Core Strategy Policies SS6-SS9 and are appropriate for a new mixed-use settlement. The proposal has been assessed against the policies and objectives in the development plan.

The loss of agricultural land would be a consequence of the allocated development and has been taken into account through the development plan process with the availability of agricultural land used for food production being considered alongside other policy objectives and requirements when deciding what sites were most appropriate for development, in accordance with the National Planning Policy Framework (NPPF).

The scale of development proposed within the application area is in line with Policy SS6. Taken together with the tiered approval process proposed, the principle of

planning beyond the plan period for new settlements represents good strategic planning and is in line with Policy SS6 and the NPPF.

The heights, amount and overall land uses proposed within the parameters submitted for approval are acceptable in principle. The parameters associated with proposed green infrastructure and landscaping identified across the control documents provides the green infrastructure essential for the garden settlement consistent with SS7 which requires development to be landscape led.

The proposed approach to phasing, which secures the town centre as the first phase via planning condition, is consistent with national best practice for large scale sites and the requirements for a tiered approval process set out in the Core Strategy Review (2022).

Housing

Housing delivery is a key ambition of the adopted Core Strategy Review and Places and Policies Local Plan (2020). The new settlement is identified as the largest single site allocation within the Core Strategy Review by a considerable margin with an indicative capacity of up to 10,000 homes across the wider strategic site allocation and an illustrative masterplan has been submitted showing one way in which this could be achieved. To the extent there is any conflict in site allocations between the two plans it must be resolved in favour of Policy SS6 contained within the Core Strategy Review, the most recent development plan to be adopted.

The proposed development is central to meeting the council's housing requirements over the plan period, and beyond. The proposals would have the clear benefit of contributing up to 8,500 dwellings towards the supply of housing in the district through and beyond the plan period. Of those dwellings, the proposed affordable housing (22% of total homes) would be an added benefit of considerable importance given, the clear need for such housing in the district. The provision of housing in all its forms attracts great weight in the planning balance.

A central factor in retaining a degree of flexibility in the order in which phases come forward is to allow for a wide range of housing types and tenures to be delivered and for a number of housebuilders to deliver homes in parallel consistent with the NPPF and local policies to meet needs of communities with an appropriate mix of housing types and to assist with its timely delivery.

Significant importance has been given to the need to secure a diverse range of homes and tenures, offering homes for rent, intermediate and retirement housing, to ensure consistent delivery and still provide balanced and mixed communities. The proposed housing mix included in the planning application is consistent with the targets set out in Policy CSD2 of the Place and Policies Local Plan. As well as general needs housing, the scheme's parameters allow for the introduction of other housing types, such as specialist housing for older people, or build to rent housing. Appropriate

provision for self and custom build and exploration of community-led housing forms of delivery would be secured via the S.106 legal agreement.

Economic Development and Town Centre Uses

Economic development is a key ambition of the adopted Core Strategy Review and the supporting Places and Policies Local Plan. The employment allocation within SS6 is the largest single site allocation within the Core Strategy Review by a considerable margin.

The principle of local economic growth is essential to secure the success and sustainability of the new settlement. The delivery of a standalone garden town presents a unique opportunity for Folkestone and Hythe to support population growth and drive the economy forward, whilst also tackling some of the most persistent and strategic challenges which have characterised its economy over the past decade including constrained investment and low productivity.

The proposals allow for interim upgrades to the existing Westenhanger Station as well as providing the land necessary to enable an integrated transport hub in the longer term and a High Speed 1 (HS1) ready service. Subject to approvals and funding, a HS1 connection could transform the economic attractiveness of the new settlement to new occupiers particularly opening up new possibilities in the northeast 'triangle' of land currently identified for business uses.

The application establishes an appropriate framework within which these economic ambitions can be realised. They are controlled through the regime of tiered approval which will be governed by the proposed planning conditions on the outline permission if granted, in addition to planning conditions requiring the submission of an Employment, Skills and Training Strategy and a Town Centre Non-Residential Plan. In taking this forward controls are recommended to ensure that activity at the new settlement complements (rather than competes with) other locations in Folkestone and Hythe District.

The proposals would support the potential for approximately 8,605 total jobs, equivalent to 6,860 Full Time Equivalent jobs, over half of which are projected to be in office and light industrial jobs, based on the floorspace parameters proposed. Such economic benefits carry great weight in favour of the proposals.

Officers are satisfied that the retail and leisure assessments submitted are comprehensive and robust. Combined with suitably worded planning conditions as discussed in this report the proposals are consistent with local and national town centre policies and are acceptable.

Sustainable Access and Movement

Based on the reasonable worst case junction capacity assessments and the proposed interventions, it is considered that the traffic flows generated can be mitigated so as not to have a severe impact on the highway network. This view has been confirmed

in writing by the overseeing highways authorities for strategic and local roads on the basis of these measures being secured through the Monitor and Manage Framework which would be secured via the S.106 agreement and appropriate planning conditions.

The outline application supports the local and national objectives to achieve an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities. When considering the outputs of the Transport Assessment against the relevant requirements of the Core Strategy Review, Places and Policies Local Plan and the NPPF the proposed development is considered to be acceptable in highway safety terms and would not result in any severe residual cumulative impacts. Details of the key road network improvements have been agreed in partnership with National Highways and Kent County Council in accordance with Policy SS7 (6C).

The updates and revisions to the outline planning application have been underpinned by a movement strategy which prioritises walking, cycling and access to public transport and demonstrates how this priority has informed the design of the new settlement in accordance with Policy SS7. The range of sustainable transport measures set out have been assessed against the requirements of local and national policies and found to accord with them.

The proposals provide the framework for an innovative approach to maximising walking, cycling and the health and wellbeing of residents. The requirements outlined in the Strategic Design Principles secure a strong emphasis on active travel and internal road infrastructure that is designed for a low-speed environment with dedicated cycle routes. The public transport measures and interventions proposed together with other travel plan requirements, including the setting of targets, monitoring and the use of technology and incentives, are appropriate for a new standalone settlement would be secured through the S.106 legal agreement and planning conditions.

Landscape Impact and Visual Impact (LVIA)

The LVIA assessments have been reviewed against Landscape Institute guidance and the methodology and assessment conclusions have been agreed. Taking into account the scale and massing of the proposed development along with the sensitivity to change of the surrounding landscape and visual receptors, the assessment of landscape and visual impacts of the development are considered to be acceptable overall.

The overall approach to scale and heights is acceptable. The combined effect of the design controls proposed, managed through the tiered approval process which will be governed by conditions, will provide a strong long-term structure for the control of the future design development and will be informed by statutory consultees and others. Additional safeguards in the form of new Strategic Design Principles are included for

approval to protect residential amenity in the instances where proximity to existing residents is most pronounced.

The replacement of the racecourse, agricultural land, the historic airfield and areas of flat land and interspersed with buildings, by a comprehensively designed and landscaped town, would have moderate adverse impact on both the landscape character, visual amenity of those within this area, but this can be satisfactorily mitigated with properly designed and comprehensive masterplanning and landscaping.

The Kent Downs Area of Outstanding Natural Beauty (AONB) has national importance and the conservation of its landscape and scenic beauty carries great weight, as set out in the NPPF. Development within their setting of AONBs should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

There would be increased recreational pressure on the landscape and some loss of tranquillity. However, such harm is a consequence of the allocation of the site in the Core Strategy Review for a new settlement. The lighting impacts have been considered and would be subject to planning conditions and design controls are deemed to be acceptable. The AONB would be further visible in new public views from the development such as the new Westenhanger Castle Park and other proposed open spaces. These views are not currently available to members of the public and would be a benefit of the scheme as they are not currently available.

Advanced and structural planting proposals are assessed and considered to be acceptable. These are proposed to be secured via planning condition and controlled through the tiered approval process.

Panoramic views would be changed considerably. To the extent harm is identified this is found to be acceptable and was recognised as part of the allocation of the site for a new settlement. However, with effective landscaping, particularly advanced structural planting, it would, over time become an integral and unsurprising part of these views. The proposed development is consistent with adopted policies SS6 and SS7 which requires a landscape-led approach.

Heritage and Archaeology

The site includes features of national and local historical significance with such buildings and structures creating a distinct sense of place. The application has been assessed against relevant legislation, local and national policies.

Given the wide range of heritage assets across the application site and beyond, Historic England and other stakeholders have been involved in extensive discussions about the heritage aspects of the development throughout the application process.

The heritage analysis in support of the application to inform the masterplan and mitigation in terms of impact on heritage assets both within and outside the application site is extensive.

The Listed Buildings Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses. The NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It also requires decision makers to take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

The significance of the heritage assets on the site have been assessed, and in particular, in relation to the castle and its environs, the causeway and the Barrows. Historic England and KCC having assessed the proposal have concluded that the proposed development would result in 'less than substantial' harm. The assessment in this report confirms that less than substantial harm will occur to heritage assets. This harm should be given substantial weight and importance and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal.

In terms of the statutory duty in section 66(1) of the Act which requires that considerable and important weight to the assessment of harm to the setting of a listed building should be given, when carrying out the balancing exercise pursuant to paragraph 202 of the NPPF, the impact on the setting of the castle, causeway, barrows and their setting is understood, and considerable weight has been given to it. With the detailed criteria prescribed in the Development Specification and Strategic Design Principles it is considered that appropriate measures have been taken to avoid where possible and to minimise harm to heritage assets through a range of mitigation proposals that include specific measures identified in the site allocation. Officers agree with the assessment of Historic England that the proposed development will cause harm, that it is less than substantial harm and the conditions and s106 Heads of Terms, which secure the heritage commitments, mitigation and supplementary details as the development progresses, identified in the Heritage Strategy, are sufficient to minimise the harm.

Officers therefore consider that in each case and overall the less than substantial harm to heritage assets is outweighed by the proposed considerable public and heritage related benefits that will arise from this application, outlined in paragraphs 7.350 - 7.353 which is submitted in response to Core Strategy Review site allocation

SS6 for the delivery of 10,000 homes with the allocation being central to meeting the housing and development needs of the district within and beyond the plan period.

Masterplanning, design and community engagement

As advised in the Council's Statement of Community Involvement (SCI) the updated submission demonstrates early and on-going engagement between the applicant and the local community, including those affected by the proposals to evolve designs that take account of the views of the community. The tiered approval process provides a robust framework for continuing engagement through to detailed submissions for the approval of reserved matters.

Officers are of the view that the applicant has demonstrated early, proactive and effective engagement. For instance, in response to feedback received, the approach to transport and movement has resulted in a stronger emphasis on walking, cycling and more sustainable modes consistent with the overarching policy framework. The design intent for the town centre is much clearer and holds the potential to deliver an unrivalled town centre experience.

Revisions to the proposals have also evolved to better reflect its unique heritage, landscape and topography, tying it strongly to its history and place within Kent. The planning conditions include strong requirements for detailed masterplans and design codes together with a recommended structure aligned with the National Model Design Code.

Overall, these approaches are in alignment with local and national policies and represent a best practice approach for securing design quality across large scale sites of this nature. The revisions to the planning application would ensure the town is designed to achieve, and can evolve with suitable flexibility, so that it can respond to changes in the future with respect to, for example - changing working patterns, alternative modes of transport, and developments in technology and to maintain a proper focus on the community and its needs over the lifetime of the development.

The illustrative masterplan, Strategic Design Principles and associated documents submitted at this stage respond in a practical and creative way to both the function and identity of the proposed new settlement as a place that works well for everyone, is attractive, long lasting, and capable of adapting to the needs of future generations.

Green infrastructure and ecology

The ecology assessments set out within the ES have been reviewed against national standards and the impacts and mitigation are considered acceptable. Habitat retention and creation on the site is extensive, with approximately 50% of the site being green space. Overall, once mitigation is applied, the ES concludes there are no significant residual effects upon species.

The Appropriate Assessments conclude that having taken account of relevant information and considering that mitigation measures will be adequately secured as

part of any conditions and/or s106 legal agreement attached to the planning permission, and are expected to be effective (with no reasonable scientific doubt), the local planning authority is satisfied that the proposed outline planning application, either alone or in combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site nor conflict with relevant conservation objectives for the National Network sites.

The new settlement is being developed on garden town principles which is informed by its landscape setting and historic elements, consistent with Policy SS7. There is a strong emphasis on networks of green and blue spaces which are easily accessible, and a coherent movement strategy. These are well developed in the Green Infrastructure Strategy and Tier 1 specific commitments.

The open space proposals include provision for major new destination parks which would provide substantial new open space across the new settlement. The provision of open space meets the standards in the Places and Policies Local Plan and is likely to be formed of spaces which are habitat, SuDS or other spaces. There are local deficiencies in open space outside the site which the new settlement would be able to mitigate, good access to the site from these areas has been planned. The Green Infrastructure Strategy and the Heritage Strategy proposals would ensure that the development has sufficient facilities to develop a unique sense of place and generous recreational opportunities.

The Biodiversity Net Gain (BNG) assessments included within the outline planning application confirm the development as secured in the Parameter Plans can achieve the policy requirement to secure clear net biodiversity gains over and above residual losses through the planting of native species and creation of green ecological corridors. Officers are satisfied that the requirements of Policies NE1 and NE2 have been properly addressed. The s106 legal agreement would secure a minimum 10% biodiversity net gain and target 20%, monitored through the tiered approval process.

There is an extensive and well-linked network of corridors proposed which have a range of habitats and features to support biodiversity. These are generally well-connected allowing for the movement of species and a range of habitat types and include pollinator networks.

A range of buffers, dark corridors, functional corridors and offsets are proposed in the application and are appropriate to meet policy requirements. Improvements to existing Public Rights of Way would be secured via legal agreement.

Water resources

Officers are satisfied that the assessment of the residual effects on water resources (factoring in all mitigation as part of the scheme) are considered to be sound.

The proposed development of the site has followed the sequential approach (in flood risk terms) such that the most vulnerable forms of land use are located in the areas at lowest risk from flooding. Further consultation on detailed design would be required

as part of the tiered approval process. The Flood Risk Assessment satisfies local and national planning policies.

Water infrastructure delivery, including for potable water supplies, has been agreed with the relevant statutory providers and would be secured via planning conditions. Water demand management and efficiency measures are in accordance with policy and would also be secured via planning conditions. Officers are satisfied that the proposals demonstrate how the integrity of water quality would be maintained and that they comply with the Water Framework Directive.

The principles and parameters of the proposals are well-developed and comprehensive approach to surface water drainage is, in officers' view, consistent with the requirements of Policy SS7. Mitigation measures would be secured via a range of planning conditions. Surface water management measures have been discussed and agreed with the Environment Agency and KCC as Local Lead Flood Authority. These are also proposed to be secured via planning conditions.

The masterplan and Parameter Plans have been amended to reflect extensive feedback including additional land for on-site Wastewater Treatment Works. Significant changes have been made to integrate water into the landscape in a more comprehensive way and these satisfy the need to maximise landscape and biodiversity value and to avoid any increase in, and where possible reduce, downstream flooding of the East Stour River. In this context, officers are of the view that the green infrastructure and ecological requirements of Policies SS6-9 are met and that they accord with the water services requirements of Policy SS8 and related provisions in Part D of CSD5.

Officers are of the view that the proposals would ensure that the development can achieve nutrient neutrality with appropriate mitigation. This view is based on expert technical advice from Natural England and the LPA's advisors; the nutrient neutrality analysis is sufficiently robust to enable the LPA to discharge its duties under Regulation 63 and 64 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (the 'Habitat Regulations') and no further stages of HRA are required.

Air quality, noise and other environmental impacts

The scope of the geology, hydrogeology and land quality chapter of the ES is comprehensive and assesses the environmental impact of construction and operation of the proposed development with respect to geology, hydrogeology, and land quality, in officers view. The reports submitted in support of contaminated land confirm it would be possible to suitably manage the risk posed to controlled waters and other risks through the imposition of planning conditions requiring further details. Suitable planning conditions are proposed in respect of contaminated land and unexploded ordnance.

The ES presents a thorough and robust assessment of air quality impacts over the delivery of the development, culminating in the assessed 'worst-case' scenario in 2044 when full development build out is anticipated.

In respect to nitrogen deposition impacts, an assessment which encompasses the contribution of road traffic NO_x to nitrogen deposition has been provided at outline stage. The additional contribution of road traffic ammonia emissions to nitrogen deposition has been considered qualitatively in the Habitat Regulations Assessment. Given the evolving approach to the inclusion of ammonia in road traffic assessments Natural England finds the approach to be acceptable. The future monitoring is proposed to be secured through legal agreement. It would be required to be in accordance with Natural England guidance in force at the time.

As it can be demonstrated at this outline stage that the proposal would not adversely affect the integrity of the Folkestone to Etchinghill SAC site no further stages of HRA are required. Based on expert technical advice from Natural England and the Council's advisors, it is concluded that the analysis is sufficiently robust to enable the local planning authority to discharge its duties under Regulation 63 and 64 of the Conservation of Habitats and Species Regulations 2017.

The polices, guidance, legislation and standards used for the noise and vibration assessment in the ES are considered appropriate. Construction noise would be appropriately managed through the Code of Construction Practice and would be secured via planning condition. Other noise impacts would be satisfactorily addressed via planning condition.

The odour and other impacts in respect of the proposed on-site Wastewater Treatment Works and the permitted waste facility have been adequately assessed and reviewed by the LPA's consultants and are accepted. Taking into account the proposed buffers allowed for in the parameters around the permitted waste facility the proposals comply with the NPPF Agent of Change principle.

Social and community infrastructure

The information provided in respect of socio-economic issues and human health provides, in officers' view a clear and robust assessment of the potential socio-economic and human health effects of the proposed development. It demonstrates a strong understanding of various levels of relevant policy, consultation with appropriate authorities, and the methodology follows best practice.

In planning policy terms, the application meets the education policy requirements to meet its own projected needs in accordance with forecast requirements with the safeguarding of suitable land to allow for the future expansion in accordance with forecast needs. The aspiration to deliver the first primary school earlier than might normally be the case is laudable and remains consistent with the overarching policy objective in Policy SS9 to deliver relevant infrastructure in advance of proposed development.

Early phases of development are planned in a way that would not disadvantage early residents in terms of access to essential facilities, or place pressure on existing local facilities and infrastructure whilst ensuring new facilities are viable and deliverable. Community facilities would be secured via legal agreement to ensure they are provided, when necessary, at each phase of development in accordance with the neighbourhood principles in Policy SS7(3).

The changes secured within the application, together with proposed conditions and S.106 legal obligations, secure firm and tangible commitments to community development within the application, particularly in its early stages. This is critical in ensuring that early residents feel a genuine affinity to the place and have confidence in its long-term success.

Utilities, infrastructure delivery and management

The construction related aspects of the ES have been reviewed and officers are of the view that sufficient information on construction timescales and activities has been provided.

A full assessment has been undertaken of the outline application using available information and parameters. All construction activities would be governed by a Code of Construction Practice (CoCP) secured via planning conditions at Tier 2 and Tier 3 stage. The outline planning application sets out the principles of demolition and construction phase mitigation with which future detailed submissions would need to comply.

The off-site works, including those for utility reinforcements, have been reviewed and it is agreed that the likely significant effects of the proposed development in combination with the off-site infrastructure works would be the same as the proposed development in isolation. Other key utilities relating to potable water, gas, wastewater, electricity, and telecommunications are also assessed and found to be consistent with local and national policies, subject to proposed planning conditions.

The overall provision of utilities and wastewater treatment would follow a phased approach which would assist the delivery and integration of the new settlement into its surroundings ensuring that there is sufficient supply to enable the settlement to become self-sufficient and seeking opportunities for improvement to supply and connectivity for existing local communities in accordance with Policy SS9.

Critical and necessary infrastructure including highways mitigation and wastewater infrastructure is consistent with the indicative infrastructure delivery schedule in the Core Strategy Review. The timing of delivery is secured through appropriate triggers in the s106 and planning conditions.

Waste and Minerals Resources

The ES sets out an assessment of waste and the impacts that might be experienced during construction and on completion and use of the development. New waste

capacity is required to address the site's waste arisings as acknowledged in the ES and CIL-compliant planning obligations are necessary to secure this. In combination, officers are satisfied the proposed Heads of Terms, including the establishment of a Waste Review Group to secure a Waste Transfer Facility and planning conditions requiring updates and reviews of the Waste Strategy over time, meet the need for mitigation as well as satisfactorily addressing local waste planning policies. The assessment of residual long-term effect (minor adverse) with the alternative WTS in operation is therefore agreed. In this context, the local planning authority agrees with the overall conclusions of the ES in respect of construction phase effects, operational waste, and cumulative effects.

It is considered that the application adequately justifies an exemption from the presumption to safeguard identified minerals to satisfy national and local mineral safeguarding. Planning conditions are proposed to secure the opportunistic extraction of soft sand during the construction process.

In relation to the permitted waste facility at Otterpool Quarry an assessment adequately demonstrates policy justification against DM8 for the potential loss of a permitted waste facility, subject to appropriate planning conditions.

Updates and reviews of the waste targets and associated strategies are proposed to be secured via appropriate planning conditions and controlled through the tiered approval process. Overall, the application is consistent with local and national waste policies.

Climate change and environmental sustainability

The ES climate change chapter considers both the effects on future climate arising from whole life greenhouse gas emissions from construction and operation of the development, and the vulnerability of the proposed development to climate change and impacts relevant to adaptation and resilience resulting from a changing climate. Clarifications have been agreed through the ES review process and are acceptable.

The scale and urgency of the climate change emergency is such that tackling climate change is a material consideration to which significant weight should be attached. This also means that the need to ensure buildings become more energy efficient has become more urgent as has the need to move away from fossil fuels and ensure the development of land and buildings contributes towards the adaptation to climate change.

The application meets the current policy requirement relating to energy efficiency for all major new build housing developments having regard to the council's declared climate change emergency, Places and Policies Local Plan, Core Strategy Review, energy hierarchy, fabric first approach and revisions to the NPPF.

Following revisions to the application sets out a long term, site-wide framework for the development whilst ensuring flexibility for the deployment of a range of appropriate

technologies to be deployed at each phase. Planning conditions secure the regular review of the energy strategy for each phase.

Further measures are secured that address: BREEAM; decentralised energy systems, including future potential renewable off-site connections; measures to ensure proposals seek to achieve net zero community buildings; commitments to review the town centre heat network and the exploration of a potential potential Energy Services Company (ESCO).

The proposals are consistent with the wider sustainability objectives of the development plan including those relating to climate adaptation and the building of resilient, healthy communities. These are secured through a combination of the Development Specification, Strategic Design Principles and the tiered approval process.

Long term management and stewardship

Securing and ensuring the long-term stewardship of public space and community assets is fundamental objective for the new settlement. A core element for the vision for the site is that there would be a long-term mechanism in place to ensure that the landscape, open spaces and new facilities are maintained to a high standard and that both current and future residents are involved in their planning and management as the new town grows and develops.

The Governance and Stewardship Strategy submitted in support of the application establishes a means of securing the long-term stewardship of open space, public realm (other than highways) and non-commercial community buildings. The strategy has been produced in consultation with the various service delivery departments of the county council and district council and representatives of local bodies including the parish councils.

The Governance and Stewardship Strategy identifies the principles and approach to be taken. It groups all of the assets listed in Policy SS9, and the potential approach to assets including what would be provided, how and who might be responsible for each asset and how they might be funded.

The design of the stewardship vehicle to be secured via s106 agreement and its responsibilities has also been influenced by discussions with each of the five parish councils within which the new settlement would sit. The proposed model allows for this range of roles and responsibilities to flex in this way with provisions for the list of assets proposed to be transferred into the vehicle agreed by the LPA at Tier 2 stage. The model also allows for the issue of parish boundaries and any future community governance review of parish boundaries to be worked through as the population grows and the community is established.

The long-term stewardship of the development will be secured through a s106 agreement. The s106 agreement will require further details of the proposed legal status, draft memorandum and articles of association of the management company,

a business plan, funding arrangements and governance structure prior to commencement of development other than enabling works. A further control in relation to service charges and how any future increases would be managed is also proposed.

In this case, the s106 legal agreement together with other highway agreements such as s.278 agreements are the primary mechanisms for securing critical and necessary infrastructure. Draft planning conditions and a summary of the proposed Heads of Terms are contained in this report. These are the result of extensive discussions with a wide range of stakeholders, particularly organisations with a direct interest in infrastructure delivery such as KCC and National Highways. These mechanisms provide the framework for securing the timely delivery of infrastructure as outlined in the Core Strategy Review and other commitments made during the determination of the planning application.

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- Appendix B: Draft Heads of Terms
- Appendix C: Site and surroundings red line plan
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Recommendation:

- A. That Outline Planning Permission is GRANTED subject to the conditions set out in Appendix A and the securing of the obligations as set out in Appendix B through one or more s.106 and other agreements and that delegated authority be given to the Chief Planning Officer to add, amend or delete any of the draft conditions; agree and finalise the structure and wording of the legal agreement(s); and, move items between obligations and planning conditions as necessary;**
- B. That notwithstanding part 10.3 (Part c.) of the Constitution (Scheme of Delegation for Planning) delegated authority be given to the Chief Planning Officer to discharge those conditions save for Tier 2 Phase condition T2(2) which shall be determined by the Planning and Licensing Committee;**
- C. That environmental information be taken into account as required by Regulation 26(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and**
- D. That the Planning Committee in making their decision has due regard to the potential Equalities impacts that are outlined in Section 11 of the officer report; and**
- E. That following the issue of planning permission, the Chief Planning Officer write to the Secretary of State informing them of the Decision, pursuant to Regulation 30(1)(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and**
- F. That following issue of planning permission, the Chief Planning Officer place a statement on the Statutory Register pursuant to Regulation 30(1)(d) of the Town and Country Planning (Environmental Impact Regulations 2017) which contains details of the matters referred to in regulation 29(2) and, for the purposes of Regulation 30(1)(d)(ii) being the main reasons and considerations on which the Planning Committee's decision was based shall be set out in the report; and (iii) a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed.**

1. Introduction

- 1.1. The application is reported to Committee because it is a major development and one in which the Council has a substantial interest in its capacity as landowner.

2. Site and Surroundings

- 2.1. The application site area occupies 589 hectares as illustrated in Figure 1. The M20 is located outside the site to the north, with Junction 11 to the northeast of the site. The A20 Barrow Hill and B2067 Otterpool Lane pass through the site. The A20 forms the north eastern boundary of the site, and Harringe Lane forms the north western boundary of the site. The Channel Tunnel Rail Link is located to the north of the site boundary. Westenhanger railway station is located within the north eastern boundary of the site. The Kent Downs Area of Outstanding Natural Beauty is located directly adjacent to the site to the south and east.
- 2.2. The towns of Folkestone and Hythe are located to the south east of the site with Ashford to the north west. Four villages are within or adjacent to the site.
 - i. Westenhanger to the north where, aside from the castle and station, existing buildings are primarily residential use.
 - ii. Lympne is a residential settlement which lies to the south east.
 - iii. Barrow Hill, Sellindge are residential settlements to the north west
 - iv. Newingreen sits to the east.
- 2.3. Lympne Distribution and Industrial Park lie immediately to the south west of the site within the wider masterplan area but outside the red line.
- 2.4. Apart from the former Folkestone Racecourse, Lympne Airfield and Westenhanger Castle, the site comprises predominantly arable fields and grazed pasture supporting improved grassland. Most of the field boundaries within the site are hedgerows. Harringe Brooks Wood is designated as ancient woodland and is directly adjacent to the south-western boundary.
- 2.5. The communities located adjacent to the site boundary include Lympne, Newingreen and Westenhanger to the south east and east. Barrow Hill and Sellindge sit to the north west and west of the site (outside the site boundary), and Stanford to the north of the site.
- 2.6. The application site forms part of a wider Otterpool Framework Masterplan Area (OFMA) which comprises the full site allocation adopted under policy SS6 identified in the Core Strategy Review and Policies Map.

Site character and land uses

- 2.7. There are 102 existing buildings located within the site, including farmsteads, residential houses, and business premises. The site is largely in agricultural usage with associated buildings present on-site and in the wider surrounding area.
- 2.8. Land within the site that lies to the north of the A20 is mainly occupied by a mixture of agricultural land, the East Stour River watercourses, and a man-made lake in the centre of the former Folkestone Racecourse which is now closed. Folkestone racecourse was a thoroughbred horse racing venue consisting of an undulating oval shape. Hillhurst Farm lies in the north-eastern corner of the site, whilst a number of disused racecourse pavilion buildings including the grandstand are present directly east of Westenhanger Castle. Barrow Hill Farm lies outside the boundary 50m east of the northern stretch of the A20 that runs through Barrow Hill, Sellindge. Close to the intersection of the A20 and Otterpool Lane is a café and small lorry parking area, beyond further north of which lies Barrow Hill Farm. At the eastern end of the A20 just outside the site lies Holiday Extras corporate office and a farm building.
- 2.9. To the south of the A20, the land east of Otterpool Lane is predominantly occupied by farmland and a number of small holdings along the A20 itself. Part of the East Stour traverses the site from south to north, and disused quarry workings south of the A20 form a designated geological Site of Special Scientific Interest (SSSI).
- 2.10. Land to the west of Otterpool Lane and the northern stretch of the A20 is occupied mainly by agricultural land and the tributary of the East Stour River. Other features in the area include Park Wood and Somerfield Court Farm located west of Barrow Hill, Sellindge, and Springfield Wood located adjacent to the western Site boundary.
- 2.11. The site is located within an area that has been formed from the geological development of the Kent North Downs. The site topography generally slopes from the south toward the north-west where the East Stour River traverses the site from west to east, with variable undulating landforms present across the central parts. The geology across the development varies with superficial deposits including alluvium and head deposits. The solid geology includes formations from the Lower Greensand group and the Wealden group. The aquifer status ranges from unproductive strata (head deposits) to principal aquifer (Folkestone Formation and Hythe Formation).
- 2.12. The site is located in the Sellindge Plateau Farmlands, Aldington Ridge and Upper Stour Valley character areas as defined in the landscape assessment of Kent published by Kent County Council (KCC) in 2004.
- 2.13. The area is broadly described as having a north sloping landform, with underlying geology of the Greensand escarpment and ridge on the south and

the river valley clays on the north, characterised by a fragmented pattern of remnant woodlands and pasture farmland. Site levels range from 57m above ordnance datum (AOD) in the north-west to 107m AOD in the south.

Site Constraints

- 2.14. A number of public rights of way are located within and near to the site. These provide connections between the villages of Sellindge, Newingreen, Lympe and Westenhanger and include Public Bridleways HE271A and Public Footpaths HE221A, HE227, HE275, HE281, HE302, HE303, HE314, HE315 and HE316.
- 2.15. The site contains a number of cultural heritage features. These include the scheduled monuments of Westenhanger Castle and its causeway, located in the north-east of the site, and a number of prehistoric barrows, located to the west of Barrow Hill Road, south of Ashford Road, east of Otterpool Lane, and to the north of Ashford Road and west of Westenhanger Castle.
- 2.16. There are no Conservation Areas within the OPA boundary however the Lympe Conservation Area lies at its closest point 5m to the south-east of the site. The setting of the Kent Downs AONB is broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen but may be wider when affected by intrusive features beyond that. The setting of the Kent Downs is not formally defined or indicated on a map.
- 2.17. The vast majority of the site is located on land designated in flood zone 1 (land having less than 1 in 1,000 annual probability of flooding). There are limited areas of flood zone 2 (land having between a 1 in 100 and 1 in 1,000 annual probability of flooding) and flood zone 3 (land having a 1 in 100 or greater annual probability of flooding). These areas follow the route and profile of the East Stour River valley which runs through the northern half of the site.
- 2.18. The council has control of the majority of the application site either through freehold or option agreement. The council is also the owner of Otterpool Park LLP, the sole applicant for the outline planning application (OPA). The LLP states that it would enter into conditional agreements with individual plot developers. Homes England owns land around the Lympe Distribution and Industrial Park.
- 2.19. A site location plan is attached to this report together with a plan showing the wider Otterpool Park Framework Masterplan Area (OPMA).

3. Proposal

Outline planning permission is sought for the comprehensive redevelopment of the site for a wide or range of uses. Given the size of the site and the anticipated length of the construction programme the planning application for the proposed development is submitted in outline with all matters reserved

(within parameters) for future determination. The application proposes a further stage of masterplanning and design at a phase level which would be secured via planning conditions imposed by the local planning authority. This means that the scale, appearance, layout, landscaping, access (“the reserved matters”) would all be specified Reserved Matters Applications (RMAs), but which would be required to conform to the approved parameters.

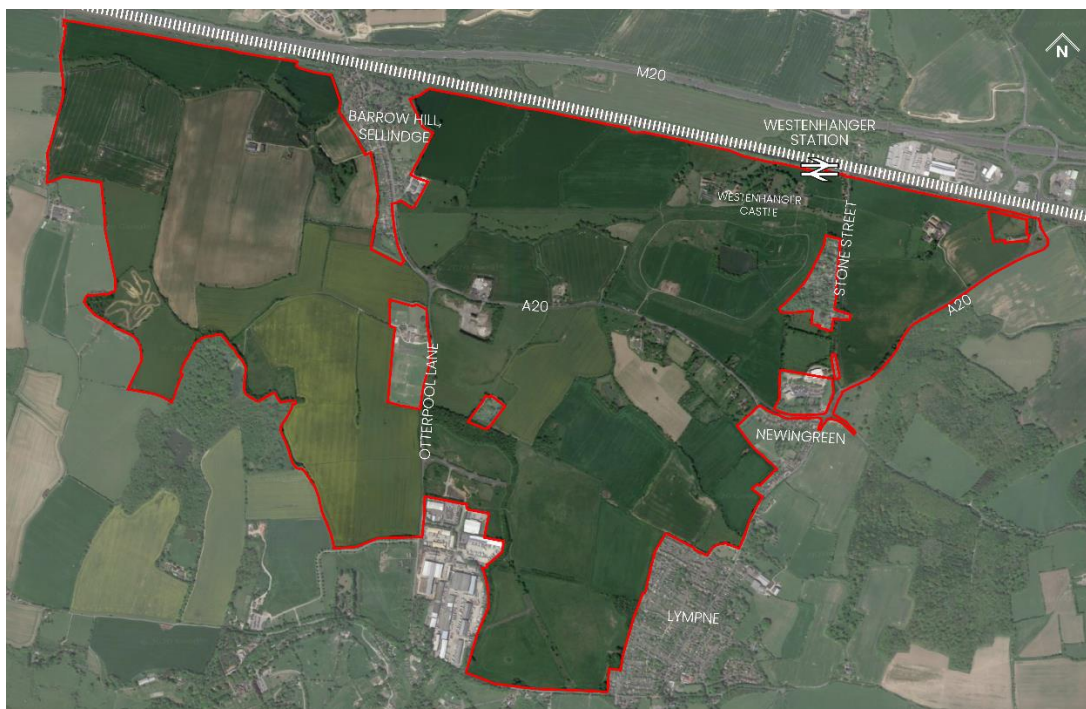


Figure 1 - Red line aerial plan

3.1 Though an outline planning permission would mean that the composition and detailed design of the proposal is not yet fixed, its future development potential would be dictated by the following suite of control documents:

- The Parameter Plans
- The Development Specification
- Strategic Design Principles

Parameter Plans

3.2 The following Parameter Plans have been submitted for approval at this stage:

- Development Areas and Movement Corridors (OPM(P)5001_WW)
- Open Space and Vegetation to be Retained (OPM(P)5002_WW)
- Heights (OPM(P)5003_WW)

- Development Areas and Movement Corridors OPM(P)4001_rev YY
- Open Space & Vegetation (OPM(P)4002_rev YY)
- Heights (OPM(P)4003_rev YY)

3.3 The applicant has submitted Series 5 parameter plans (ref OPM(P)5001_WW, 5002_WW and 5003_WW) that show how the proposed development could come forward should the permitted waste facility at Otterpool Quarry be delivered in its currently consented and implemented location.

Development Specification

3.4 The purpose of the Development Specification is to define and describe the principal components of the development, as well as the parameters that would prescribe future phase specific masterplans, design codes and detailed applications to be submitted under Reserved Matters Applications.

3.5 The Development Specification seeks permission for the quantum of development set out in Tables 1 and 2 below. The development is proposed to be located within the development areas shown on the 'Development Areas and Movement Corridors Parameter Plans OPM(P)5001_WW and OPM(P)4001_revYY and is also controlled by the Strategic Design Principles.

Land Use	Units	Maximum no. of proposed units
Residential	Residential Units and Extra Care accommodation	8,500

Table 1 - Proposed Development Schedule - Residential

Land Use	Including	Proposed Floorspace (sqm) (GEA)
Education	Schools, nurseries, crèches	Up to 67,000
Community Facilities	Health centres, place of worship, community centre	
Hotel	Hotel	Up to 8,000
Leisure	Sports pavilion and indoor sports hall, cinema, concert hall, bingo hall and dance hall	Up to 8,500
Mixed retail and related uses	Shops, professional services, restaurants, cafes, drinking establishments, hot food takeaways, offices, businesses	Up to 29,000
Employment	Commercial business space in hubs, commercial business park, light industrial business park.	Up to 87,500
Total		Up to 200,000

Table 2 - Table Proposed Development Schedule non-residential

Phasing and the tiered approval process

3.6 With a large-scale project such as the new settlement, it is inevitable that there will be some change in the legal, policy and/or physical environment and market demands between the preparation of the outline planning application and the completion of the development. This requires that the permission be sufficiently flexible to respond to changing circumstances as they arise from time to time.

3.7 Restructuring of the application was recommended to ensure the right level of detail at the right stage in the process. The applicant now proposes a ‘three tier’ approval process to follow the outline planning application secured via proposed planning conditions imposed by the local planning authority (Appendix A). The main components of this approach are outlined in Figure 2.

Tier 1: Outline Planning Application (OPA)

3.8 The OPA provides the broad quantum and disposition of land uses as defined by the Development Specification and Parameter Plans. Submission and approval of a set of site wide strategies in relation to specific matters is also required by condition, prior to the commencement of development or approval of any reserved matters applications. The site wide strategies supplement the parameters. A Strategic Design Principles documents also forms part of the documents submitted for approval as part of Tier 1.

Tier 2: Phase

3.9 The proposed planning conditions set out in Appendix A require additional detail to be submitted and approved by the LPA. The conditions are in two parts: “phase definition”; and “phase framework”. Any future planning permission would require approval of documentation to set the definition of, and provide a framework for, each phase. The required technical information then informs and establishes a base against which reserved matters applications within the phase can be assessed:

- Phase definition – to define and justify the content of the relevant phase. The conditions contain certain restrictions on the scale, content and extent of future phases such as a requirement for the proposed town centre to come forward first under this condition;
- Phase framework – following the definition of a phase, a “framework” is submitted to the LPA for approval. The planning conditions require a design code, a delivery plan, and other phase specific documents (including any relevant supplements to the site wide strategies submitted for approval in relation to Tier 1). These documents establish the design and delivery framework for the phase, and subsequent applications for reserved matters must accord with the framework.

3.10 The design code for a phase would contain a ‘regulatory plan’ and it is in this document that a significant amount of additional information would be

presented, in accordance with the contents of the phase design code itself. Planning conditions requires this to include further contextual information, technical details, and then a further layer of detail above that shown on the parameter plan in relation to green infrastructure, movement and access, commercial built form and residential built form.

Tier 3: Reserved Matters

- 3.11 As the site wide application is submitted in outline, all matters are reserved for later approval. This means for each development component (reserved matters area) detailed approval for that component is required before work can start on those reserved matters areas.
- 3.12 Once the requisite details in respect of a phase have been approved by the LPA pursuant to proposed conditions (Appendix A) reserved matters applications can be brought forward. Each reserved matters application for individual parcels and/or infrastructure will then be determined against the framework and design specification for that phase. Reserved matters applications can only be submitted for any part of the site once the details under conditions T2(1) and T2(2) have been approved and proposed condition RM1 would require the details to be in accordance with the design parameters and specifications for the relevant phase.
- 3.13 The principle of this approach and the required approval process is consistent with that envisaged in the Core Strategy Review (paragraph 4.198). It states that each phase of development would be supported by a sequence of submissions to the local planning authority to provide a progressive layering of increasingly detailed information from the over-arching and site-wide strategy (Tier 1), through substantive phases (Tier 2) to detailed reserved matters application for sub-phases within a specific phase and on individual development sites (Tier 3). Limited exceptions may be allowed where necessary to provide critical or enabling infrastructure – these elements would also be secured via proposed planning condition T1(12).
- 3.14 The approach is consistent with the best practice approach to large sites developed by master developers elsewhere in the country such as Urban and Civic at Waterbeach and Alconbury Weald in Cambridgeshire and Houlton at Rugby. The principles of this approach have been discussed and agreed between officers and the applicant with appropriate modifications to reflect the spatial and other circumstances present at the new settlement. The revised approach better reflects the overall scale and complexity of delivering a multi-phase new standalone settlement of this nature over an extended delivery period.

Diagram: Components of the tiered approval process

Tier 1

Outline Planning Application

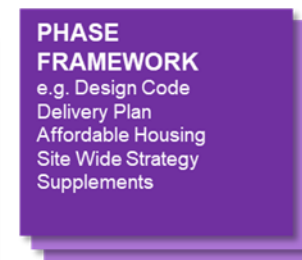
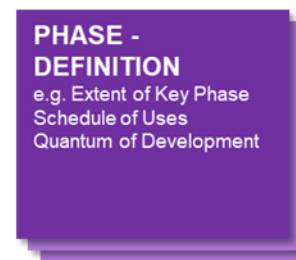
- This agrees the overall numbers, land uses and development framework for the whole development.
- It includes a series of site-wide strategies.
- It does not agree specific locations for each dwelling or road.



Tier 2

Phase

- Parts of the site identified as phases agreed by the LPA
- Location and land uses agreed with District Council.
- Each phase will have a detailed framework and design code



Tier 3

Reserved Matters

- Once a phase has been fully approved, including the relevant documents, detailed development proposals will be brought forward for individual parcels or infrastructure within that phase.
- Once these 'reserved matters' applications have been approved, development can commence.



Figure 2 - Tiered approach (officer diagram)

Residential

3.15 The overall mix of the residential development for the new settlement is set out below. Each individual phase will be expected to comply with the proposed development-wide mix which must make up 22% affordable housing. An allowance for the deviation from the proposed mix is proposed within each phase as shown below.

Tenure	Type	Minimum Parameter	Illustrative	Maximum Parameter
Affordable Rent	Affordable	10%	7%	15%
Affordable Elderly	Affordable		2%	5%
NHS Step Down	Affordable		1%	1%
Intermediate Elderly	Intermediate	8%	2%	15%
Intermediate Rent	Intermediate		4%	
Shared Ownership	Intermediate		4%	
First Homes	Intermediate	0%	1%	6%
Live / Work	Intermediate	0%	1%	2%
Market Elderly	Market	60%	6%	78%
CLT / Self Build	Market		4%	
Sharer Accommodation	Market		1%	
Build to Rent	Market		12%	
Market Sale	Market		55%	
Total				

Table 3 - Proposed Indicative Overall Mix of Residential Development

Tenure	Max 1 Beds	Min 3+ Beds
Affordable Rent	15%	60%
Affordable Elderly	100%	-
NHS Step Down	100%	-
Intermediate Elderly	100%	-
Intermediate Rent	30%	45%
Shared Ownership	25%	55%
First Homes	25%	55%
Live / Work	25%	-
Market Elderly	75%	-
CLT / Self Build	-	55%
Sharer	100%	-
Build to Rent	25%	30%
Market Sale	25%	50%

Table 4 - Proposed bedroom mix of residential development

- 3.16 Residential development includes homes as well as residential accommodation for older people such as age restricted homes, assisted living homes, extra care facilities, care homes, sheltered housing and care villages.

Education

- 3.17 The proposals include the following education provision:
- up to seven primary schools, each with up to 2 or 3 forms of entry, each with an integrated co-located nursery/early years facility;
 - secondary school provision (use class D1) would consist of one school up to 10FE (including 6th form), which may be delivered in one or more phases. Safeguarding of land for a further 6FE is also proposed;
 - Special Educational Need and disability provision (use class D1) either as part of a primary or secondary school, or standalone.

Car, motorcycle, and bicycle parking

- 3.18 The Transport Strategy proposes variable parking standards across the site based on an assessment of accessibility informed by the user centric survey. The exact level of car, motorcycle, and bicycle parking will be agreed through Tier 2 Car Parking Strategies and also Tier 3 at a Reserved Matters Applications stage.

Landscape and public realm

- 3.19 Parameter Plans OPM(P)5002_WW and OPM(P)4002_YY show the proposed location of open space across the site. This open space would include public realm and space for leisure, sport and play as well as other forms of open space such as habitats, food production and up to 5ha of burial ground. The parameter plans (OPM(P)4002_rev YY) propose 260.5ha of open space (44% of the application site). Proposed rows and areas of structural planting are also shown.
- 3.20 Existing green infrastructure typologies including high value hedgerows / trees and woodlands which is to be retained is shown. The application states that breaks may be required with these to facilitate the proposed development (i.e., access roads) being confirmed at later design stages.
- 3.21 An area in front of Westenhanger Castle with vegetation proposed to be removed is shown – the application states that the precise area would be subject to further survey and the requirements of the Conservation Management Plan.

Interim works and meanwhile uses

- 3.22 Interim works are likely to include minor vehicular access arrangements, ground works, setting up of construction compounds and other works pursuant to the delivery of the development.

- 3.23 The application includes provision for meanwhile uses which have been assessed and states that meanwhile uses may start in temporary locations/buildings and then move to new areas over time or to permanent premises in the long term. The meanwhile use would relate to otherwise unoccupied spaces until their final use is delivered.

Infrastructure and utilities

- 3.24 Delivering the new settlement would require substantial upgrades of the existing utility infrastructure including a new electrical primary substation, potable water network reinforcement and provision of a fibre-to-home broadband network.

Electricity

- 3.25 An upgrade at Sellindge grid substation would be required to serve the new settlement, supplying electricity via a new primary substation, to be built on the site. The substation would be provided on land adjacent to the Otterpool Lane/A20 road junction. Minor off-site reinforcement works would be undertaken by UK Power Networks at Sellindge Grid substation with upgrades to the existing circuitry.
- 3.26 This upgrade would facilitate connections from Sellindge to the new onsite primary sub-station. Depending on connection options for the new primary substation, modifications to two pylons located within the new settlement site may be required, this would not comprise moving the pylons.
- 3.27 Package substations would be provided in various locations throughout the development. The actual number would be dependent on power demand as the build-out progresses and as such, would be delivered in a sequential, phased approach.

Gas

- 3.28 No gas for residential properties is proposed. There is very limited existing gas infrastructure in the immediate surrounding area. Allowance is made for a potential low pressure gas supply through a point of connection near Berwick Farm.

Potable water and wastewater

- 3.29 There is an existing potable water network within the site sufficiently sized for the first 1,500 homes. Following the delivery of the first 1,500 homes, an approximately 11km long new water main would be constructed between the development and Paddlesworth Reservoir (which is located to the northeast of the site). The water main would follow the same alignment as an existing water main, rather than upsizing the existing main and it would need to be completed and ready for use on completion of 1501st dwelling.

Wastewater

- 3.30 A new purpose-built onsite Wastewater Treatment Works (WwTW) in the northwest corner of the site is proposed, which will be constructed in modular fashion and be operated by a New Appointment and Variation (NAV) company.
- 3.31 The application allows for the disposal of the wastewater off-site to the Southern Water's existing Sellindge WwTW if appropriate, located approximately 1 km northwest of the site. This would involve upgrading Sellindge WwTW.
- 3.32 The initial development phases would be served in stages by a dedicated onsite wastewater treatment works and suitable additional 36ha of constructed wetlands and 35ha woodland planting to offset surplus nitrogen and phosphorous from wastewater and surface water discharges from the proposed development.

Site access and highways

- 3.33 The main access to the new settlement would be from Junction 11 of the M20 via the A20. A network of proposed primary roads would provide access through the new settlement, connecting both sides of the A20 and serving the station, town centre, schools, local centres, and employment as well as giving access to the residential areas. These routes would provide for bus movements and have walking and cycling connections alongside. The primary roads are indicated in the Movement and Access Parameter Plans OPM(P)5001_WW and OPM(P)4001_rev YY.
- 3.34 The bridleways and primary walking and cycling routes are also indicated. Several on-site highway improvements are proposed as follows:

Newingreen Junction

- 3.35 The existing A20 would tie into Otterpool Avenue via a new junction at a point north west of Newingreen.

a. Upgrade of the A20 Ashford Road

- 3.36 The A20 link between the roundabout south of the M20 J11 and north of the Newingreen junction is proposed to be improved as a 40mph single carriageway road. Traffic levels would be monitored to determine whether a further upgrade to a dual carriageway is required.
- 3.37 At the northern end of the A20 improved link, a new traffic signalised junction and a new primary road are proposed to provide access to the railway station and development within the indicative Hillhurst Farm development phase.
- 3.38 At the southern end of the A20, a new traffic signalised junction is proposed to connect to the proposed Otterpool Avenue.

b. Otterpool Avenue

- 3.39 Otterpool Avenue is a proposed single carriageway 30mph strategic route with a segregated footway and cycleway alongside.
- 3.40 Otterpool Avenue is proposed to serve the development by providing a route for the A20 east-west traffic, effectively bypassing the existing Newingreen junction.
- 3.41 Existing Stone Street would be connected to the new Otterpool Avenue via a crossroad priority junction but there would be no through route to the railway station or to the Newingreen junction, ensuring Stone Street serves as a quiet access to properties.
- 3.42 A new crossroads with traffic signals would be provided to give access to the proposed town centre and railway station to the north, and development to the south.
- 3.43 On the section of the existing A20 which is bypassed by Otterpool Avenue (i.e., west of Newingreen) it is proposed that the speed limit would be reduced to 30mph.
- 3.44 West of Otterpool Avenue, it is proposed that the existing A20 is reduced in speed limit to 30mph and a segregated walking and cycling route is proposed alongside the highway, to provide an enhanced connection along the route prior to full development along the corridor.
- 3.45 The existing Otterpool Lane junction is to be maintained as a traffic signalised three-arm junction and there is proposed to be a new junction to the west near to Otterpool Manor, providing access to the development to the north and south.

c. Off-site highways improvements

- 3.46 A number of off-site highways improvement are also proposed. These are as follows:

Type	Highway improvements
Highways	Partial signalisation of the M20 Junction 11 roundabout.
PROW	Improvements to the following walking and cycling routes: <ul style="list-style-type: none"> • HE/359 and HE/371 footpath - improve the connection to Public Right of Way (PROW) and cycle network from Westenhanger Station to the north • HE/281 footpath - improvements to the route between Stone Street and heading south-east through Sandling Park towards Hythe and Saltwood. • HE/293 footpath – links to the proposed pedestrian network and connection eastwards to Hythe

	<ul style="list-style-type: none"> HE/343 byway – improving this link would make it more attractive as a pedestrian route to Hythe.
Highways	Aldington Road between Otterpool Lane and Stone Street – improvements to the pedestrian provision such as formalised crossing points and consideration for traffic calming measures close to key pedestrian desire lines.
Highways	Harringe Lane - proposal to close this road for vehicle traffic halfway down the road. This would prevent any through traffic generated by the development and create a more attractive route for walking and cycling in the north – south direction.
Highways	Aldington Road – proposal to close the road for vehicle traffic.
Highways	Highways works to Barrow Hill (including resurfacing works and laying of anti-skid material between the application site boundary and the traffic lights under the bridge at Sellindge).
Highways	A20 Hythe Road / The Street
Highways	A261 London Road / Barrack Hill
Highways	A20 Ashford Road Left-In Left-Out
Highways	A259 Prospect Road / Stade Street
Highways	Barrow Hill Shuttle Signals
Highways	A20 / Spitfire Way / Alkham Valley Road Interchange
Highways	M20 J9 – Improvements to Trinity Road and Fougeres Way
Highways	M20 J10
Highways	M20 J10A
Highways	M20 J11 Westbound Merge, Westbound Diverge, Eastbound Merge and Eastbound Diverge
Highways	M20 J12 Eastbound Merge
Highways	M20 J13 South Roundabout
Highways	A20 Ashford Road small roundabout
Highways	A259/Dymchurch Road/Military Road double yellow line scheme
Highways	A292 Hythe Road/M20 London bound slip road
Highways	B2067 between junction with Otterpool Lane and Roman Road, Aldington.
Highways	B2064 Cheriton High Street/ B2063 Risborough Lane
Highways	B2064 Cheriton High Street/A2034 Cherry Garden Avenue

Table 5 - Highway Improvements

Public transport

3.47 Enhancements to bus service frequency are proposed to meet the estimated future demand including use of demand responsive services in the early years. An upgrade to the passenger facilities at Westenhanger Station is being sought in conjunction with key stakeholders. The station is intended to provide a major hub of activity within the settlement together with enhanced transport interchange and improved linkages for visitors to Westenhanger Castle. The scope of work for improvements to Westenhanger Station is summarised in the

sustainable access and movement chapter and includes a scheme of works over the short, medium and longer terms.

Additional monitor and manage measures

- 3.48 In addition to the on-site and off-site proposals listed above, additional measures to address potential specific significant effects may be required. A monitor and manage approach, secured through a Section 106 Agreement, will assist with identifying when the traffic thresholds are close to being reached so that the mitigation required can be defined. This is proposed to ensure that mitigation works are designed based on up-to-date traffic data and reflect any changes in user needs/habit. The nature of these works is detailed in the Sustainable Access and Movement section.

Bridges

- 3.49 Three road bridges over the East Stour River are proposed and are required to access a number of residential parcels to be agreed through Delivery Plans for each phase. Each bridge allows for a 2.5m freeboard, a minimum 10m vegetated buffer zone from the top of the river bank and a 1m wide mammal ledge above the predicted flood levels.

Strategic Design Principles

- 3.50 The Strategic Design Principles set out 25 key principles which will inform the detailed masterplans and design codes for each individual phase of the development, so ensuring that the design approach is co-ordinated across the entire town.

Amendments since original submission

- 3.51 Following the submission of the original application the local planning authority provided a comprehensive response to the applicant seeking revisions in response to a range of comments received. The amended application submitted in April 2022 reflects the results of negotiations between officers and the applicant team, consultation comments received from statutory and non-statutory consultees as a result of the progression of designs by the applicant team. Since the amended and updated outline planning application submitted in April 2022 a number of further changes have been made to the proposed development to address outstanding issues. These changes led to updates to the ES. The changes resulted in re-consultations in September 2022, December 2022 and February 2023.
- 3.52 The following reports were submitted by the applicant in support of the proposals.

Documents submitted for approval

Reference	OPA document title
OP5 Appendix 4.1	Development Specification
OP5 Appendix 4.2	Site Boundary and Parameter Plans
OP5 Appendix 2.8	Alternative Parameter Plans (with permitted waste facility in situ)
OP5 Appendix 4.3	Strategic Design Principles

Table 6 - Documents submitted for approval

Environmental Statement

Reference	OPA document title
OP4	Non-technical Summary
OP5	ES which assesses the impact of the proposed development on the following topics:
Chapter 1	Introduction
Chapter 2	EIA Approach and Methodology
Chapter 3	Development and Consideration of Alternatives
Chapter 4	The Site and Proposed Development
Chapter 5	Agriculture and Soils
Chapter 6	Air Quality
Chapter 7	Ecology and Biodiversity
Chapter 8	Climate Change
Chapter 9	Cultural Heritage
Chapter 10	Geology, Hydrology and Land Quality
Chapter 11	Human Health
Chapter 12	Landscape and Visual Impact
Chapter 13	Noise and Vibration
Chapter 14	Socioeconomic effects and community
Chapter 15	Surface water resources and flood risk
Chapter 16	Transport
Chapter 17	Waste and resource management

Table 7 – Environmental Statement

Documents submitted in support

Reference	OPA document title
OP5 Appendix 2.6	Commitments Register
OP5 Appendix 2.7	Infrastructure Assessment (regarding the permitted waste facility)
OP5 Appendix 4.4	Illustrative accommodation schedule
OP5 Appendix 4.5	Illustrative plans
OP5 Appendix 4.6	Indicative phasing plan
OP5 Appendix 4.8	Utilities Strategy
OP5 Appendix 4.9	Energy Strategy
OP5 Appendix 4.10	Community Development and Facilities Strategy
OP5 Appendix 4.11	Green Infrastructure Strategy
OP5 Appendix 4.12	Heritage Strategy

OP5 Appendix 4.13	Governance and Stewardship Strategy
OP5 Appendix 4.14	Housing Strategy (including affordable housing strategy)
OP5 Appendix 4.15	Overarching Delivery Management Strategy
OP5 Appendix 4.16	Design and Access Statement
OP5 Appendix 9.25	Conservation Management Plan
OP5 Appendix 9.26	Schedule Monument Consent Decision
OP5 Appendix 11.1	Health Impact Assessment
OP5 Appendix 11.2	Retail Impact Assessment
OP5 Appendix 12.5	Kentish Vernacular Study and Colour Studies
OP5 Appendix 14.1	Economic Strategy
OP5 Appendix 15.1	Flood Risk Assessment and Surface Water Drainage Strategy
OP5 Appendix 15.2	Water Cycle Study
OP5 Appendix 16.4	Transport Assessment
OP5 Appendix 16.5	Transport Strategy
OP5 Appendix 16.6	Framework Travel Plan
OP5 Appendix 17.2	Minerals Assessment
OP5 Appendix 17.3	Outline site waste management plan
OP6	Guide to the Planning Application
OP7	Spatial Vision
OP8	Planning and Delivery Statement
OP9	Sustainability Statement
OP10	Monitoring and Evaluation Framework document
OP11	Mobility Vision Report
OP12	User-centric travel document
OP13	Access and Movement Mode Share Targets
OP14	Cultural and Creative Strategy
OP15	Statement of Community Involvement
OP16	Supplemental Statement of Community Involvement

Table 8 - Documents submitted in support

4. Relevant Planning History

4.1 The most relevant planning history comprises the following:

Application	History
Airport Service Station	<ul style="list-style-type: none"> The Airport Service Station otherwise known as the Airport Café (historically a filling station for the nearby London Ashford Airport) on Ashford Road has been subject to a number of planning consents over recent years. Nine light industrial units (Class B1) and storage (Class B8) were consented at the site December 2009

Application	History
	<p>(Y09/0871/SH). This permission was never implemented.</p> <ul style="list-style-type: none"> • A retrospective application was made on 01/08/2014 for the change of use of the site to a lorry park incorporating extension of existing parking area and retention of two mobile units for toilet and shower facilities (Y14/0850/SH). This was granted in 04/08/2017. The temporary lorry park use granted by permission ref. Y14/0850/SH lapsed in December 2018 in line with condition 1 of the permission. • An application was validated by the council on 04/05/2018 to discharge conditions imposed on the original application (Y14/0850/SH) but was subsequently refused on 19/02/2019 (Y18/0628/FH). • An application (Y18/1525/FH) to extend the approval of the site for lorry parking facilities was submitted 29 November 2018 (Y18/1525/FH). This application was validated 3 December 2018 and approved 25 April 2022. • An additional application was validated on 22/10/2021 for temporary planning permission for up to 5 years for the parking and stationing of 24no. HGV's and 10no. vehicle parking, with the temporary stationing of ancillary facilities, including portacabins, toilets, showers, office and breakout facilities and a fuel tank (21/2155/FH). This application is currently under consideration by the LPA.
Holiday Extras Site	<ul style="list-style-type: none"> • An application (99/0889/SH) for the erection of an office building, construction of a pond, provision of car parking and alterations to access following demolition of existing motel units at the Holiday Extras site, Ashford Road, was approved 2 March 2000. The permission was implemented, and the site is used by the Travel Agent as their company headquarters. The most recent application (Y16/0199/SH) for an extension to the office building and car park was approved 9 June 2016 and has been implemented.
Former Otterpool Quarry's Site	<ul style="list-style-type: none"> • The former Otterpool Quarry site lies adjacent to the southern side of the A20. An application for the construction and operation of a materials recycling facility, anaerobic digestion plant and associated office and parking facilities was approved by KCC, the

Application	History
	<p>minerals and waste authority for Kent on 28 March 2011 (SH/08/124). KCC has confirmed that works to the permitted access arrangements have been undertaken, and following the receipt of legal advice, KCC has confirmed the extent of these access works is sufficient to constitute commencement of consented development, thus, it is considered that the permission has been implemented.</p> <ul style="list-style-type: none"> • Since then, two applications have been submitted for the change of use of the former quarry to a temporary lorry park (Y16/0068/SH) and for the temporary storage of containers, installation of additional hardstanding and storage of materials associated with the Channel Tunnel development (Y17/1012/SH). Neither were approved. • A further application was made in 2021 (21/2155/FH) for temporary permission for up to five years for the parking and stationing of 24no. HGVs and 10no. parking spaces with the temporary stationing of ancillary facilities including portacabins, toilets, showers, office and breakout facilities. This application has yet to be determined.
Link Park Industrial Estate	<ul style="list-style-type: none"> • The Link Park Industrial Estate near Lympne forms part of the former Ashford Airport site. The Industrial Estate was established over the period from the 1970s to the present date and benefits from a range of planning consents. An OPA (Y06/0552/SH) for an extension to the industrial estate to the north east comprising up to 52,000 sqm of employment development (Classes B1, B2 and B8) uses was approved 30 March 2007. The time limit associated with this application was extended in 2016 through a subsequent application (Y15/0880/SH). • Another OPA (Y09/0145/SH) for an extension to the industrial estate to the north comprising up to 30,668 sqm of employment development (Classes B1, B2 and B8) was approved on 2 November 2009. Neither of the outline permissions have been implemented. The time limit associated with this application was extended in 2017 through a subsequent application (Y17/0105/SH). • A number of major residential developments have been permitted and implemented¹ in the OFMA.

¹ Y02/0005/SH, 90/0102/SH, 89/0136/SH

Application	History
	<ul style="list-style-type: none"> An OPA for the erection of 11 dwellings at land adjoining the Mount, Barrow Hill, was validated by FHDC in October 2018 (reference Y18/1035/FH). The application was approved subject to conditions on 2 October 2018.

Table 9 - Planning History

Previous appeal case

- 4.2 The previous appeal decision for Land at the former Lympe Airfield, Aldington Road dated 8 September 2014² is a material consideration. The development proposed the erection of 250 dwellings, village green, a local centre comprising two retail units and a GP surgery, public open space and playing fields together with vehicular access, car parking and landscaping. The appeal was dismissed on the grounds there was no overriding requirement for a development of the size proposed within this location. However, a number of important material considerations distinguish the circumstances. Firstly, in the intervening period the council has adopted a Revised Core Strategy in which a considerably larger strategic area is now allocated for a new standalone and self-sufficient settlement, and this has been tested through the examination process and been found sound. Secondly, no site allocation existed in 2014 and therefore there was no clear policy basis for the appeal proposal which had to be, and was, determined on its individual merits at that time.
- 4.3 The current policy framework differs significantly to that considered by the Inspector at a time when the settlement hierarchy included Lympe near the bottom in recognition of its limited facilities, relatively modest size and compact character within the rural landscape. Conversely, the adopted Core Strategy Review reconfigures the settlement hierarchy by establishing the new settlement as a self-sufficient new town of a similar size to Hythe. Furthermore, at the time of the appeal decision the shortfall in terms of providing a 5-year supply of deliverable sites was relatively small. In contrast, the new settlement is now central to the delivery of the adopted Core Strategy spatial objectives and its considerable contribution towards meeting the district's housing needs across the plan period. Therefore, the reasoning in the appeal decision and the findings of the Inspector must now be seen in the light of these substantial changes including the fact that housing need for the district as assessed for the Core Strategy Review is very substantially greater than that identified in 2014. In light of this and all other relevant policy and site-specific factors, the appeal decision can have little if any bearing on the proposed development as seen in the context of up to date and sound strategic policy which promotes a comprehensively planned and self-sufficient and sustainable new settlement.

² Appeal Ref: APP/L2250/A/13/2210752

5. Consultation

Approach

- 5.1 A total of five full statutory consultations have been undertaken. The key consultation responses are summarised below. The full representations are available on the Council’s website.
- 5.2 Each round of statutory consultation comprised a press notice, twenty A3 site notices being erected around the perimeter and throughout the site and letters being sent to over 2,515 addresses within a defined notification area that extended from Aldington in the west (within Ashford District Council) to Stowting Court in the north, Sandling in the east and Lymnpe escarpment in the south.

Consultation period	Scope	No. of comments
April – June 2019	Original OPA	197
April – June 2022	Amended OPA	193
September - October 2022	- Further or Other Information	48
December - January 2022	- Further or Other Information	40
February - March 2023	Further or Other Information	45

Table 10 Consultation History

- 5.3 A total of 510 responses were received across all the statutory consultations and full responses included in tables which are published on the Council’s website³.

Applicant-led community engagement

- 5.4 A number of other consultation and engagement exercises have been undertaken by the applicant since the project inception in 2017. These are described and reported in the Statement of Community Involvement (Supplement) included within the outline planning application and addressed in the community engagement section of this report.

Statutory Consultees

- 5.5 Responses have been received from National Highways, Historic England, Environment Agency, Natural England, The Gardens Trust, Health and Safety Executive, Affinity Water, Office for Nuclear Regulation, Parish Councils, Rail Infrastructure Managers, Rail Network Operators, Sport England, Theatres

³<https://www.folkestone-hythe.gov.uk/otterpool-park/2022-otterpool-park-outline-planning-application-updated>.

Trust, Southern Water, Affinity Water and Kent County Council in its statutory role as infrastructure provider, education authority, Local Lead Flood Authority and highways authorities.

- 5.6 KCC matters are summarised below. There are no other outstanding objections from statutory consultees. Initial objections raised by Historic England and National Highways have been resolved through negotiation and, in part, through recommended planning conditions. The full range of respondents is listed below, and the issues raised addressed throughout the report in relevant topic areas. The full representations can also be found on the Council's website.

KCC Corporate Response

- 5.7 The County Council provided a corporate response to the outline planning application on:

- 11 July 2019
- 7 July 2022
- 25 November 2022
- 18 January 2023
- 17 March 2023

Save for waste matters where KCC has maintained an objection as Minerals and Waste Authority, there are no outstanding objections from KCC. The County Council issued five formal responses to the outline planning application. It set out detailed comments in relation to the following topic areas, which have been considered in detail by the local planning authority throughout the assessment of the application and the key issues are discussed in the main body of the report:

- highways and transportation
- provision and delivery of county council community services including infrastructure requirements, community infrastructure, education, other community infrastructure, s106 agreement, phasing and housing delivery
- digital infrastructure
- minerals and waste
- public realm
- public rights of way
- sustainable urban drainage systems
- heritage and conservation
- cultural strategy
- stewardship arrangements
- biodiversity
- landscape
- emergency planning and resilience
- climate change

- design
- sports and recreation

The County Council 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. 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. KCC states that 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.

KCC Ecology

Summer 2019, August, October, December 2022 and February 2023

- KCC Ecology is satisfied that the submitted ecological surveys are sufficient to inform the determination of the planning application.
- KCC Ecology request updated surveys to be carried out throughout the development period across the whole of the site to further inform further the reserve matter stages of the proposed development (if granted)
- KCC Ecology is satisfied with what is proposed and that it can be implemented but raises issues regarding the mitigation proposals which needed to be addressed prior to determination.
- KCC Ecology raised a number of detailed matters in respect of woodland, hedgerow and river buffers required to be secured at this outline stage.
- It raised a number of detailed matters in respect of farmland birds/hare and the need to ensure that the proposed habitat buffers and dark corners are achievable.
- The need for a detailed management plan to be produced and to reflect the requirements of the Biodiversity Action Plan (BAP).
- It queries whether the anticipated BNG (biodiversity net gain) for habitats will exceed 20% as anticipated positive BNG for hedgerows, river corridor and habitats within the site but does agree that it will be likely that a BNG can be achieved.
- It is satisfied that recreational pressure is unlikely to have a significant impact on the designated sites due to the distance of the development from the designated sites and the provision of onsite recreational habitat.

KCC Flood and Water Management

- KCC LLFA raises no concerns with regards to surface water management, subject to recommended conditions.

KCC Heritage and Archaeology

Summer 2019, May, August, October and December 2022, February 2023

- KCC Heritage Conservation does not object but continues to have concerns around the level of harm that will be caused to important heritage assets, including assets of the highest significance.
- It acknowledges and welcomes the dialogue, discussion and consultation that has continued and is pleased that some of the earlier concerns have been addressed. In particular, the County Council welcomes the positive discussions that have been held on Section 106 Agreement Heads of Terms and how these can be used to secure heritage benefits.
- The area of greatest concern to KCC remains the treatment of some of the barrows within the proposed development site, particularly the barrow cemetery at Barrow Hill and Barrow 44.
- The County Council therefore suggests that it is possible that concerns might be alleviated (but not fully overcome) by the agreement of condition wording to reduce harm through control of development within the setting of the barrows.

KCC Highways

Summer 2019, May and August, October, December 2022 and February 2023

- The County Highways previous concerns with the application have been fully addressed and there is no objection subject to the imposition of recommended highway conditions and s106 legal agreement provisions.

KCC Waste and Minerals

Summer 2019, May and August, October, December 2022 and February 2023

- The County Council, as Minerals and Waste Authority, maintains an objection to the planning application in respect of waste facilities to support the development – it includes a proposal as part of the Heads of Terms to overcome this objection. In the event the LPA is not minded to accept the wording alternative wording is put forward for consideration.
- In respect of safeguarded economic minerals of soft sand (the Folkstone Formation) and ragstone the County Council is satisfied that the matter can be addressed with a suitably worded condition.

National Highways

Summer 2019, May and August, October, December 2022 and February 2023

- National Highways' formal recommendation is no objection.
- 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.

- National Highways is content that subject to the imposition of the 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).

Health and Safety Executive

October 2022

- HSE makes no objection and refers to its standing Planning Advice.

Historic England

Summer 2019, April, October, December 2022

- Historic England withdrew its formal objection to the outline planning application in January 2023 provided that the safeguards to avoid or minimise harm and the heritage benefits as proposed in the draft conditions and s.106 are delivered and include the suggested amendments detailed in its advice.
- It remained concerned about the high level of harm to heritage of great importance and most especially to the scheduled Westenhanger Castle, Westenhanger Causeway, Barrow Cemetery and Barrow 44. It recommended that any approval must contain conditions and benefits secured via the s.106 which incorporate its suggested amendments.
- HE considers the harm would be 'less than substantial' harm for Westenhanger Castle, the Causeway and the Barrows Cemetery. For Barrow 44, the harm could be substantial depending on detailed design but through conditions and s.106 obligations that harm could be avoided or minimised to meet key policy tests NPPF para 195 and 202.

HSE Planning Gateway One

October 2022

- The HSE considered the application to be out of scope.

Environment Agency (EA)

Summer 2019, April, October and December 2022

- The Environment Agency raised no objection throughout and advise that planning conditions should be secured on any approval of planning permission to address site contamination, flood risk, water quality, fisheries, ecology and bridges with observations for future detailed design and survey updates.
- The Environment Agency reviewed the additional information in respect of changes to the flood risk and drainage strategy and raised no objection to these.
- The Environment Agency raised no objection to the additional wetlands proposed for the site. It highlighted the need to undertake amendments to the flood risk assessment on the new embankments, infrastructure

and compensatory flood plain storage and appropriate management plan at Tier 2 and 3.

- It also commented on water quality around direct treatment mitigation and how the proposed wetland location interacts with the existing watercourses and the impacts/assessments around them. It sought further clarity on future details on the wetlands including the efficiency of the wetlands, how the proposed wetland sites will be managed in perpetuity and whether climate change and the effects of future higher intensity rainfall and or droughts have been considered in the design of SuDS and the wastewater treatment works wetlands.

Natural England:

Summer 2019, April, October, December 2022 and February 2023

- Natural England raises no objection and refers to previous detailed advice. It looks forward to continuing to work with the Council and LPA 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.
- Natural England welcome the provision of conditions to secure these matters but raises the following issues to be addressed through the Tier 2 stage:
 - the height and density of the development;
 - the location, timing and type of advanced structural planting;
 - the potential for further assessments for air quality in relation to nitrogen deposition (including ammonia emissions from road traffic) especially the impacts on sites within 200m of the affected road network;
 - recreational impacts, water quality, functionally linked land, soils and agricultural land quality and protected species;
 - Natural England reviewed the latest nutrient budget calculations and made a number of points for consideration at Tier 2 detailed design stage.

Southern Water

Summer 2019, June and October 2022

- Southern Water raised no objection.
- It has requested that no foul sewage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete.
- Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements.

Affinity Water

Summer 2019

- Affinity Water raised no objection.

- Affinity Water states that as the main provider of mains water to the proposed development site it requires notification to their Developer Services Team with regular updates and phasing of the development to aid planning.
- Affinity Water welcomed the water efficiency technologies recommended within Section 3 of the submitted Water Cycle Study and should be secured.

Integrated Care Board (Kent and Medway)

April 2022

- NHS Kent and Medway welcomed the references to the local health and wellbeing strategy and other key government health planning documentation and is pleased to see that the planning application is based on the explicit intentions to provide healthy living and leisure facilities, to promote active lifestyles, to provide public green spaces and to promote active travel.
- The ICB states that detailed discussions would need to take place regarding the proposed buildings that have been earmarked for health provision, including phasing options and specific terms for a s106 legal agreement.

Parish Councils

Aldington and Bonnington Parish Council:

Summer 2019, April, October and December 2022

The council raised an objection on the following grounds:

- Application will be visible from the AONB
- Development will reduce and affect rolling farmland landscape character and visual amenity of the area
- Local community engagement sessions did not take place in Ashford
- Aldington Primary School is within 5km of the development and is already oversubscribed
- Strained health service within the area
- Assumption that almost all of the traffic will use J11 of the M20 whereas a number will use the A20 through Sellindge to J10 and J10A with Aldington Road being a shortcut
- No consideration of the closure of the M20 which brings extra traffic through the village
- Requests that further traffic surveys are carried out
- The council maintained its objections on the grounds previously raised in addition to concern that there are no footpaths on some of the local roads which can become a hazard when there is an increase in traffic volumes through the village.
- The council maintained its objections on the grounds previously raised. It stated that some of the concerns regarding transport appear to have been addressed however the use of the B2067 and local roads in

Aldington have not been addressed; Ashford Borough Council should be included in the working group set up to working with Stagecoach South East, KCC Public Transport and F&HDC regarding the bus network; consideration should be given to some form of traffic management along the B2067 which is National Speed Limit as well as the approaches to Aldington from the A20.

Ashford Borough Council (ABC)

Summer 2019, June 2022

Ashford Borough Council raised no objection but made the following observations:

- The Transport Assessment submitted with the application identifies a number of junctions where there is likely to be an impact as a result of the development including M20 Junction 9 and the junction of Hythe Road/The Street;
- Further work being carried out at the request of KCC Highways and requests this is completed to the satisfaction of the Highways Authority;
- Upgrades to Westenhanger station required to ensure no significant impact in the number of future residents driving to Ashford Station.
- Water and drainage are key cross border issues in which the river catchments operate across two local authority boundaries.
- Increased flood risks and discharge from the site will also impact upon water quality for the Borough.
- Ashford request further information to demonstrate that the proposed reduction in flood risk can be achieved.
- Wastewater provision has the potential to impact on Ashford as the existing wastewater treatment works at Sellindge serves existing residents in the Borough.
- Permanent or temporary secondary school provision to meet the needs of the development must be available to ensure due pressure is on places within ABC as the development is built out.
- The potential provision of comparison retail that could impact upon Ashford Town Centre. A full Retail Impact Assessment is needed to assess whether the development would result in any harm the vitality and viability of Ashford Town Centre.
- Ashford Borough Council continued to raise no objection but made the following observations:
 - A revised Statement of Common Ground between the authorities is suggested.
 - Continued engagement with ABC through detailed design stages.
 - ABC's preferred option for dealing with Wastewater from the development is an onsite Waste Water Treatment Works, accompanied by wetlands to deliver nutrient neutrality.
 - With the amended Transport Strategy including proposed improvements for Westenhanger Station ABC would like to

understand more detail on the impacts this may have on rail services stopping at and passing through Ashford.

Bilsington Parish Council

October and December 2022, February 2023

Bilsington Parish Council raised no objection to the application but made the following comments:

- Traffic flows on B2067 as beyond Otterpool Lane when there are issues on the M20 or A20 traffic will use the village as a quicker route.
- Provision of enough school places and travelling out of the area.
- Concerns on the impact on the water demands in the area especially as hose pipe bans are often in place.
- Energy supplies and the infrastructure to implement facilities for the installation of heat pumps and solar panels.

Brabourne Parish Council

October, December 2022 and February 2023

- The Parish Council raised an objection to the application.
- Concerns over the planned health centre in “Zone 5”, which is considered unreasonably far for Brabourne residents if it is intended to replace the Sellindge Surgery.
- Apparent lack of plans to account for increased population at the local hospitals that the proposals will bring.
- Further consideration concerns that the proposals would represent an unprecedented detraction from the setting of the Kent Downs AONB and would be detrimental to the district as a whole.

Burmarsh Parish Council

Summer 2019, June 2022

- Burmarsh Parish Council raised an objection to the proposal for the planning application because of concerns that the necessary extra infrastructure such as healthcare, hospital and education facilities will not be provided to an adequate and appropriate level early enough in the process to prevent additional strain on already stretched services.
- No plans to increase the already inadequate hospital provision in the area despite the significant increase in population that will occur with this new town.
- The air quality of homes built close to the M20 especially as Operation Brock will often cause stationary traffic.

Folkestone Town Council

June 2019, June 2022

- At the town council meeting the Councillors resolved that they would construct a combined response. No further comments were received.

Hythe Town Council (HTC)

Summer 2019, October, December 2022 and February 2023

- Hythe Town Council raised an objection to the outline planning application as it does not believe that a development of 8,500 homes is sustainable on the following grounds:
 - Water Supply
 - Transport Infrastructure
 - Health Services
 - Affordable Homes
 - Ecological impact and prime agricultural land
- It supports the need for more affordable and social housing for first-time buyers and renters and can support any proposal that is of appropriate scale and is sustainable.
- It does not believe that the proposal has met the criteria set out by central government for Garden Towns, where it should be done in proper consultation with local residents.
- The town council could not make any comments on the amended outline planning application and requested a briefing.
- For the revisions to the application:
 - the displacement of the current wildlife is not acceptable
 - the houses are not net carbon, and construction is not carbon free
 - lack of initial infrastructure with no programme or a timeframe provided /to the continuous development of the infrastructure
 - no agreement with the rail link to stop at Westenhanger and the bus link did not show the length of service
 - lack of affordable housing including affordable rentals and housing for first time buyers
 - increased traffic and parking issues
 - impact on Hythe as a town and the development is out of character with the local area.

Lympne Parish Council

Summer 2019, April and October 2022

- Lympne Parish Council raised an objection to the outline planning application because the scale and area of the application is totally inappropriate for a greenfield in close proximity to AONB areas.
- Parishioners were not consulted as to whether the development should proceed at the proposed scale.
- Infrastructure, community facilities and affordable housing provision should not be “subject to viability”.
- The housing units are greatly in excess of the district’s employment potential, these will not be ‘houses for local people’.
- Lack of local healthcare, education, water, wastewater, electricity and gas capacity.
- Road links are currently inadequate.
- For the revisions:

- Lack of defined parameters for future infrastructure, phasing and built environment.
- Visual impact with development being close to AONB areas in the north, east and south.
- Loss of agricultural land.
- Health & wellbeing during construction – residents close to the proposed area may suffer from disruption to their lives due to potential traffic congestion, housing blight, air and light pollution and disruption to health services regarding health provision.
- Traffic congestion during and after the build.
- Education, health including school provision and medical provision as the development grows for all residents.
- Lack of spare capacity in current potable water, waste water and electricity network and the lag between approval and build upgraded networks.
- Westenhanger Station – access, and protracted construction period to station for current users.
- Provision of photovoltaic panels to individual dwellings
- Affordable/social Housing for the current local population
- Transport including public transport, local walkers, and cyclists
- The opinions of the local community (the Parish of Lympne) appear to have been disregarded regarding their objection to the size and location of the proposals.
- Request a local liaison manager.

Postling Parish Council

Summer 2019, April 2022

- Postling Parish Council stated no formal objection but submitted a number of concerns in response to the outline planning application.
 - The proposal is many times larger than Sellindge and Lympne combined, and more detail is required as to how road infrastructure will serve this new town and also
 - Increased parking at Westenhanger Station
 - How will traffic congestion be managed when the M20 is closed
 - Soundproofing and landscaped screening for all properties near the M20 to be provided
 - Light pollution
 - Lack of water supply
 - Lack of detail on healthcare facilities
 - Need for social housing and more affordable homes
 - Clearer indication is required on how the area will be policed
 - Employment opportunities for local business to become established should be clearer
 - More consideration is required around the retail provision
 - Views from close and around the AONB should be protected including Farthing Common and the downs above Postling

- Consideration must be given to preserve as much of the countryside, wildlife and birdlife which have used this area for many years to breed, live and migrate.
- The heritage around the area should be preserved especially the Roman Villa at Upper Otterpool and provision for archaeological investigation before any development commences.
- Postling Parish Council stated no formal objection but continued to raise concerns as previously stated and that the loss of open green space and the effect of the landscape in the size of this development will have long- term consequences for this rural area.

Rother District Council (RDC)

Summer 2019, April, December 2022 and February 2023

- No comments were received as a result of the consultation with RDC in June 2019 just an acknowledgement of the receipt of the information.
- No objection was raised to the outline planning application.
- Given the scale of proposed development there is the potential for new residents to access the Dungeness area for recreation.
- RDC would like to ensure no adverse effects on the integrity of the Dungeness Complex of Natura 2000 sites, which straddle the district boundaries and the recommendations of the SARMS are implemented where relevant.

Ruckinge Parish Council

October and December 2022

- Ruckinge Parish Council raised no objection to the outline planning application made raised a number of detailed concerns.
- Insufficient consideration given to the B2067 from its junction with Aldington Road through to the A2070 at Hamstreet. Further consultation with neighbouring Ashford Borough Council required in respect of travel movements;
- Impact on the village of Ruckinge during times of M20/A20 closure given lack of off-road parking facilities. Further traffic through the village will put residents, pedestrians and cyclists at risk.

Saltwood Parish Council

Summer 2019, April 2022

- Saltwood Parish Council raised an objection to the outline planning application and raised concerns in respect of:
 - Lack of clarity and provision of major services and amenities such as schools, healthcare, shops, and leisure facilities.
 - Lack of potable water supply given that the location is an area of water stress; the security of water supply to existing residents.
 - Highway management issues as to ensure correct signposting from the M20 to Otterpool Park to prevent using the local road through Saltwood as a rat run when traffic issues occur.

- Saltwood Parish Council continued to raise an objection to the outline planning application as previously stated. Further issues were raised including:
 - The proposal should be accompanied by a population profile.
 - The application has made an assumption that 75% food shopping will be undertaken within Otterpool. Probable that most food shopping is done at large supermarkets that will mean travelling to Hythe or Ashford.
 - The effect on traffic flow from the development and particularly through Saltwood. This includes secondary school age children attending Brockhill as locals find using Sandling Road as a better route than taking London Road from the bottom of Barrack Hill.
 - Impact on public services including policing, fire service provision, and capacity at William Harvey Hospital.

Sellindge Parish Council

Summer 2019, April 2022

- Sellindge Parish Council stated no formal objection but raised the following concerns on the outline planning application:
 - Road Infrastructure issues including –
 1. One way system at Grove Bridge causes issues
 2. Issues when the M20 closed traffic backs up
 3. Suggestion for a new by-pass around Sellindge
 - The existing bus service will need to be improved.
 - Concerns regarding loss of the views from the North Downs AONB.
 - Flooding may occur more often with concerns that the amount of surface water could cause issues downstream in Sellindge at Meadow Grove and Grove Bridge area.
 - Sizes of the buffer zone around the West side of Barrow Hill.
 - Sellindge Parish Council was previously concerned that the application would have been determined before the Core Strategy examination had concluded.
 - Potable water and wastewater need to be considered in the longer term not just for early phase.
- For the revisions:
 - The parish requests that the speed limit be reduced to 30mph and road traffic calming in the rest of the A20 with Sellindge Village, with widening of footpath and cycle path along the A20 should also be extended to the whole stretch of the A20 Barrow Hill, leading to the new proposed development.
 - Suggestion for a cycle/footway to bypass Barrow Hill.

Stanford Parish Council

Summer 2019, April 2022, October and December 2022

- Stanford Parish Council raised an objection to the outline planning application for the following reasons:

- The targets for Otterpool are unrealistic and that demand for sales of properties within the development will not meet predictions.
- Building density around the perimeter of the site, especially high-rise building overlooking existing properties.
- Access to homes with Stanford during the construction phases.
- Noise and light pollutions, including dust created from operations.
- Water pressure and supply during the build process.
- Previous observations relating to overnight lorry parking strategy and the threat of an expansion to Stop 24 expanding their operation into the strip of land between the Motorway and the railway line.
- The provision of services such as the health centre and community centre both of which the council believes will be in phase 1. Confirmation medical centre is large enough to cope with the population growth, that there will be enough nurses, doctors, and dentist to staff such a facility.
- Future rights to comment on specifics, including footpaths, cycle paths, allotments, public spaces etc before phase 1 develops.
- It is critical that an information/complaints office is in place prior to any start date allowing residents and neighbouring parishes to be able to log any complaints or incidents that occur on a daily basis.
- The proposed high street was an outdated concept for a new town, and this has been amended to a town square.
- Concerns still exist regarding the buffer (30m) zone separating the new development from the edges of all properties in Westenhangar.
- It is not yet clear on the impact of the development on the ancient barrows.
- Concerns remain about the viability of communal facilities in particular health centres and the staffing of them.
- Stanford Parish Council maintained its objections to the outline planning application and added:
 - Stanford Parish Council has reviewed the revised documents and welcomes the clarifications.
 - It notes the revisions mainly address points raised by some statutory consultees.
 - Comments from parish councils and the public are listed but with no response.

Stowting Parish Meeting

Summer 2019, April 2022

Stowting Parish Council raises an objection to the outline planning application for the following reasons and would like a public inquiry:

- Location of the development on rising land and will be clearly visible in views from and towards the Kent Downs AONB.
- Lack of consultation with the Parish Council on the housing strategy.
- Estimated increase in traffic levels put forward by the proposal is considered to be underestimated and concerns arise around the lack of

provisions for improvements to the capacity and width of the road around Stowting.

- Concerns are expressed that the current network for potable water.
- Healthcare provision is not sufficient to provide services for new residents moving into the area.
- Stowting Parish Council maintained its objection to the outline planning application and continues to consider the proposal would represent an unprecedented detraction from the setting of the Kent Downs AONB and would be detrimental to the district as a whole.

Other Consultees

CPRE (The Countryside Charity)

Summer 2019, April, October, December 2022 and February 2023

- CPRE raises an objection to the outline planning application.
- CPRE's principal concerns are:
 - coalescence of the new development with existing distinct communities
 - shortage of water in East Kent, in view of this and many other large developments which are said to be necessary to meet central government housing targets
 - significant visual impact, in particular from the AONB, with very little detail about how it will be mitigated
 - loss of large areas of best and most versatile agricultural land
 - shortage of local jobs, such that the development will become a dormitory town for London
 - an unrealistic timescale for build-out, leading to a delayed transition from 'housing estate' to 'community', delays in provision of supporting infrastructure, in particular wavering commitment from 3rd party infrastructure and service providers and
 - despite all the good words in supporting documents to the application, the quality of what is built and provision of supporting infrastructure will inevitably be eroded
 - no justification in planning terms for the 'town-centre' approach to Phase 1 and would also suppose it will be more expensive in supporting infrastructure than concentrating early development in one centre
 - the role of Westenhanger Station which may mean the development competes with other development for London commuters.
 - open space within the development in terms of biodiversity may be no greater ecological value than agricultural fields, as they will encourage greater human activity including dog walking and adversely affect wildlife.
 - new development will result in light and air pollution and have an adverse impact on night-time views from the AONB.

- other concerns cover healthcare services, water and energy supplies, traffic management and road infrastructure, the percentage of affordable housing and the relevant amount of green infrastructure
- building heights
- affordable housing levels including mechanism of securing provision
- unresolved water issues including Nutrient Neutrality and impact of new development with existing district communities
- significant visual impact, in particular from the AONB
- lack of certainty with respect to phasing
- transport issues
- open space and vegetation
- loss of large areas of best and most valuable agricultural land
- unrealistic timescale for build-out, leading to a delayed transition from “housing estate” to “community”; impact on biodiversity; delays in provision of supporting infrastructure, including mechanism for securing provision
- concerns over the green buffers proposed to distinguish local villages and communities from the new settlement
- a possible high-speed service from Westenhanger Station is likely to attract commuters from a wider area; this will impact on parking and additional road traffic
- cycle routes proposed in some parts of the area need to be reviewed especially where there is heavy HGV usage and sharing of narrow carriageways
- pedestrian access within the area will also face challenges and with respect to non-motorised trips
- further clarification is needed on land identified for sports and recreation
- light pollution and noise pollution
- open space provision in terms of biodiversity and reservations over the proposals for off-site compensation.
- the closure of part of Aldington Road to motorised traffic disagree to its characterisation as a ‘rat-run’ a term used for unwanted through traffic or otherwise a quiet residential street. It is a legitimate route between Lympne and Hythe. It requests a more direct route for cyclists between Otterpool Park and Hythe.

East Kent College Group

December 2022

- The College stated its support for the outline planning application including the overall vision and strategy for the development.
- It supports the proposal for a single secondary school and sixth form and notes the safeguarding of land for a further 6FE secondary school.
- It believes there should only be one secondary school to prevent a ‘sink school’ scenario in situations where two schools are created.

- There should be a single sixth form focusing on A Levels, with technical and vocational education delivered by further education providers, including Folkestone College and Ashford College.
- It is important that there is excellent access to cost effective transport and good availability of information, advice and guidance to young people.
- Consideration of a multi-use community centre on the development, near to excellent transport links. This could be used for adult and community education to support lifelong learning, and provision of careers information, advice and guidance.

Forestry Commission

February 2023

- The Commission raises no objection and requests to be 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.
- It makes further detailed suggestions and welcomes commitment to significant amounts of green infrastructure as these 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.

Kent Downs AONB Unit

Summer 2019, April 2022, October 2022, February 2023

- Kent AONB Unit maintained its objection to the outline planning application for the following reasons:
 - The scale of development would significantly diminish the quality of views from the escarpment of the Kent Downs. Such views were a fundamental reason for the original designation of the AONB and remain critical to its enjoyment today.
 - Concerns over the number of homes in the application (8,500) which is more than set out in the Core Strategy Review (6,500)
 - The height of some of the buildings (up to 18m) proposed comprise about 25% of the total proposed development area.
 - The AONB would be impacted as a result of important views towards the escarpment of the North Downs, reductions in tranquillity, increased traffic flows and concentrated visitor pressures.
 - The AONB is of the view that the proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty.
 - The site at Otterpool is highly constrained because of the potential impacts of the development on the setting of the AONB.
 - The AONB strongly disagrees with the assessment of the ES that it would not be significantly affected by the proposal.

- Whilst the proposed new housing would sit below the ridge line and would in time be interspersed by trees and other landscaping, the sheer scale and height of the development would detract from the undeveloped view and the views would be affected both during construction, lasting some 25 years, but also in perpetuity following the completion of the development.
- Detrimental to the adjacent AONB as a result of impact of lighting resulting in a loss of dark night skies, noise, movement, and increased activity, littering of roads and additional recreational pressure on the adjacent AONB.
- The AONB Unit considers the proposals are not acceptable in planning terms and fail to achieve Environmental Net Gain.
- In line with the requirements of policy SS7 the application does not inform the landscaping scheme at a structural and local level.
- In later revisions the AONB welcomed changes to the SDP acknowledging the sensitive views to and from the North Downs escarpment as a site influence for the various character areas but felt the wording could be stronger.
- While the AONB welcomes the explanation of how the scheme is to be landscape led, their view is as currently proposed and as shown on the Parameter Plans, the impact on views from the AONB has not sufficiently been taken into account.

Kent Police

April 2022

- Kent Police (KP) raises no objection to the outline planning application. It recommends that conditions for the site to follow Secured by Design (SBD) guidelines with further advice relating to layout, built form, lighting, parking and other detailed design matters such as enhanced site security during construction phases.
- It advises that British Transport Police are contacted for advice on their specialist knowledge around and within Westenhanger Station.

Kent Fire & Rescue

- Kent Fire & Rescue has not responded to the proposed application.

Marine Management Organisation

October 2022

- The MMO raises no objection and reiterates its standing advice.

MOD Safeguarding

October 2022

- The MOD has no safeguarding objections to this proposal.

Network Rail

April 2022, December 2022

- Network Rail support the strategic fit of the overall proposal as it proposes to use and enhance an existing rail asset and recognises the importance of Westenhanger station in providing sustainable travel options for Otterpool Park.
- Network Rail recommends a number of improvements that will be required to mitigate against the additional usage at the station as a consequence of the proposed development. (These need to be funded via S106 contributions).
- Identified improvements include:
 - Remodelling of station forecourt including bus stop provision
 - Car Parking
 - Cycle parking provision
 - Platform Shelters
 - Platform lengthening of both platforms to 12 cars
 - Access for all footbridge (including lifts)
 - Possible new station building

Office for Nuclear Wayleaves

October 2022

- The ONR states that as the proposal does not lie within a consultation zone around a nuclear site it has no comments to make.

Ramblers

February 2023

- The Ramblers raises no objection but 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 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.

Romney Marshes Area Internal Drainage Board

Summer 2019, August and October 2022

- The IDB raises no objection.
- The site lies outside of the IDB Drainage District, but a proportion of the surface water generated by the development proposed will be discharged towards and into the district.
- The applicant will need Land Drainage Consent from Kent County Council for any works that has the potential to affect flow in any ditch or

watercourse on or bordering the site. RM would look to work with them and the LPA to apply Byelaw 3, specifically with regard to seeking a Surface Water Development contribution for any increase in rates/volumes of discharge that may be directed into the RM district.

- This requirement is reflected in the LPA's draft SFRA.
- Any contribution would be a one-off payment to help to facilitate the management of the increased flows resulting from the development into the RM District.
- IDB would encourage the applicant to minimise any increase in the post development rate and volume of surface water discharge and to contact the IDB to discuss the issue as soon as possible.
- The IDC raises no objection and reiterates its previous comments and advice to the applicant.

Southern Gas Network (SGN)

April 2022, October 2022

- SGN raises no objection to the outline planning application.
- It has indicated the presence of a low-pressure gas main on/within the application boundary. If planning permission is granted SGN has requested that an informative note be appended to the decision notice to draw this to the attention of the applicant.
- The applicant must arrange for the location of it to be determined on site and if required enter into an Asset Protection Agreement with SGN.
- SGN will need to work with the developer if gas is required within the proposed site within a medium to longer term requirement.

South East Coast Ambulance Service

April 2022

- South East Coast Ambulance Service raises no objection to the outline planning application but makes the following comments:
 - Identifies the area in which the Otterpool Park development is proposed in primarily served by Ashford and Hastings both are currently operating at capacity.
 - This development will significantly increase the requirement to relocate Hastings MRC to a larger facility as well as a requirement for a further Ambulance Community Response Post in the heart of the development.
 - The service requests developer contributions towards the cost that SEC Ambulance Service will incur.

Sport England

Summer 2019, February 2023

- Sport England raises no objection to the outline planning application.
- The site is not considered to form part of a playing field as defined in the Town & Country Planning Order 2015 therefore Sport England has considered this a non-statutory consultation.

- Sport England would encourage CIL monies to be directed as part of the determination to ask the Council to consider the sporting needs arising from the development.
- Sport England contacted various sporting bodies including:
 - The LTA – there are courts in Folkestone & Hythe which are operating at high capacity. If courts are to be included in the plan, then ideally, they should be positioned close to other sporting provision
 - England Hockey – there is a hockey club at Ashford and EH would be keen to see a multi-sport AGP located on one of the school sites to develop hockey on the curriculum
- Sport England in conjunction with Public Health England has produced “Active Design” which is a guide to planning new developments that create the right environment.

The British Horse Society (BHS)

April 2022, December 2022, February 2023

- The BHS raised no objection to the outline planning application but made the following detailed comments.
- The BHS would like to see new paths and good connections to existing paths (including safe crossings where needed) provided as a condition of the planning permission
- The conditions for the approval and or section 106 requirements suggest a number of named roads and paths that could be upgraded and where light-controlled crossings are provided for new and existing roads these should provide safe crossings for equestrians too.
- The BHS would be happy to support the application if the suggestions can be accommodated within the proposed development.
- The BHS raised no objection to the outline planning application but sought clarification on the bridleways shown on the application drawings.

Internal Consultees

- 5.8 Comments from the LPA’s expert technical advisors including heritage & archaeology, trees, ecology and green infrastructure, land contamination, economic development and retail and leisure have been received and taken into consideration in the assessment below for each of those respective areas.

Summary of Public/Neighbour Consultation by Theme

- 5.15 The key issues are summarised in the pie chart below which provides an overview of the main themes raised in responses by members of the public and neighbours across all the statutory consultation periods.

Objection category by percentage received

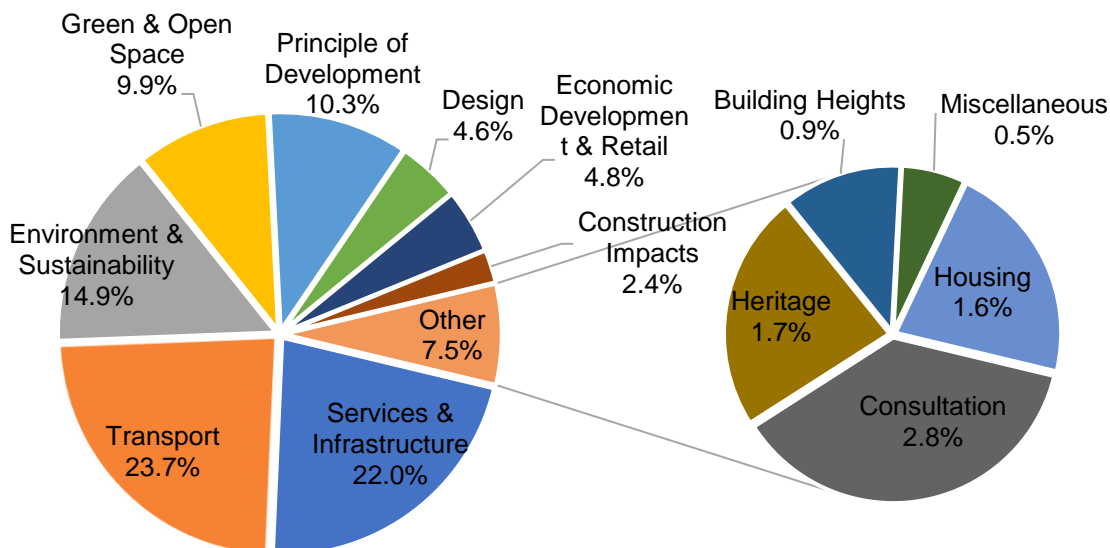


Figure 3 - Resident comment themes

5.16 Responses are available in full on the planning file on the Council's website: <https://folkestonehythedc.force.com/pr/s/planning-application/a1n2o000002zlwAAE/y190257fh>

5.9 For the outline planning application and statutory consultations 2515 neighbours were directly consulted and the following number of responses received:

Type of representation	No. Received
Letters of objection	362
Letters of support	9
Letters neither supporting nor objecting to the application	15
Total	395

Table 11 - Summary of neighbour responses to consultation

5.10 The responses are summarised by theme below:

Housing

- Housing (including affordable housing) and quantum of development.
- Already significant housing development in the area.
- Support smaller developments of (100-200 houses) in different areas in Kent rather than one very large development.

- It will make the adjacent villages more like towns.
- Will not address the Council's waiting list for council houses.
- Limit to what can be built in this area of the country.
- There are better ways of providing affordable housing rather than putting up to 2,000 properties in this area.
- There is no provision for a traveller's site.
- There is no housing need for a development of this size in both location and in the number of housing units.
- Development should be contained in the Westenhanger area.
- Question the term affordable and has this been reduced to 22%.
- Consideration should be given to increasing affordable housing particularly social housing.
- Too many developments all over Ashford and Kent villages.
- Brownfield sites should be developed first.

Supporting services and infrastructure

- Water shortages already exist in the area.
- The present water supplier has indicated that there is only enough water for an extra 1,000 houses.
- How will the waste provision generated by 8,500 households be managed?
- The existing power network has the capacity to serve the first 650 properties thus a network upgrade will be therefore necessary (estimated costs of £8.5m).
- As gas may not be available a connection to a higher voltage system may be necessary which is currently not costed.
- Health infrastructure required and concerns regarding the recruitment of GPs and healthcare professionals across Kent.
- Mental and Community Health (health visiting, school nursing, midwifery, district nursing) services are not mentioned in the application documents but will be needed.
- Pressure on William Harvey Hospital due to increased population.
- Impractical for all houses to be electric.
- Insufficient NHS services in Folkestone and Hythe.
- If William Harvey Hospital closes its A&E the existing road network is very rural travel is not viable for emergencies.
- Large scale water capture and storage facilities required.
- Long waiting times to see a GP.
- Commitment required to early delivery of schools, doctors, care homes and burial grounds.
- Too long a time lag between the construction of a large number of houses and the provision of new services. Pressure on existing services and villages.

Design (including building heights)

- Insufficient green buffers for residents at Newingreen.
- Concern regarding the proposed high-density accommodation to a height of 18m with insufficient advance planting or green space.
- Concern regarding proximity of historic, ancient monuments, and an Area of Outstanding Natural Beauty.
- Height and density out of character with the surrounding villages.
- Impacts on local amenity.
- New shopping facilities will negatively impact local shopping centres in Hythe and Folkestone.
- Unclear where the 9,000 jobs to be created will come from to support the new residents.
- Will attract many to move out of London to live in the area and commute every day using the highspeed rail service/on use the M20.
- There is no clear high skilled job growth strategy for this district.
- Discrepancy in drawings which shows development to build higher than 15 metres right up the boundaries of gardens with no height limit.
- The design does not appear to be landscape-led.
- Building heights should be no higher than houses to be built in area TC7 (or at least the northern section of TC7) as they will be in close proximity to existing dwellings and their gardens. If flats or other high-rise buildings are to be permitted in the southern section of TC7 there would still be a need to an enforceable height limit (of 15 metres).
- The green buffer in the Barrow Hill area is insufficient and there is an ancient bridge that cannot take any more water during the winter.
- Development should be focussed around Ashford and Ebbsfleet to avoid ribbon development that would link the towns and adversely affect the rural character of the areas between them. Will result in contiguous urban sprawl across East Kent.
- Local town centres are notably underused with many empty shops, so there is no requirement for new shopping areas.

Natural environment, ecology, and sustainability

- Air quality impact on local area and residents, including Grove bridge which is close to Sellindge primary school is located.
- Existing drainage ditches run across the racecourse and have not been maintained and some run directly into neighbouring gardens.
- Development will lead to more flooding in the area, with more pollution entering the local water courses.
- Site is home to numerous species of small birds which breed, live, and migrate to these fields encouraged by good farming practices.
- Assurance that the development will be net zero carbon (calculated in accordance with the RICS Whole Life Carbon Assessment for the Built Environment).
- Sits adjacent to an Area of Outstanding Natural Beauty (AONB) and there is little comment on how this will be protected visually.

- Will cause excessive light pollution.
- Will produce a dormitory town reliant on private cars.
- All the emissions need to be addressed in the EIA including the interaction between direct and indirect significant effects.
- Viability assessments to date are already out of date given economic context.
- Site will cause environmental damage impacted on many varied wildlife species, the open aspects to the AONB and sites of historical interest.
- This application does not demonstrate comprehensively how it will avoid pollution into water system by allowing nutrients that feed dangerous algae.
- Increased air pollution along the A20 when disturbances occur on the M20 motorway and rerouting occurs to the A20. The respiratory health of existing residents living nearby.
- The environmental impact in context of wider loss of wildlife habitat and negative impact on people's mental health.

Landscape, visual impact, and open space

- Negative impacts on the AONB, green spaces and local farmland.
- Loss of green field space, 50% green space will not replace the existing natural green fields and woodland.
- Impact on AONB, with loss of green space, farmland, and replacing it with 50% green space will not replace lost woodland.
- The loss of green countryside and agricultural land means loss of land needed for vital future food production.

Heritage

- Needs to acknowledge the substantial history in this area including Roman Villa remains and the airfield.
- The history includes Otterpool Camp in WW1, where relatives from Canadian soldiers often visit the camp site. Lympne Airfield in both WW1 & WW2 as well as where Silver City, Skyways and Dan Air were part of this heritage.
- History of the site and local area will be lost.
- Building without protecting it more will mean a loss of valued historical sites.

Transport

- The local road infrastructure will be unable to cope and lack of evidence.
- There is a need for a bypass around Sellindge.
- Frequent closures of the M20 due to roadworks or accidents which has severe impact on local area, combined with housing growth and lorry parks.
- The current bus services will not support the vision of the development of people using public transport or cycle.

- Why is there a need to upgrade the station to highspeed when Ashford is only five minutes away when using local trains? Is there sufficient capacity on the network for the additional trains to run?
- Frequent closures of M20 and operational issues arise is not properly addressed.
- Sellindge needs a bypass to address air quality issues and physical constraints at Grove Bridge.
- Additional traffic and impact on local residents and properties.
- Suggestions for increased public transport and cycling is not viable.
- Existing parking problems created by Eurotunnel and cross channel ferries needs to be resolved – large scale building adding to the problem
- Reconsider the proposals to stop up Aldington Road at Hythe Hill and Harringe Lane.
- Improvements to Swan Lane also required as the road is used as a cut through linking into Blindhouse Lane and the junction with the B2069 to the other outlying villages.
- Concerned about proposed road closures relating to Harringe Lane and Aldington Road, particularly potential for displacement onto wider network

Employment and economic development

- Where will the employment opportunities come from?

Principle of development

- The racecourse had prior planning applications for 800 houses turned down for being over intensive, but 8,500 houses are not needed.
- Who is going to live in them as locals will not afford the prices?
- This is a rural area and should remain so.
- The plan fails to meet the government guidelines for proposed garden towns in many key factors e.g., sustainable travel.
- No viability assessment statement has yet been provided.
- Local concerns have not been listened to.
- Houses in the development will be unaffordable by locals.
- Investment should be made into existing towns.

Miscellaneous

- Traffic surveys fail to look at solutions other than closing local roads
- Concerns about existing 'rat running'
- Do not believe the uplift in public transport and cycling will happen.

6. The Development Plan

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with policies set out in the development plan unless material considerations indicate otherwise.
- 6.2 The statutory development plan for the district comprises the adopted Core Strategy Review (2022), the Places and Policies Local Plan (2020) and the Kent Minerals and Waste Local Plan (Early Partial Review 2020).
- 6.3 The relevant development plan policies are as follows:

Core Strategy Review (2022)

SS1	District Spatial Strategy
SS2	Housing and Economy Growth Strategy
SS3	Place -Shaping and Sustainable Settlements Strategy
SS4	Priority Centres of Activity Strategy
SS5	District Infrastructure Planning
SS6	New Garden Settlement Requirements
SS7	New Garden Settlement – Place Shaping Principles
SS8	New Garden Settlement – Sustainability and Healthy New Town Principles
SS9	New Garden Settlement – Infrastructure, Delivery and Management
CSD1	Balanced Neighbourhoods
CSD2	District Residential Needs
CSD3	Rural and tourism Development
CSD4	Green Infrastructure of Natural Networks, Open Spaces and Recreation
CSD5	Water and Coastal Environmental Management
CSD9	Sellindge Strategy

Places and Policies Local Plan (2020)

ND5	General Sellindge Policy
HB1	Quality Places Through Design
HB2	Cohesive Design
HB3	Internal and External Space Standards
HB4	Self-build and Custom Housebuilding Development
HB6	Local Housing Needs in Rural Areas
HB12	Development of New or Extended Residential Institutions (C2 Use)
E2	Existing Employment Sites'
E1	New Employment Allocations
E3	Tourism
E4	Hotels and Guest Houses
E7	Reuse of Rural Buildings

E8	Provision of Fibre to the Premises
RL1	Retail Hierarchy
RL2	Folkestone Main Town
RL3	Hythe Town Centre
RL8	Development Outside Town, District and Local Centres
C1	Creating a Sense of Place
C3	Provision of Open Space
C4	Children's Play Space
T1	Street Hierarchy and Site Layout
T2	Parking Standards
T5	Cycle Parking
NE1	Enhancing and Managing Access to the Natural Environment
NE2	Biodiversity
NE3	Protecting the District's Landscapes and Countryside
NE5	Light Pollution and External Illumination
NE6	Land Stability
NE7	Land contamination
CC1	Reducing Carbon Emissions
CC2	Sustainable Design and Construction
CC3	Sustainable Drainage Systems (SuDS)
HW1	Promoting Healthier Food Environments
HW2	Improving the Health and Wellbeing of the Local Population and Reducing Health Inequalities.
HW3	Development That Supports Healthy, Fulfilling and Active Lifestyles
HW4	Promoting Active Travel
HW4	Promoting Active Travel
HE1	Heritage Assets
HE2	Archaeology
HE3	Local List of Heritage Assets

Kent Minerals and Waste Local Plan (Early Partial Review 2020)

CSW 1	Sustainable Development
CSW 2	Waste Hierarchy and Policy
CSW 3	Waste Reduction
CSW 4	Strategy for Waste Management Capacity
CSW 6	Location of Built Waste Management Facilities
CSW 7	Waste Management for Non-hazardous Waste
CSW 15	Wastewater Development
CSW 16	Safeguarding of Existing Waste Management Facilities
DM 1	Sustainable Design
DM 2	Environmental and Landscape Sites of International, National and Local Importance and Policy
DM 3	Ecological Impact Assessment
DM 5	Heritage Assets
DM 6	Historic Environment Assessment
DM 7	Safeguarding Mineral Resources
DM 8	Safeguarding Minerals Management, Transportation

	Production & Waste Management Facilities
DM 9	Prior Extraction of Minerals in Advance of Surface Development
DM 10	Water Environment
DM 11	Health and Amenity
DM 12	Cumulative Impact
DM 13	Transportation of Minerals and Waste
DM 21	Incidental Mineral Extraction

Material Considerations

- 6.4 The policies in the National Planning Policy Framework (NPPF) are material considerations in the determination of all planning applications. The July 2021 version sets out the government’s planning policies for England and how these are expected to be applied. The Government has recently consulted on further amendments to the NPPF (December 2022). These changes have yet to be formally published and may be subject to further change but where relevant these are addressed in the report.
- 6.5 The Planning Practice Guidance (PPG) to support the framework is applicable to the proposal, such as the guidance on air quality, climate change, contamination, soils, heritage, EIA, flood risk, healthy and safe communities, housing, light pollution, natural environment, landscape, noise, renewable and low carbon energy, town centres and retail, transport, trees, viability, waste, and water. The sections relating to procedures are also relevant, such as the consultation and pre-decisions matters, determining a planning application, planning obligations and use of planning conditions.

National Design Guide October 2019

- 6.6 The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It forms part of the government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on [design process and tools](#).

Kent Downs AONB Management Plan

- 6.7 As a statutory plan required by the Countryside and Rights of Way Act 2000, the Kent Downs Area of Outstanding Natural Beauty (AONB) Management Plan 2021-2026 sets out the shared vision of the future of this special landscape and is a material planning consideration. The plan identifies the key issues, opportunities and threats facing the landscape and sets out aims and principles for the positive conservation and enhancement of the Kent Downs for a five-year period.
- 6.8 The goal of the management plan is to ensure that the natural beauty and special character of the landscape and vitality of the communities are

recognised, valued, enhanced and strengthened well into the future. The Kent Downs AONB Management Plan 2021-2026 has now been adopted. The application site does not fall within the boundary of the AONB but does sit within its setting.

Listed Buildings

- 6.9 In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Local planning authority has paid special regard to the desirability or preserving those listed buildings potentially affected by the proposals, and their settings and the features of special architectural or historic interest which they may possess.
- 6.10 The Levelling-up and Regeneration Bill is currently at its second reading in the House of Lords. Whilst not yet passed as legislation, there are considerations within the Bill that are of relevance to the application, so it is considered pertinent to discuss them in this report, should it be enacted by the time the decision is issued should permission be granted.
- 6.11 In terms of heritage, the Bill proposes that a new subsection is added to the Town and Country Planning Act 1990 to the effect that in considering whether to grant planning permission for development that affects a relevant asset or its setting, the local planning authority must have special regard to the desirability of preserving or enhancing the asset or its setting. For the purpose of this application, this applies to scheduled monuments and Historic Gardens.

7. Appraisal

7.1 In light of the above the main issues for consideration are discussed in order of the following topics with each section incorporating a summary of the main findings:

- a) Environmental Impact Assessment and Habitats Regulations
- b) The principle of development
- c) Housing
- d) Employment and town centre uses
- e) Sustainable access and movement
- f) Landscape and visual impact
- g) Heritage and archaeology
- h) Masterplanning, design and public realm
- i) Green infrastructure and ecology
- j) Water resources
- k) Air quality, noise and other environmental matters
- l) Social and community infrastructure
- m) Utilities and infrastructure delivery
- n) Waste and minerals resources
- o) Climate change and environmental sustainability
- p) Long term management and stewardship
- q) Planning obligations

a) *Environmental Impact Assessment and Habitats Regulations Assessment (“HRA”)*

- 7.2 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as ‘the EIA Regulations’) require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken, and an Environmental Statement (ES) produced. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so, on what terms.
- 7.3 Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size, or location.
- 7.4 The proposed development is not of a type described in Schedule 1. However, it is an ‘urban development project’ as defined under paragraph 10(b) of Schedule 2 of the Regulations, and, given that the proposals are for up to 8,500 homes, far exceeds the threshold of 150 residential units cited in 10(b)(i).
- 7.5 Environmental Impact Assessment (‘EIA’) is a systematic process to identify, predict and evaluate the environmental effects of a proposed project. The purpose of an EIA is to ensure that the likely significant environmental effects of a project are understood and properly taken into account when decision makers consider the application.
- 7.6 The EIA identifies the likely significant effects on the environment (negative and positive) arising during the construction and or operation of a project. The EIA process also provides an opportunity to identify where control measures are required to avoid or reduce identified significant environmental effects, which can be addressed through design or embedded mitigation measures.
- 7.7 The ES must assess the likely environmental impacts at each stage of the development programme, considering the impacts arising from the demolition and construction phases as well as the impacts arising from the completed and operational development.
- 7.8 The ES is divided into the following topic areas, which aligns with those agreed with the Local Planning Authority through the Scoping process:
- Agriculture and soils
 - Air quality
 - Biodiversity
 - Climate change

- Cultural heritage
- Geology, hydrogeology, and land quality
- Human health
- Landscape and visual impact
- Noise and vibration
- Socioeconomic effects and community
- Surface water resources and flood risk
- Transport
- Waste and resource management

7.9 It is important to recognise that where environmental impacts are identified it is not necessarily the case that planning permission should be refused. Consideration should be given to the extent to which these effects can be avoided, mitigated, or reduced to a level whereby the remaining (residual) impact would be acceptable.

Scoping Opinions

7.10 An initial EIA Scoping Opinion was sought for the 2019 application submission, with the comments from this process being incorporated. A further request for a Scoping Opinion on the updated application was submitted to F&HDC in June 2020. This outlined the work that had been undertaken to date and set out the proposed approach to the EIA. A Scoping Opinion was issued by the LPA in July 2020. These comments were included in the updated application with a statement setting out how they have been addressed. A Scoping Addendum was submitted on 5 October 2021 to outline key changes to the application. These comprised additional land in the north-west corner of the site for provision of the waste water treatment works (WWTW), additional land for highway junction works at Newingreen Junction, minor amendments to clarify land ownership boundaries and a change in the assessment approach in relation to the future uses of Westenhanger Castle. The LPA's EIA advisors reviewed and responded to this Scoping Addendum and comments were incorporated.

7.11 To adhere to the case law referred to as the 'Rochdale Envelope', design flexibility can be built in by ensuring the EIA assesses the reasonable worst case and identifies assumptions, appropriate parameters and design to ensure there is an appropriate framework against which an assessment can be properly carried out. As further details become available through detailed design stages, they may need to be assessed further through the provisions of statements of conformity or ES Addendums, dependent on the scale of the works and implications for likely significant effects. Officers conclude however that sufficient environmental information has been provided at this outline stage to determine the application.

7.12 The LPA's Scoping Opinion Addendum (2020) noted that an extant planning permission for a materials recycling facility and anaerobic digestion plant at

Otterpool Quarry is situated within the red line boundary and that the applicant originally proposed to justify the loss of this facility rather than accommodate a development buffer around it. This approach was revised prior to the planning submission with the facility being accommodated within a separate set of Parameter Plans submitted for approval and the cumulative impact of this facility and the proposed development being assessed. This is described appropriately in the description of development set out in Chapter 4 of the ES. The significant environmental effects that could result from the development, set out in each set of Parameter Plans, have been assessed and inform the recommendation below.

- 7.13 In recognition of the specialist issues associated with the ES, officers instructed independent external consultants Temple Group, in association with a range of technical specialists to provide an independent and thorough critical review of the ES. Temple Group's review has considered the original ES and the additional information that has been submitted in response to queries and following the amendments to the proposal. The full versions of the review reports detailed below are available via the Council's website:
- Interim Review Report (2019)
 - Interim Review Report (May 2022)
 - Final Review Report (September 2022)
- 7.14 Temple Group' assessment is reflected in the relevant chapters of this officer report and informs the detailed wording of planning conditions and s106 obligations, where appropriate. Temple Group conclude that the ES meets the relevant legislative requirements, that the nature and magnitude of impacts are clear and that appropriate mitigation measures have been set out. Officers agree with the conclusions presented by Temple Group.
- 7.15 In light of the above officers are satisfied that appropriate mitigation can be secured through planning conditions and s106 legal agreement to ensure that the development would suitably address the environmental impacts that would otherwise arise.
- 7.16 Regulation 26 of the Environmental Impact Regulations 2017 includes provisions requiring the monitoring of any significant adverse effects on the environment of proposed development including any measures contained in (a) a condition imposed on the grant of planning permission; or (b) a planning obligation. As required under Regulation 26 1(d) and (3) the Local Planning Authority has considered whether it is appropriate to impose monitoring measures and only proposed those monitoring measures where it has been satisfied parts 3 (a – c) have also been satisfied. Where relevant, these measures are discussed in the main body of the report and secured through planning conditions or s106 legal agreement.

Habitats Regulations Assessment (“HRA”)

- 7.17 The Council, as Local Planning Authority is a competent authority in relation to the Directive 92/43/EEC of 12 May 1992 on the conservation of natural habitats and of wild fauna and flora (the ‘Habitats Directive’), and the European Parliament and Council Directive 2009/147/EC on the conservation of wild birds (the ‘Birds Directive’), as transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) (the ‘Habitats Regulations’). As such, the Council has undertaken a Habitats Regulations Assessment of the outline planning application.
- 7.18 The Habitats Regulations Assessment (HRA) comprises a screening assessment and appropriate assessment of the likely significant effects potential impacts of the application comprising the development being the same as described in the Environmental Statement upon the National Network Sites. The screening considered whether the application comprising the development alone, when considered as a whole and when considered in combination with other relevant plans and programmes, was likely to have a significant effect on the National Network Sites. Where likely significant effects could not be ruled out without the need for mitigation, an appropriate assessment has been undertaken on that potential impact.
- 7.19 Table 7 below contains a summary of the key screening and appropriate assessment conclusions. The HRA is addressed in this report and the information that has informed the assessment is available on the Council’s website:
- AECOM Review of Nutrient Neutrality Reports
 - AECOM Review of Recreational Pressure and Air Quality
 - ARCADIS Information to Inform Habitat Regulations Assessment
- 7.20 Any likely significant effects which were identified or could not be ruled out following screening were subject to an ‘appropriate assessment’ as to whether they would have an adverse effect on the integrity of a National Network Site, taking into account the features of and conservation objectives of each site.
- 7.21 Extensive engagement has been carried out and inputs have been made to the HRA from AECOM (LPA advisors on nutrient neutrality and other HRA matters) chartered ecologists at KCC Ecology and Blackwood Bayne Ltd (as advisors to the Council), Temple Group (as EIA advisors to the Council), and Mills and Reeve LLP (as legal advisors to the Council). Furthermore, Natural England has been consulted during the preparation of this HRA and full regard has been had to its advice during the engagement.
- 7.22 The appropriate assessment concludes that having taken account of relevant information and considering that mitigation measures will be adequately secured as part of any conditions and/or s106 legal agreement attached to the

planning permission, and are expected to be effective (with no reasonable scientific doubt), the local planning authority is satisfied that the proposed outline planning application, either alone or in combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site nor conflict with relevant conservation objectives for the National Network sites. In respect of nutrient neutrality, Natural England is satisfied there is sufficient information to rule out adverse effect at the outline planning application stage, provided that mitigation measures are secured.

Site	Distance from project (km)	Screening	Screening Result	Appropriate Assessment Needed	Appropriate Assessment Result
Blean Complex SAC	21.6km N	Screening conducted for potential effects from public access/disturbance, related to increased recreational pressure, air quality and functionally linked land.	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Dover to Kingsdown Cliffs SAC	20.1km NE	Screening conducted for potential effects from public access/disturbance, related to increased recreational pressure, air quality and functionally linked land.	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Dungeness SAC	9.9km S	Screening conducted for potential effects from public access/disturbance, related to increased recreational pressure,	The project (either alone or in combination with other plans or projects) is not likely	No	N/A

		air quality and functionally linked land.	to have significant effect on site. No further input required.		
Dungeness, Romney Marsh and Rye Bay SPA (with Marine extension)	8.7km S (with Marine extension 2.9km S)	Screening conducted for potential effects from: changes in species distribution, if Annex I bird species use functionally linked habitat on site which is lost/disturbed as a result of the development; public access/disturbance, related to increased recreational pressure and air quality.	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Dungeness, Romney Marsh and Rye Bay Ramsar	9.9km S	Screening conducted for potential effects from: changes in species distribution, if Ramsar bird species use functionally linked habitat on site which is lost/disturbed as a	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A

		result of the development Public access/disturbance, related to increased recreational pressure and air quality.			
Folkestone to Etchinghill Escarpment SAC	4.2km NE	Screening conducted for potential effects from: air pollution, related with increase in vehicle movements associated with development proposals; public access/disturbance, related to increased recreational pressure and functionally linked land.	<p>Potential for significant effect on the site resulting from public recreation impacts that needs to be considered at Appropriate Assessment.</p> <p>Potential for a significant effect on the site integrity resulting from air quality changes that needs to be considered at Appropriate Assessment.</p> <p>Other pathways screened out.</p>	<p>Yes. Appropriate assessment concludes that once good practice measures to monitor and manage via an access strategy are implemented, the proposal would not adversely affect the integrity of the site. This is secured through a condition (T1(9)).</p> <p>Appropriate Assessment presented within the HRA shows that there is no adverse impact on the integrity of the designated site from</p>	Implications for site's conservation objectives are assessed, it can be ascertained that the proposal will not adversely affect the integrity of the site.

				changes in air quality associated with the proposal. Measures are outlined to ensure that this is reassessed at subsequent tiers (including road traffic ammonia in the assessment). Rationale is also provided to demonstrate that there is currently no significant impact pathway even if road traffic ammonia is included in the modelling. Mitigation is outlined that would be applied at subsequent tiers in the unlikely event that it is required.	
Lydden and Temple Ewell Downs SAC	15.1km NE	Screening conducted for potential effects from: Public access/disturbance,	The project (either alone or in combination with other plans or projects) is not likely	No	N/A

		related to increased recreational pressure associated with development proposals, air quality and functionally linked land.	to have significant effect on site. No further input required.		
Parkgate Down SAC	9.1km NE	Screening conducted for potential effects from: public access/disturbance, related to increased recreational pressure associated with development proposals	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Sandwich Bay SAC	28.9km NE	Screening conducted for potential effects from: public access/disturbance, related to increased recreational pressure associated with development proposals.	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Stodmarsh SAC	23.2km N	Screening conducted for potential effects from: changes to	The project has potential to lead to significant effects	Yes. On site water treatment to ensure nutrient neutrality is	Implications for site's conservation objectives are

		<p>water quality, specifically increased nutrient inputs (nitrogen and phosphorous) through wastewater via water treatment works, and drainage to watercourses or ditches within the Stour catchment.</p>	<p>associated with changes to water quality, specifically increased nutrient inputs (nitrogen and phosphorous) through wastewater via water treatment works, and drainage to watercourses or ditches within the Stour catchment. Appropriate Assessment required.</p> <p>Other impact pathways screened out.</p>	<p>assessed at the appropriate assessment. On site wastewater treatment is secured by planning condition T1 (15), with provision of additional information at the Reserved Matters Stage (secured by condition RM1), to include bespoke calculations for the nutrient removal and wetland details. It can be ascertained that the proposal will not adversely affect the integrity of the site once mitigation (on site wastewater treatment) is implemented.</p>	<p>assessed, it can be ascertained that the proposal will not adversely affect the integrity of the site subject to the imposition of appropriate conditions.</p>
<p>Stodmarsh SPA</p>	<p>23.2km N</p>	<p>Screening conducted for potential effects from: changes in species distribution, if Annex I bird species</p>	<p>The project has potential to lead to significant effects associated with changes to water</p>	<p>Yes On site water treatment to ensure nutrient neutrality is assessed at the</p>	<p>Implications for site's conservation objectives are assessed, it can be ascertained that the</p>

		use functionally linked habitat on site, which is lost/disturbed as a result of the development changes to water quality, specifically increased nutrient inputs (nitrogen and phosphorous) through wastewater via water treatment works, and drainage to watercourses or ditches within the Stour catchment.	quality, specifically increased nutrient inputs (nitrogen and phosphorous) through wastewater via water treatment works, and drainage to watercourses or ditches within the Stour catchment. Appropriate Assessment required. Other impact pathways screened out.	appropriate assessment. On site waste water treatment is secured by planning condition T1 (15), with provision of additional information at the Reserved Matters Stage (secured by condition RM1), to include bespoke calculations for the nutrient removal and wetland details. It can be ascertained that the proposal will not adversely affect the integrity of the site once mitigation (on site waste water treatment) is implemented.	proposal will not adversely affect the integrity of the site subject to the imposition of appropriate conditions.
Stodmarsh Ramsar	23.2km N	Screening conducted for potential effects from: changes in species distribution, if Annex I bird species use functionally linked habitat on site,	The project has potential to lead to significant effects associated with changes to water quality, specifically increased nutrient	Yes On site water treatment to ensure nutrient neutrality is assessed at the appropriate assessment. On site	Implications for site's conservation objectives are assessed, it can be ascertained that the proposal will not adversely affect the

		<p>which is lost/disturbed as a result of the development. Changes to water quality, specifically increased nutrient inputs (nitrogen and phosphorous) through wastewater via water treatment works, and drainage to watercourses or ditches within the Stour catchment, air quality and recreational pressure.</p>	<p>inputs (nitrogen and phosphorous) through wastewater via water treatment works, and drainage to watercourses or ditches within the Stour catchment. Appropriate Assessment required.</p> <p>Other impact pathways screened out.</p>	<p>waste water treatment is secured by planning condition T1 (15), with provision of additional information at the Reserved Matters Stage (secured by condition RM1), to include bespoke calculations for the nutrient removal and wetland details. It can be ascertained that the proposal will not adversely affect the integrity of the site once mitigation (on site waste water treatment) is implemented.</p>	<p>integrity of the site subject to the imposition of appropriate conditions.</p>
The Swale Ramsar	25.2km N	<p>Screening conducted for potential effects from: changes in species distribution, if Ramsar bird species use functionally linked habitat on site, which is lost/disturbed as a</p>	<p>The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.</p>	No	N/A

		result of the development, air quality and recreational pressure.			
The Swale SPA	25.2km N	Potential effects from: changes in species distribution, if Annex I bird species use functionally linked habitat on site, which is lost/disturbed as a result of the development, air quality and recreational pressure.	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Tankerton Slopes and Swalecliffe SAC	29.5km N	Screening conducted for potential effects from: public access/disturbance, related to increased recreational pressure.	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Thanet Coast and Sandwich Bay SPA	28.5km NE	Screening conducted for potential effects from:	The project (either alone or in combination with other plans or	No	N/A

		changes in species distribution, if Annex I bird species use functionally linked habitat on site, which is lost/disturbed as a result of the development, air quality and functionally linked land.	projects) is not likely to have significant effect on site. No further input required.		
Thanet Coast and Sandwich Bay Ramsar	26.5km NE	Screening conducted for potential effects from: Recreation, air quality and functionally linked bird habitats.	The project (either alone or in combination with other plans or projects) is not likely to have significant effect on site. No further input required.	No	N/A
Wye and Crundale Downs SAC	5.8km N	Screening conducted for potential effects from: public access/disturbance, related to increased recreational pressure associated with development	Potential for significant effect on the site resulting from public recreation impacts that needs to be considered at Appropriate Assessment.	Appropriate assessment concludes that once good practice measures to monitor and manage via an access strategy (secured by planning condition T1(9) are	Implications for site's conservation objectives are assessed, it can be ascertained that the proposal will not adversely affect the integrity of the site.

		proposals, air quality and functionally linked land.		implemented, the proposal will not adversely affect the integrity of the site.	It is recommended that permission may be granted.
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Table 12 - Screening and Appropriate Assessment Summary

b) The Principle of Development

Background to site allocation

- 7.23 The Strategic Housing Market Assessment, which was published in spring 2017, suggested that significantly more homes were needed across Folkestone & Hythe in the coming years compared to those planned for within the previous Core Strategy. In order to constitute sustainable development, it became clear these homes would require appropriate supporting infrastructure, including new employment opportunities.
- 7.24 The study emphasised the importance of providing supporting infrastructure, services, facilities and other appropriate land uses alongside new housing to ensure the sustainability of development and to avoid the risk of developing 'dormitory' suburbs where homes are separated from jobs, shops and schools and hence travel by private car is implicitly encouraged. At the same time, the Government indicated support for visionary new growth proposals in its consultation on changes to the NPPF proposed to strengthen national planning policy to provide a more supportive approach for new settlements, within locally led plans.
- 7.25 The locations for providing significant housing growth in Folkestone and Hythe District remain constrained by the statutory designation of the North Downs Area of Outstanding Natural Beauty and the coverage of Romney Marsh by flood zone restrictions, with much of the Marsh located in Flood Zone 3a. Housing growth in Folkestone and Hythe has previously been met by a strategic expansion of the village of Hawkinge and on sites within the urban areas of Folkestone and Hythe, with more limited growth at Sellindge and New Romney.
- 7.26 Proportionately, most of the housing growth over the past decade has also been met within the urban areas of Folkestone, Hythe and Hawkinge. Work undertaken between 2015 and 2017 in preparing the Places and Policies Local Plan concluded that the opportunities (based on the suitability, availability, and achievability of sites) to accommodate further strategic growth in towns and villages was extremely limited.
- 7.27 It was therefore envisaged that future growth (beyond that allocated in the Places and Policies Local Plan) would not be provided by in-filling within existing settlement boundaries and therefore a new, visionary response to meeting future housing need would need to be identified in the Core Strategy Review.
- 7.28 To meet the future needs of the district the Core Strategy Review sets out an ambitious new initiative which provides a significant medium and long-term housing growth in the district in the form of a new garden settlement within the North Downs Character Area of the district.

- 7.29 The Core Strategy Review was adopted in March 2022 and sets out the long-term strategy for the district from 2019/20 to 2036/37. It identifies a need for 13,284 new homes over the plan period based on the government's standard methodology together with the necessary infrastructure to support this level of growth.
- 7.30 In February 2022 the Inspectors examining the Core Strategy Review (CSR) concluded the Core Strategy Review meets the government's requirements and that it is 'sound' subject to modifications set out in their report.
- 7.31 In assessing the principle of a new settlement in the North Downs Area it is worth noting the Inspectors conclusions in respect of the principle:

*"The Council has undertaken a thorough and robust appraisal of the options to accommodate the growth necessary to deliver the housing requirement. The majority of the district is subject to significant environmental or physical constraints and the potential for development within or adjoining existing settlements has been maximised. The evidence demonstrates that only one area (that part of Area 4 south of the M20/HS1 but outside of the AONB) is able to accommodate the scale of housing necessary. This is the area identified for the New Garden Settlement in the CSR. There are no reasonable alternatives in terms of delivering the housing requirement."*⁴

- 7.32 Policy SS1 'District Spatial Strategy' of the CSR is clear that housing would be delivered through:

*'...a new sustainable, landscape-led settlement, with supporting town centre and community uses, based on garden town principles in the North Downs Area, in accordance with policies SS6-SS9'*⁵.

- 7.33 Paragraph 4.39 continues to state that:

'The potential for significant sustainable development in the district is focused on maximising strategic infrastructure where landscape capacity exists, with the creation of a new settlement in the North Downs Area. This will be a major, long-term growth opportunity, developed on garden town principles during the plan period and beyond. Policies SS6-SS9 set out rigorous design requirements and ambitious environmental and sustainability targets that the new settlement must meet to ensure its potential is realised'.

⁴ Paragraph 69, page 21, Inspectors Report

⁵ Policy SS6 'New Garden Settlement - Development Requirements'

Policy SS7 'New Garden Settlement - Place Shaping Principles'

Policy SS8 'New Garden Settlement - Sustainability and Healthy New Town Principles'

Policy SS9 'New Garden Settlement - Infrastructure, Delivery, Phasing and Management'

7.34 Table 4.4 'District Settlement Hierarchy' identifies the new garden settlement as a 'Strategic Town' to accommodate 'significant development.'

7.35 Policy SS3 'Place-Shaping and Sustainable Settlements Strategy' states that:

'Development within the district is directed towards existing sustainable settlements and a new sustainable garden settlement south of the M20 near Westenhanger to protect the open countryside and the coastline, in accordance with policy SS1'

7.36 Figure 4.5 'Garden Settlement North Downs - Indicative Strategy,' identifies the location and this area is also replicated as an allocation on the Policies Map. Policy SS6 'New Garden Settlement - Development Requirements' states that:

'Land is allocated within the North Downs area for a new garden settlement as shown on the Policies Map.'

7.37 There is considerable support within the NPPF for the supply of large numbers of new homes to be achieved through planning for larger scale development⁶, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). The framework has guided the approach to the site allocation through the evolution of the development plan. This is maintained in the proposed changes to the NPPF (paragraph 74, draft NPPF December 2022).

7.38 There is also explicit recognition within the NPPF that the delivery of large-scale developments may need to extend beyond an individual plan period (see footnote 35) and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated. The review mechanisms proposed to address the requirement under Policy SS6 for homes beyond the plan period to be subject to detailed masterplanning (through the tiered approval process) and potential impacts on the Kent Downs AONB are addressed throughout this report. These meet the requirements of Policy SS6 for planning beyond the plan period and represents good strategic planning.

Principle of development

7.39 The Places and Policies Local Plan (PPLP) 2020 sets out the small to medium sized residential allocations as well as the general development management policies for making decisions on planning applications. It was produced before the Core Strategy Review and the identification of the new settlement and, as

⁶ Paragraph 73, NPPF

such, there are no specific policies relevant to the consideration of the principle of development.

- 7.40 There is, however, one allocation at Lypne that now falls within the new settlement designation, this is Policy ND6 'Former Lypne Airfield'. This policy allocates land for 125 new dwellings adjacent to the settlement with a large area for open space retained to the west. The proposal in the planning application seeks the reverse with open space (a buffer area) between the new development and Lypne, reflecting the larger amount of development now being proposed.
- 7.41 To the extent there is conflict in policy terms between the two plans the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan, which in this case is Policy SS6 contained within the Core Strategy Review.⁷ In any event, and apart from this, the aims of the Places and Policies Plan in allocating this site would be comprehensively met.

New Settlement Framework Masterplan Area

- 7.42 The Parameter Plans submitted as part of the planning application fall within the strategic site allocation. The red line boundary of the application for both sets of Parameter Plans includes land for up to 8,500 homes. Areas to the southwest, including Harringe Brooks Wood and Harringe Court and Link Park Industrial Estate also form part of the wider strategic site allocation but have been excluded from the Parameter Plans. These areas do however form part of the wider illustrative masterplan developed over the course of the last few years and have been addressed as a coherent whole, consistent with the policy requirement to develop a masterplan. In the interests of good strategic planning, discussions with various stakeholders, including consideration of infrastructure requirements with KCC, have recognised the wider strategic site allocation and the needs that may arise. This approach is supported as a way of ensuring future development is not prejudiced by earlier development proposals and to avoid a fragmented approach to masterplanning and movement. These areas are shown in Figure below and are referred to throughout the application as the Otterpool Park Framework Masterplan (OPFM). The full development of the new settlement for the wider masterplan area has been considered in the assessment of cumulative effects.

⁷ Section 38 (5) Planning and Compulsory Purchase Act 2004

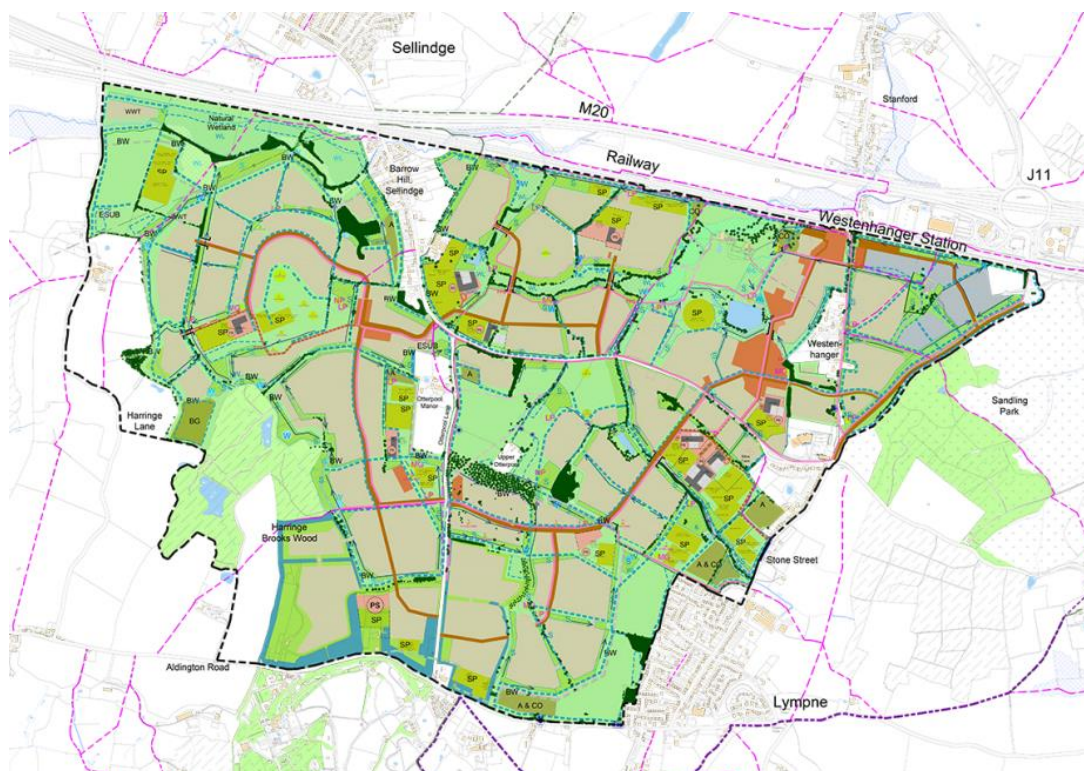


Figure 4 Illustrative Masterplan Framework Area

Planning beyond plan period

- 7.43 In relation to the overall quantum of development, the amount of development proposed within and beyond the plan-period is in line with Policy SS6. It is also important to consider the role of amendments to the NPPF here which provide a more supportive approach to the long-term nature of new standalone settlements which do not align with typical 15-year local plan periods. There is explicit recognition within the NPPF that the delivery of large-scale developments may need to extend beyond an individual plan period (see footnote 37⁸). Planning beyond plan periods for new settlements represents good strategic planning. The development plan policies were developed in accordance with these revisions to the NPPF.

Amount, land use and parameters

- 7.44 Core Strategy Review policy SS6 states the new settlement shall provide for a minimum of circa 5,600 new homes in a phased manner within this plan period (2019/20 to 2036/37) with potential for future growth to provide a total of 8,000 – 10,000 homes within the site allocation area beyond the plan period (subject to detailed masterplanning and an assessment of potential impacts on the Kent Downs AONB in line with Policy SS7).

⁸ Footnote 37, p.20, NPPF

- 7.45 The outline planning application for 8,500 homes falls within the allocated quantum of dwellings set out in Policy SS6. Further detailed assessment of all its parameters (and implications thereof) is addressed throughout this report to determine whether the proposal meets the wider objectives of Policy SS6 and sustainable development, as defined in national policy.
- 7.46 In addition to 8,500 homes, the submitted Development Specification (revised) includes a range of commercial, community and employment uses. The Core Strategy Review identifies a target of 36,700sq.m net employment floorspace (B use classes) by 2037 with the potential to provide for approximately 57,600 sqm of employment floorspace in total within the site allocation area.
- 7.47 The settlement is included as an employment location to provide the opportunity to deliver employment and town centre development that complements other centres including Folkestone town centre, Hythe and other growth areas across East Kent. The site allocation advises that the new settlement would provide business space suitable to accommodate growing sectors operating in regional, national and international markets with a capacity to contribute to employment and GVA growth. The overall quantum of employment uses (Use Class E and B2) including commercial business space in hubs, business park and light industrial park exceeds the stated requirements in the Core Strategy Review. With adequate safeguards as discussed in the economic development chapter, this is considered to be acceptable and support the plan's economic growth ambitions.
- 7.48 It goes on to advise that employment space should be delivered alongside infrastructure and new homes so that job opportunities are available when the first phases of housing are occupied; subsequent phases should show how further employment development would be delivered alongside new housing as agreed with the local planning authority. Mechanisms are proposed to manage the overall mix and quantum of employment space controlled through the tiered approval process; the overall quantum, mix and type of employment is discussed in more detail later in this report but a significant amount of employment land, including an appropriate mix of offices, light industrial and research and development is proposed in appropriate locations focused upon the land closest to the M20 J11 junction, the new town centre, the rail station and other local centres. With these controls in mind, the overall amount of employment space is consistent with the development plan.
- 7.49 The proposal also includes up to 29,000sqm of retail uses (Class E or Sui Generis), to meet this objective. The accompanying strategies for employment, economic development and town centre development are assessed in the Town Centre Uses chapter.
- 7.50 The proposed development also includes up to 67,000 sqm of land for education and community uses (Use Class E and F), up to 8,000 hotel (Class C1) and up

to 8,500sqm leisure (Use class E, F and Sui Generis). The amount and type of community floorspace is addressed in more detail in later chapters of this report but is found, in totality, to meet the principle of self-sufficiency identified in Policy SS9(1)(a) and (b). This mix of uses is considered to comply with and positively contribute to Policy SS6 objectives of achieving a range of uses appropriate to the new town and supporting a sustainable and vibrant new community.

Movement

- 7.51 Policy SS7 requires the new settlement to be underpinned by a movement strategy which prioritises walking, cycling and access to public transport and demonstrates how this priority has informed the design of the new settlement. Following officer feedback on the 2019 submission a fundamental review of the transport and movement strategy was undertaken. The documents underpinning the revised approach to sustainable transport including consideration of transport and highway impacts are addressed in more detail in the sustainable access and movement section. The proposal, as demonstrated on the revised Parameter Plans (Development Areas and Movement Corridors) provides a range of movement corridors across the site. The Development Specification confirms the main access to the new settlement would be from Junction 11 of the M20 via the A20. This is shown as an all-movement corridor connection to existing route.
- 7.52 A network of proposed primary roads would provide access through the proposal connecting both sides of the A20 and serving the railway station, town centre, schools, local centres and employment as well as giving access to the residential areas. These routes would provide for bus movements and have walking and cycling connections alongside. The primary roads are indicated in the Development Areas and Movement Corridors Parameter Plans (OPM(P)4001_YY) and (OPM(P)5001_WW) with limits of deviation. There would also be other access roads delivered across the site with the detail design of these submitted as part of the tiered approval process. In addition, planning conditions are proposed to ensure the timely delivery of key access points including junctions being delivered via S.278 or S.38 agreements. These have been agreed with KCC Highways.
- 7.53 This is supplemented by a range of on and off-site highway related improvements including:

Location	Proposed improvement(s)
Newingreen Junction	At the southern end of the A20, in the eastern part of the site it is proposed to merge the existing A20 Ashford Road priority junctions with Stone Street and Hythe Road into

	one signalised junction, to be known as Newingreen Junction;
Upgrade of the A20 Ashford Road	The A20 link between the roundabout south of the M20 J11 and north of the Newingreen junction is proposed to be improved as a 40mph single carriageway road. Traffic levels would however be monitored to determine whether a further upgrade to a dual carriageway is required. In both the single and the dual layout scenarios the route is proposed to be provided west of the existing route in the southern section, and in the northern section the existing alignment would be realigned and widened to the west of the existing route as appropriate. This would address safety concerns of the existing alignment. A landscape buffer would be provided to minimise visual and other impacts on the Area of Outstanding Natural Beauty and Sandling Park to the east of the existing and proposed alignments of the A20. Where the existing A20 is not used as part of the new alignment, it would be retained for pedestrian use to allow connectivity with footpath HE/281 and the planting of its edges would form part of the landscape buffer – this would apply to both the single and dual options. The dual option would also involve the creation of a median between the northbound and southbound carriageways containing native structural planting.
	At the northern end of the A20 improved link, a new traffic signalised junction and a new primary road are proposed to provide access to the railway station and development within the indicative Hillhurst Farm development phase
	At the southern end of the A20, a new traffic signalised junction is proposed to connect to the proposed Otterpool Avenue.
	As part of the upgrade to the A20 between the Otterpool Avenue and the M20 J11, a significant improvement is proposed for pedestrians to mitigate the expected increase in traffic flow along the A20 at this location. A signalised pedestrian crossing is proposed at the A20/Otterpool Avenue junction and the A20/Business Park access junction to facilitate the connection to HE/281 to the south east.
Otterpool Avenue	Otterpool Avenue is proposed to serve the development by providing a route for the A20 east west traffic, effectively bypassing the existing Newingreen junction. Otterpool Avenue is a proposed single carriageway 30mph strategic route with a segregated footway and cycleway alongside.

	<p>The existing A20 would tie into Otterpool Avenue via a new junction at a point northwest of Newingreen.</p> <p>Existing Stone Street would be connected to the new Otterpool Avenue via a crossroad priority junction but there would be no through route to the railway station or to the Newingreen junction for motorised vehicles, ensuring Stone Street serves as a quiet access to only the existing properties. However, access to the railway station would be permitted from the existing stone street for pedestrian and cyclists.</p> <p>A new crossroads with traffic signals would be provided between Otterpool Avenue and the New High Street to give access to the proposed town centre and railway station to the north, and development to the south.</p> <p>On the section of the existing A20 which is bypassed by Otterpool Avenue (west of Newingreen) it is proposed that the speed limit would be reduced to 30mph from 40mph.</p> <p>West of Otterpool Avenue, it is proposed that the existing A20 is reduced in speed limit from 40mph to 30mph and a segregated walking and cycling route is proposed alongside the highway, to provide an enhanced connection along the route prior to full development along the corridor.</p> <p>Otterpool Lane - the existing Otterpool Lane junction with the A20 is to be maintained as a traffic signalised three-arm junction. There is proposed to be a new staggered junction to the south of Otterpool Lane (near to Link Park) with the new road that is to be delivered as part of the development.</p>
<p>Bridges</p>	<p>Development in the flood plain is limited to 3 road bridges over the East Stour River. The construction of these bridges is subject to a Flood Risk Activity Permit from the Environment Agency. The bridge design is to ensure no loss of open channel, retention of existing channel profiles and natural bed materials. Each bridge allows for a 2m freeboard, a minimum 10m vegetated buffer zone from the top of the riverbank and a 1m wide mammal ledge above the predicted flood levels.</p>
<p>Off-site highway improvements</p>	<p>Partial signalisation of the M20 Junction 11 roundabout.</p> <p>Improvements to the following walking and cycling routes:</p> <ul style="list-style-type: none"> • HE/359 and HE/371 footpath - improve the connection to Public Right of Way (PROW) and cycle network from Westenhanger Station to the north • HE/281 footpath - improvements to the route between Stone Street and heading south-east

	<p>through Sandling Park towards Hythe and Saltwood.</p> <ul style="list-style-type: none"> • HE/293 footpath – links to the proposed pedestrian network and connection eastwards to Hythe • HE/343 byway – improving this link would make it more attractive as a pedestrian route to Hythe.
	Aldington Road between Otterpool Lane and Stone Street – improvements to the pedestrian provision such as formalised crossing points and consideration for traffic calming measures close to key pedestrian desire lines.
	Harringe Lane - proposal to close this road for vehicle traffic halfway down the road. This would prevent any through traffic generated by the development and create a more attractive route for walking and cycling in the north – south direction.
	Aldington Road – proposal to close the road.
	Enhancements to bus service frequency to meet the estimated future demand – discussed in detail in the transport chapter.
	Improvements to Westenhanger Rail Station, including new cycle parking facilities, bus stopping facilities, car parking provision and the creation of a Controlled Parking Zone (CPZ) beyond the station area.
	Highways works to Barrow Hill (including resurfacing works and laying of anti-skid material between the application site boundary and the traffic lights under the bridge at Sellindge).
Other off-site highway improvements	A20 Hythe Road / The Street
	A261 London Road / Barrack Hill
	A20 Ashford Road Left-In Left-Out
	A259 Prospect Road / Stade Street
	Barrow Hill Shuttle Signals
	A20 / Spitfire Way / Alkham Valley Road Interchange
	M20 J10A
	A20 Ashford Road small roundabout
	M20 J9 – Improvements to Trinity Road and Fougères Way
	M20 J13 South Roundabout
	M20 J12 Eastbound Merge
	A259/Dymchurch Road/Military Road double yellow line scheme
	M20 J11 Westbound Merge, Westbound Diverge, Eastbound Merge and Eastbound Diverge
	A292 Hythe Road/M20 London bound slip road
M20 J10	

	B2067 between junction with Otterpool Lane and Roman Road, Aldington.
	B2064 Cheriton High Street/ B2063 Risborough Lane
	B2064 Cheriton High Street/A2034 Cherry Garden Avenue

Table 13 - Proposed Highway Improvements

- 7.54 The highway related infrastructure, set out above, would meet the requirement of SS7(6)(c) in particular. It requires the capacity of M20 junction 11 to be upgraded and other key junctions on the road network to be redesigned and improved in partnership with National Highways and Kent County Council. The way in which these are secured is described in the Sustainable Access and Movement Chapter.
- 7.55 The parameters allow for the variable parking standards to be applied based on an assessment of accessibility informed by the user centric survey with the exact level of car parking to be agreed for each phase via the tiered approval process. This accords with the requirements of part (f) of SS7.
- 7.56 The parameters allow for early improvements to Westenhanger Rail Station itself, including new cycle parking facilities, bus stopping facilities, car parking provision and the creation of a Controlled Parking Zone (CPZ) beyond the station area. Should a new high-speed station be brought forward in the future this could also be accommodated within the red line and proposed parameters. The parameters in so far as they relate to rail network are consistent with the requirements of part (g) of Policy SS7.

Loss of agricultural land

- 7.57 Paragraph 175 of the NPPF states that plans should allocate land with the least environmental or amenity value, where consistent with other policies in the Frameworks. Recent draft amendments to the NPPF (footnote 67) paragraph 177 makes reference to the availability of agricultural land used for food production which should be considered alongside the other policies in the framework. Where significant development of unallocated agricultural land is demonstrated to be necessary to meet housing, business or community need, planning permission may be granted on the best and most versatile land if a suitable site within the urban area or on poorer quality land cannot be identified.
- 7.58 To support officers' consideration of the application, the ES has been reviewed independently by Temple Group and reports the environmental impact of construction and operation of the proposed development with respect to agriculture and soils. The ES provides an appropriate summary of relevant legislation, policy and guidance, and a description of the methodologies used to assess the potential effects of the proposed development. Baseline conditions are set out followed by the impact assessment which incorporates relevant design and other mitigation measures that would be employed during construction. The chapter is produced by a Chartered Scientist (CSci) and a

Fellow of the British Society of Soil Science (BSSS). This assessment has utilised best practice guidance produced by the BSSS 'Working with Soil Guidance Note on Assessing Agricultural Land Classification Survey in England and Wales'.

- 7.59 The ES chapter assesses the effects on soil during construction and operation as minimal. This relies on the successful production and implementation of a SMP as part of the Construction Code of Practice (CoCP) and is secured by planning condition. Further clarifications were requested as part of the ES review process including a breakdown of the area (ha) and proportion (%) of agricultural land in Grade 1, Grade 2 or Subgrade 3. This confirmed that approximately 500ha would be lost from primary agricultural production, of which a significant proportion (in excess of 400ha) would be BMV land.
- 7.60 Natural England as the relevant statutory organisation has been consulted on the appropriateness of the assessment of effects on BMV agricultural land. Natural England advise that any grant of planning permission should be made subject to conditions to safeguard soil resources, including the provision of an appropriately experienced soil specialist to advise on and supervise soil handling, including identifying when soils are dry enough to be handled. DEFRA has also published a Construction Code of Practice for the Sustainable Use of Soils on Construction Sites which may be helpful when setting planning conditions for development sites. It provides advice on the use and protection of soil in construction projects, including the movement and management of soil resources, which Natural England recommends is followed. These are secured via planning condition for Tier 2 under draft conditions T2(7).
- 7.61 The application site comprises land, used for agricultural purposes. Notwithstanding the presence of the best and most versatile agricultural land within the site, the application site has been allocated through the Core Strategy Review for a new standalone settlement. This also formed part of the initial AECOM Strategic Growth Options Report which underpinned the policy formulation process and eventual site allocation. It is considered that the loss of the best and most versatile agricultural land is outweighed by the significant social and economic benefits associated with the proposed strategic development and addressed elsewhere in this report - this balanced position was accepted by the Core Strategy Review Inspector and by the Council when allocating this site for development. Consequently, the proposal accords with the NPPF and guidance provided by Natural England in its response.
- 7.62 In addition, the loss of the best agricultural land would to some extent be mitigated by the submission of the Soils Resources Management Plan. This would allow an appropriately experienced soil specialist to advise on, and supervise, soil handling, including identifying when soils are dry enough to be handled and how to make the best use of the different soils on site. A Soil Resources Strategy and Soil Management Plan (SMP) as part of a Construction

Code of Practice (CoCP), following best practice set out in DEFRA 'Code of Construction Practice for the Sustainable Management of Soil on Construction Sites' (September 2009) is secured via planning conditions.

- 7.63 Many public representations raise concerns related to the loss of high-quality soil and the need for food growing. The proposed development is considered to accord with local and national policy, which recognises that BMV agricultural land may sometimes be appropriate for development. In the present case, the principle of the loss of BMV land has been accepted through the allocation of the site for development.

Land uses

- 7.64 An overarching requirement of land use requirements contained within Policies SS6 to SS9 is for the new settlement to be self-sufficient regarding education, health, community, transport and other infrastructure. In addition to residential and employment land uses which are consistent with the requirements of Policy SS6, the policies also require a comprehensive range of other land uses sufficient to meet the needs of a new standalone settlement.
- 7.65 The amended Parameter Plans accord with the broad location of the town centre identified in the site allocation and supporting policies. The town centre acts as the main community hub and focal point for the new settlement, located as it is at a key point in the overall structure of the settlement by the existing racecourse pond, which would be expanded and enhanced to become a focal point. The town centre would be the location for the main retail and commercial uses and the centre would have complementary uses. This would be facilitated through a town centre strategy to be secured as part of the Design Code for that phase and a separate planning condition under RM8.
- 7.66 These spatial principles direct the majority of retail, services, employment, community and civic uses to the town centre and guide the mix of uses. The Development Specification envisages a small food store within the proposed town centre of up to 500sqm. Up to 29,000sqm GEA of mixed retail and related uses is proposed overall. This floorspace includes uses such as shops, professional services, retail services, cafes, restaurants, drinking establishments, hot food takeaways (use classes E and Sui Generis). The delivery of the retail floorspace would be focused on the town centre and Castle Park phase of development, although across the site allocation (within the Development Areas shown on the 'Development Areas and Movement Corridor' Parameter Plan (OPM(P)4001_YY) there would be an element of retail and related services such as local neighbourhood retail shops, professional services and food and drink venues to meet local needs.
- 7.67 These land uses and amounts are consistent with the objectives outlined for a vibrant town centre identified in SS7(2) which aims to provide for a mix of

employment opportunities at the heart of the garden settlement, allowing choice and variety as well as reducing the need to travel for day-to-day needs. The specific amounts and retail impact is addressed elsewhere in this report but the parameters allow for the creation of a vibrant town centre together with public spaces to promote activity throughout the day and into the evening.

- 7.68 The establishment of the town centre as a key focus for commercial and community activity is further complemented by the proposed position of the primary and secondary schools next to the town centre. Where appropriate, local centres are co-located with a primary school and adjoin public open/play space to support informal gathering in accordance with Part 3 (Village Neighbourhoods) of SS7. The parameters allow for all homes to be within 800m walking distance or 10 minutes' walk of a local neighbourhood centre with an aspiration that all homes are within 400 metres/5 minutes' walk of such facilities.
- 7.69 The Parameter Plans, Development Specification and Strategic Design Principles establish the broad structure for development of the new town and the disposition of key uses and incorporate a number of structuring elements and fixes. They provide a robust set of parameters and principles to secure compliance with the Core Strategy Review policy requirements at this outline stage, particularly in regard to the land uses and amounts. They do however provide a degree of flexibility for detailed design to come forward so the alignment of the routes and the precise locations of buildings would be determined through tiered approval process.

Landscape and open space approach

- 7.70 Policy SS7 advises that development proposals should demonstrate a landscape-led approach. The detailed requirements for landscape, visual impact, green infrastructure and ecology are addressed in chapters (f) and (i) respectively. The parameters mean the proposal will provide a range of associated uses and mitigation measures including drainage, habitat compensation and informal open space. Strategic landscaping within the site is proposed.
- 7.71 The proposal includes approximately 72.16 hectares of publicly accessible open space including parks, sports fields and amenity areas that contribute towards meeting the Council's open space standards. The majority of these areas comprise existing, but publicly inaccessible, open space, which can be retained and/or enhanced, as shown on the revised Parameter Plans and reinforced through the Strategic Design Principles. The proposed Castle Park in particular plays a critical role in establishing a civic and recreational heart to the town but also respecting the setting of Westenhanger Castle.
- 7.72 This area includes the scheduled Castle Causeway which is secured on the Parameter Plans with no deviation limit allowed. This leads to the Castle itself

which is now within the red line of the outline application. Further design principles are secured within the Strategic Design Principles to guide the detailed design of these areas, including the Castle Park, through the tiered approval process. Planning condition T2(1) requires the Castle Area to be included in the first phase to come forward.

- 7.73 The Castle is shown as an indicative Westenhanger Castle Phase on the Parameter Plans. It includes existing buildings identified to be demolished within the application boundary and existing buildings to be retained within the application boundary itself. No new built development is proposed within the Westenhanger Castle indicative phase at this stage. Though the existing buildings in this indicative phase are proposed to continue in their existing use, a future submission for approval is anticipated in the form of a full planning application for the future uses (likely to include Classes E and F uses) and any built development to come forward at the castle and its immediate grounds (for the area shown as the indicative Westenhanger Castle development phase on plan OPM(P)4001_YY). Any future application would be prepared in line with the principles enshrined within the Heritage Strategy and Conservation Management Plan, in order to secure the future viable use of the castle. This issue is discussed in the heritage section of the report with these commitments being secured through a Castle Protocol agreed through s106 legal agreement. An EIA addendum would be prepared as necessary when the future proposals for the castle are submitted for approval.
- 7.74 The Open Space and Vegetation Parameter Plans secure the provision of strategic open space across the site. The open space identified on this parameter plan provides the green infrastructure essential for the garden settlement identified in SS7. The open spaces would provide a range of functions, many of which would contribute toward the green infrastructure of the garden settlement, including but not limited to:
- helping to conserve the setting for heritage assets;
 - providing separation from existing communities – so helping to conserve their existing character and identities;
 - connectivity for wildlife;
 - accommodation and integration of existing and proposed trees, hedgerows and other habitats;
 - buffers to surrounding areas of valued landscape character;
 - the accommodation of sustainable drainage assets (such as existing water courses, and proposed wetlands, ponds, retention basins, swales and areas of wet woodland);
 - native tree belts and other structural planting for integrating the development in views into, out of and through the site;
 - shared amenity space for existing and emerging communities;
 - areas of play and community food production (such as allotments and orchards); school sports playing fields;

- public sports and recreation; existing and new footpaths and cycle paths;
 - and green burial space.
- 7.75 The Parameter Plans create a number of corridors of open space, which would provide pedestrian, cycle and bridleway connectivity between key land uses, homes, town and neighbourhood centres and community facilities including schools. They also connect habitats, links between strategic open spaces, buffers for adjacent landscapes, sustainable drainage basins & swales, native tree belts and other structural planting to assist in the integration development in views into, out of and through the site. The width of corridors has been determined by assessment of the functions and are described further in this document for each area, as well as in the Green Infrastructure Strategy and Heritage Strategy.
- 7.76 The width of corridors has been determined by assessment of the functions and supports the overarching principles of SS7. Within the development areas shown on the Parameter Plans there would be further open spaces such as pocket parks but the exact location and design of these would be confirmed at later design stages. These would ensure there is provision for required amenities and facilities local to the homes and other land uses, including but not limited to further areas for existing trees and hedgerows; buffers to landscapes and habitats; sustainable drainage retention basins and swales; landscape belts with suitable trees to assist in the integration development in views into, out of and through the site; shared amenity space; play; food production; school sports playing fields; public recreation; footpaths and cycle paths within open space corridors; open space setting for heritage.
- 7.77 It is anticipated that within development areas shown on the parameter plans (other than private gardens) approximately 10-15% of the land would be provided as open space (with integrated Sustainable Drainage), resulting in a total amount of open space combined with the open space parameters of approximately 50% (excluding garden areas). These elements are secured in the Strategic Design Principles. Further detailed assessment of policy requirements is provided in the green infrastructure and ecology chapter.
- 7.78 A detailed assessment of the individual structural planting proposals and the Green Infrastructure Strategy is dealt with later in this report. The parameters plan shows the general location of proposed structural planting and those areas of scheme-wide importance.
- 7.79 All trees, tree groups and hedgerows shown for retention on parameter plan OPM(P)4002 are to be protected in accordance with BS 5837(2012) 'Trees in Relation to Construction', during construction, and integrated into proposed development layouts and/or further structural vegetation planting. Any deviation from the removal/retention of such trees is to be agreed with the local planning authority.

- 7.80 The Parameter Plans show where vegetation is proposed to be retained and sufficient information has been provided to secure planting. Breaks in this retained vegetation may however be required to facilitate the proposed development for example where proposed roads, footpaths/cycleway would cross through it. This would be confirmed at the Tier 2 and Tier 3 stages once detailed tree and vegetation surveys have been conducted and the design has been further progressed.

Height

- 7.81 The Design and Access Statement, Strategic Design Principles and amended Parameter Plans for both scenarios show design intent to position taller buildings in relation to specific settings where such scale can be justified for placemaking and orientation such as the town centres and key movement corridors. The submitted heat map of the illustrative masterplan shows predominant two and three storey building heights in order to achieve the proposed quantum of development.
- 7.82 The heights increase in the proposed town centre location and the parameters make suitable provision for increased heights in this area consistent with the policy objective to create a vibrant town centre and to assist in creating an identity and character for the town. An assessment of these heights and implications for visual impact and heritage settings is provided elsewhere in this report. These taller buildings are proposed in locations within the masterplan to create distinction to the new town whilst the lower, two storey building heights across other parts of the site would be sympathetic to the adjoining village characters. This is similar to the built development within many towns such as Hythe and Folkestone. The final design response would therefore be subject to further assessment through the design code process to be secured by condition through the tiered process.
- 7.83 In locations where new development abuts existing neighbourhoods' principles within the Strategic Design Principles secure sensitive management of edges and design treatment. The illustrative material provides an indication of where higher and lower densities should be located at the site. Generally, it advocates higher densities around the town centre, the station district and the lakeside area. The lower densities and heights are sympathetic to the setting of Westenhanger Castle and other key heritage assets and the existing character of adjacent villages, whilst the higher densities would support vibrant centres and activate key movement corridors throughout the development.

Overarching Delivery Management Strategy

- 7.84 An Overarching Delivery Management Strategy (ODMS) was submitted as part of the outline planning application submission. It provides an overview of the likely approach to the long-term management of the project.

- 7.85 This ODMS is submitted in recognition of the need to ensure that a development of the size and strategic importance of the new settlement must be delivered coherently through multiple stages of development and avoid a fragmented approach which has the potential to compromise the overall vision and its critical requirement for sustainability. The ODMS considers the key principles to be followed for the delivery of the development and defines the management structures required to achieved them. Its purpose is to bring clarity and certainty to the stakeholders involved so that the vision for the new settlement as set out in the OPA can be delivered. It has the potential to be updated periodically.
- 7.86 The ODMS confirms that the initial focus would be on delivery of key infrastructure and design quality but this would shift as the development progresses to focus more on management and maintenance. The overall approach outlined in the ODMS and other supporting application documents is proposed to be secured via planning conditions which require the timely and orderly delivery of critical infrastructure. The mechanisms proposed such as planning conditions requiring the town centre be brought forward first to support the town as a whole, with its inherent social and community infrastructure such as the castle park, will meet the policy requirements to secure a high quality, self-supporting new settlement in the long-term.
- 7.87 The strategy broadly reflects the overarching objectives of policies SS6 – 9 to develop a comprehensive standalone settlement, the fact that physical development alone does not make a sustainable community and that effective ongoing governance and management that engages and involves the residents is essential. The proposed regime of planning conditions and obligations are capable of accommodating this or alternative delivery approaches.

c) Housing

- 7.88 The NPPF establishes that plans and decision taking should ensure delivery of a wide choice of high-quality homes for a range of needs for today and in the future (paragraph 8(b)).

Housing Requirement

- 7.89 The NPPF states that strategic policies should be informed by a local housing need assessment, conducted by the standard method (paragraph 61). Draft text for consultation to the revised NPPF (December 2022) makes reference to the outcome of the standard method being an advisory starting point for establishing a housing requirement for the area. However, the Core Strategy Review (CSR) Policy SS2 sets out a long-term requirement to deliver 738 dwellings a year on average from 2019/20 to 2036/37, a total district minimum requirement of at least 13,284 new homes.
- 7.90 In line with NPPG, the Core Strategy Review adopted a stepped housing requirement to take account of a significant change in the level of housing requirement between the emerging and previous policies; and the fact that the proposed garden settlement would have a phased delivery with significant delivery later in the plan period, and beyond.
- 7.91 Therefore, the stepped requirement sets a lower housing target of 622 homes a year in the first five years of the plan period (2019/20 to 2023/24), which is then off-set by a period of higher requirement 885 homes a year in the later years (2024/25 – 2027/28) as the garden settlement gains momentum.
- 7.92 Ensuring that this development is capable of being delivered efficiently and effectively on the ground is critical to the Council's strategic objectives and the structure of the application and recommendation have kept these key requirements at the forefront.

Environmental Statement (ES)

- 7.93 An assessment of housing related effects is addressed in the Socio-Economic Chapter of the ES and is comprehensive, including sufficient explanation for the potential effects of the proposed development on each of the relevant indicators as well as justifying each sensitivity and magnitude rating. The chapter also includes an assessment for both the construction and operational phases of the proposed development, and for both existing and future residents, as is best practice. Clarifications and a potential Regulation 25 information request were sought during the review of the ES and the answers provided were considered to address concerns.
- 7.94 Overall, the socio-economic chapter provides a clear and robust assessment of the potential socio-economic effects of the Proposed Development. It is

rooted in a strong understanding of various levels of relevant policy, consultation with appropriate authorities has been incorporated, and the methodology follows best practice.

Housing Supply and Delivery

- 7.95 As noted above, the NPPF states that the supply of large number of new homes can often be best achieved through planning for larger scale developments, such as new settlements, provided they are well located and designed, and supported by the necessary infrastructure and facilities (paragraph 73). Again, as noted above, there is also explicit recognition within the NPPF that the delivery of large-scale developments may need to extend beyond an individual plan period⁹.

Supply and delivery of housing

- 7.96 The application site is allocated by Core Strategy Review Policies SS6-SS9 and as such, the development of a new standalone settlement is accepted as a matter of principle. The new settlement is at the heart of the development plan spatial strategy (Policy SS1) and a central pillar in the Council's long-term housing strategy and is the primary focus for development in the district over the next thirty years or more.
- 7.97 The new settlement accounts for over 40% of the districts housing land supply for the plan period to 2037. The Core Strategy Review Appendix 3 presents the housing trajectory between 2018/19 and 2036/37. The graph below illustrates how the new settlement (shown in green) would gradually become the main focus for development in the district as the plan period progresses.

⁹ See footnote 37, NPPF (July 2021)

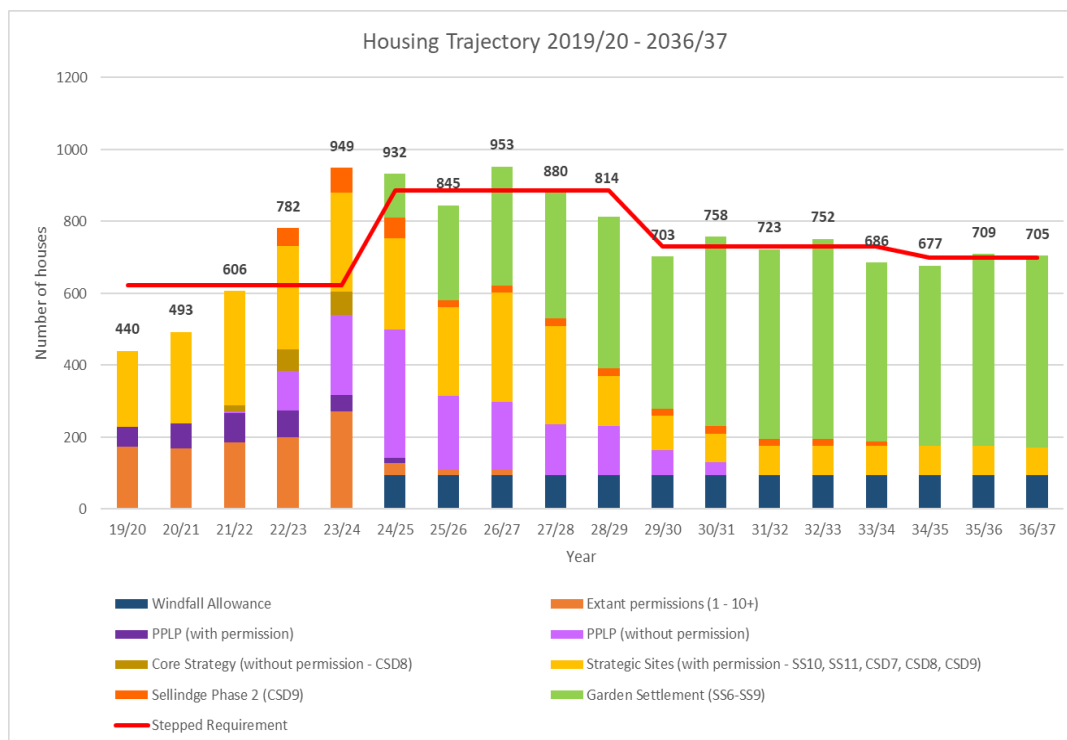


Figure 5 Housing Trajectory 2019/20 - 2036/37

7.98 The remaining Core Strategy Review strategic allocations at Folkestone, Hythe, New Romney and Sellindge are expected to progressively complete their buildouts around the mid-point of the plan period. The completion of these existing sites corresponds with the transition and commencement of volume housebuilders currently active in Folkestone and Hythe, to the new settlement.

7.99 The new settlement’s timely delivery is critical to achieving the district’s housing delivery targets. It is important that housing delivery at the garden settlement isn’t stifled. A delay to the anticipated trajectory would have significant ramifications for the council and authority in terms of the Housing Delivery Test and the associated potential sanctions. This was reflected in the Inspectors comments on the Core Strategy Review:

“...the New Garden Settlement is the key element of the strategy to deliver housing in the District. Particularly from the middle to the end of the plan period, it is expected that there will be few other sites delivering housing in the District and none on a large scale. The market for new housing is likely to be very much focussed on the New Garden Settlement. The scale of the proposal will also allow for a wide range of housing types and tenures to be delivered and for a number of housebuilders to be active with multiple sales outlets.”¹⁰

¹⁰ Paragraph 100, F&HDC Core Strategy Review, Inspectors’ Report, 23 February 2022

7.100 The new settlement would have the clear benefit of contributing up to 8,500 dwellings towards the supply of housing in the district through and beyond the plan period. Of those dwellings, 22% are proposed as affordable housing would be an added benefit, particularly due to the numbers involved and the clear under-provision and need for such housing in the district. Such benefits attract very significant weight for the market housing and also attracting very significant weight in relation to the affordable housing element.

7.101 Housing delivery is a key ambition of the adopted Core Strategy Review and Places and Policies Local Plan. It is identified as the largest single site allocation within the Core Strategy by a considerable margin with an indicative capacity of up to 10,000 homes across the wider Framework Masterplan Area.

7.102 In principle, the delivery of this number of new homes is supported and makes a welcome contribution to the strategic ambitions of the development plan.

The need for suitable flexibility in phasing for housing delivery

7.103 A central factor in retaining suitable flexibility in phasing from a housing perspective is the ability to allow for a wide range of housing types and tenures to be delivered and for several housebuilders to be active with multiple sales outlets. This approach was specifically supported by the Inspectors and is now embedded in the Core Strategy Review (see paragraph 4.198).

7.104 The approach is therefore fundamental to delivery of a key element of the council's strategy to deliver housing in the district over the next thirty years. The need for flexibility is not overriding however and would need to be carefully managed and controlled through the tiered approval process. The precise extent, components and location of each phase must be agreed with the local planning authority as delivery of the scheme progresses. Reserved matters applications can only be submitted for approval for any part of the site where the relevant Tier 2 proposed conditions have been satisfied and all the required key documents have been approved. Limited exceptions would be allowed where necessary to provide critical or enabling infrastructure.

Housing Strategy

7.105 The overall vision that the new settlement responds to and provides homes for the needs of all groups including existing residents, the wider area, the future community, and local businesses is supported. The updated Housing Strategy analyses the potential for up to 10,000 homes in line with the wider Strategic Site Allocation (SS6). It includes:

- a review of different segments of need, with clear links made between these needs and the proposed housing mix;
- a detailed, evidence-based target mix and set of application parameters for the mix of housing tenures and types, building on the broad parameters set out within the original application documents;

- a strategy that sets out how the proposals, and required flexibility, will be delivered.

7.106 The detailed review and updated analysis in response to feedback has produced a more robust Housing Strategy which will help ensure the homes are accessible to as many people as possible by offering a broader range of tenures than many smaller developments could deliver. A development of this scale has the ability to keep delivering through a number of economic cycles across a broad range of types and tenures. It will therefore be important to ensure the Housing Strategy is kept under review through monitoring, as required by the Core Strategy Review. The tiered approval process will require an update to the Housing Strategy for each phase together with an updated Local Housing Needs Survey to be incorporated into and reflected in the submissions made for the purposes of satisfying the Tier 2 conditions.

Affordable housing

7.107 Addressing the undersupply of affordable homes at all unit sizes is critical. The Core Strategy (2013) set a target to deliver 100 affordable homes a year. The Council's Strategic Housing Market Assessment found that an average of 139 affordable homes a year now need to be provided to meet existing need and the future need that is likely to arise over the Core Strategy Review plan period. The target is therefore set to provide 139 affordable homes a year over the plan period 2018/19 to 2036/37 or 2,640 affordable dwellings in total. Affordable housing contributions have therefore been set at a minimum of 22 per cent of all new sites in the Core Strategy Review. Wider affordable housing need has been identified as part of the overall housing mix to reach the overall level of affordable housing to reach 22% as part of the OPA. The overall affordable housing levels proposed including 22% for each phase accord with the requirements of the development plan. Such benefits attract very significant weight in relation to the affordable housing element.

Housing mix and local housing needs

7.108 The Strategic Housing Market Assessment (SHMA) is the starting point for housing need and the housing strategy includes a detailed breakdown of the proposed housing mix by size and tenure. This provides a broad range of house types and tenures consistent with the requirements of CSD2 and Policy SS6. It is recognised that new settlements require a degree of flexibility and suitable flexibility with parameters is allowed for having taken account of identified strategic and local housing need, amongst other factors. These ranges have been appropriately assessed in the ES (socio-economic chapter).

7.109 The SHMA unit mix was used to arrive at the mix of home sizes, with an element of smaller homes also included to provide homes for hidden households to reduce overcrowding. Step down accommodation to meet NHS needs and elderly care accommodation has also been identified as important

and is included in the application proposals. The result of this are the parameters set out below. This includes an overall minimum requirement for 22% affordable housing.

Affordable Tenure Mix Table			
Tenure	Type	Minimum Parameter	Maximum Parameter
Affordable Rent	Affordable	10%	15%
Affordable Elderly	Affordable		5%
NHS Step Down	Affordable		1%
Intermediate Elderly	Intermediate	8%	15%
Intermediate Rent	Intermediate		
Shared Ownership	Intermediate		
First Homes	Intermediate	0%	6%
Live / Work	Intermediate	0%	2%

Table 14 - Tenure Mix

Bedroom Mix		
Tenure	Max 1 beds	Minimum 3 bed or larger
Affordable Rent	15%	60%
Affordable Elderly	100%	-
NHS Step Down	100%	-
Intermediate Elderly	100%	-
Intermediate Rent	30%	45%
Shared Ownership	25%	55%
First Homes	25%	55%
Live / Work	25%	-
Market Elderly	75%	-
CLT / Self Build	-	55%
Sharer Accommodation	100%	-
Build to Rent	25%	30%
Market Sale	25%	50%

Table 15 - Proposed Bedroom Mix

7.110 As part of defining the housing mix a concerted effort is needed to ensure the evolving housing needs of local people would be met. This has been a strong theme in resident responses to the application throughout. In response to the 2019 OPA, it was recommended that the application include a Local Housing Needs Survey. This was carried out and the findings incorporated into the revised Housing Strategy.

7.111 This helps inform how the needs of the established community could be better met. It also establishes a more accurate evidence base for refining the scheme mix so that more opportunities are available for local people to remain local, given their current and future household circumstances. The survey would be updated every five years or in line with each phase, ensuring changing needs of local people continue to be addressed. In addition, a Local Allocations Plan

would be secured via legal agreement, which would be required to reflect the outcomes of the survey. This would also ensure local allocations are approached using up-to-date surveys of housing needs.

7.112 Significant weight has been afforded to the need to secure a diverse range of homes and tenures, offering homes for rent, intermediate and retirement housing, to ensure consistent delivery and still provide balanced and mixed communities. The proposed housing mix included in the planning application responds to the targets set out in draft policy CSD2 of the Local Plan Review regarding the tenure and sizes based on a comprehensive and detailed assessment of the needs of communities and of the particular characteristics of new settlements. Appropriate s106 obligations are recommended to secure these in each phase of the development.

Specialist and other forms of housing

7.113 The health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support. These differences are acknowledged in the Housing Strategy with the review leading to a commitment to extra care units and step-down accommodation. Other intermediate forms of key worker housing are also incorporated, and the Council's Housing Officer has confirmed these are acceptable. Policy SS6 requires provision of 10% homes for the elderly within each phase and planning conditions require confirmation of this as each phase is brought forward. This is also consistent with the most recent draft amendments to the NPPF (December 2022) which further emphasises the need for development to meet a range of need such as housing for older people.

7.114 In respect of the provision of self-build and custom-build homes further work is underway by the applicant to develop an Action Plan / Work Programme to deliver custom and self-build. Policy SS6 a. states "*a proportion of proposed dwellings shall be provided as self-build or custom-build plots...with each substantial phase contributing a proportion of self-build and custom-build housing*". The s106 legal agreement would include the submission of further details to deliver these requirements, including plot passports. As part of this, officers welcome continued exploration of how in the governance proposals support can be included for elements of community-led housing or alternative models such as co-living. A feasibility study will be secured with its provision controlled through the tiered approval process.

7.115 As well as general needs housing, the development specification allows for the introduction of other housing types, such as specialist housing for students or older people, or build to rent housing. These also accord with the requirements of Policy SS6.

7.116 In summary, the proposed development would achieve an appropriate housing mix and meet the Council's identified housing requirements identified in the Core Strategy Review and Places and Policies Local Plan including the ability to deliver a significant number of affordable homes.

d) Economic development and town centre uses

Policy Framework

- 7.117 The NPPF encourages planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider opportunities for development (Paragraph 81).
- 7.118 Core Strategy Review Policy SS2 states that business activity and the provision of jobs would be facilitated through supporting employment opportunities in the garden settlement, existing town centres, the protection of sufficient employment land across the district and new employment allocations.
- 7.119 The Core Strategy Review goes on to highlight the need for “*good quality flexible commercial space that meets modern occupier needs*” (Paragraph 4.23). Creative industries and financial/business services are identified as potential growth sectors, which the district’s location and transport links can help it attract.
- 7.120 The districts employment land requirement was informed by Lichfield’s Employment Land Review (ELR, 2017); and the Employment Land Needs Assessment (ELNA 2018). These studies draw upon on the latest population projections and economic forecasts to establish district-wide growth projections and employment land requirements over the plan period to 2037 for the proposed garden settlement and the rest of the district.
- 7.121 Policy SS2 therefore sets out a long-term requirement to deliver 8.1 ha (36,760 sqm) of strategic employment space at the new settlement; and approximately 154,000 sqm across the employment allocations listed in Policy E1 of the Places and Policies Local Plan - the allocation for 73,000sqm at Link Park has been superseded by the new settlement (Policies SS6-SS9).
- 7.122 The Places and Policies Local Plan (PPLP) sets out the council’s policies for achieving growth, investment and prosperity. This builds on the 2015 Economic Strategy by identifying need to improve education and skills attainment and boost productivity support business growth. Key issues in the local economy include:
- jobs are generally lower paid and lower skilled;
 - there is a deficit of opportunities and workers in the knowledge industries;
 - despite recent improvements the district still has relatively low economic activity and employment rates;
 - claims for Jobs Seeker's Allowance are higher than the Southeast average;

- full time earnings are lower than the Southeast average and national wages; and,
- productivity, as measured by gross value added (GVA) per job, has been running increasingly behind the southeast over the last 12 years.

7.123 Creative industries and financial/business services are identified as potential growth sectors which the district's location and transport links can help it attract. The plan also identifies employment land which can meet the plan's aim of attracting high-skilled, productive industries – including the new settlement – drawing on the 2017 ELR.

7.124 The Shepway (now FHDC) Economic Development Strategy 2015-2020 (SEDS) sets out the council's ambitions for economic growth. This strategy has not been updated again as the Local Plan has progressed, but its core principles and aspirations stand, and it forms part of the evidence base for the Places and Policies Local Plan. The key priority is to boost the local economy and provide employment opportunities. This would be achieved by building on current and emerging economic strengths, boosting productivity and supporting business growth promoting further investment by maximising the value of assets and stimulating confidence, and improving education and skills attainment. It identifies several key sectors for achieving this: financial services creative industries (including media and IT); business and professional services; energy; tourism, culture, retail and recreation; and advanced manufacturing.

7.125 The South East Local Enterprise Partnership (SELEP) identifies opportunities and challenges in East Kent as: the sub-region is well-connected, has a growing cultural and tourism offer and has significant capacity for growth, but also faces concentrations of deprivation. Folkestone Creative Quarter is identified as a continuing success story in attracting creative industries and creating a vibrant place to do business, and further development is encouraged.

7.126 SEDS (date) identified a key priority for the district being to '*boost the local economy and provide employment opportunities*'. The strategy committed to exploring opportunities for identifying new employment sites in and around the districts three M20 junctions, encouraging the development of commercial premises; and to maximise the impact of the Council's resources. It also seeks to address important considerations raised by the ELR as having a detrimental impact on the attractiveness of the district for investment. These were:

- a shortage of skilled labour in the district;
- a lack of good quality commercial space that meet modern occupier needs; and
- an absence of strategic road access to much of the district outside Folkestone.

7.127 The Otterpool Park Employment Land Needs Assessment concluded that:

“Otterpool Park provides an opportunity to deliver a step-change within the economic growth trajectory of Shepway District. To maximise the opportunities, its economic role must combine both local functions that support the garden town itself but also delivery of a more strategic employment function which the district currently lacks.”

7.128 The Core Strategy Review states that “delivery of a garden town will provide significant opportunity for innovative types of employment development, that are 'superconnected' and which could form a cluster of excellence around Junction 11 of the M20 and Westenhanger station. Masterplanning of the settlement will need to reflect the findings of the study, to ensure the settlement maximises employment opportunities within both existing and emerging key sectors and provides for interim uses that support the growing town.” The supporting text to the economic policies also states that the new settlement offers the opportunity to plan for a higher level of employment growth than the trend and accommodated inward investment opportunities.

The new settlement economic strategy

7.129 The application includes an economic delivery strategy for the new settlement. This report builds on the Lichfields Employment Opportunities Study 2018 (LEOS)¹¹ as well as the district’s existing strengths and the types of industries that are supported in other similar comparator towns, in order to develop an economic growth strategy. It seeks to respond to a request from officers to ensure it is up to date with the latest aspirations and reflects comments from the previous submission of the strategy in 2019. Concerns were particularly focused around the potential for growth at the new settlement to displace growth from, or limit the potential of, other local centres in F&HDC and Kent. The strategy has been updated to address this point. Additional detail has also been provided on the applicant’s strategy for the type of employment floorspace that would come forward in the first phase.

7.130 The proposals reflect the government’s vision for garden communities, which include the requirement to be vibrant, mixed-use and self-sustaining. The new settlement already benefits from rail services at Westenhanger Station and is expected to benefit from further interim improvements. In the longer-term there are aspirations to develop a potential new stop on the high-speed route from Dover to St Pancras with active discussions between the applicant and Network Rail to achieve this. The Core Strategy Review encourages the upgrade of Westenhanger Station at the earliest opportunity to provide the capacity required to enable a high-speed service ready and integrated transport hub. Whilst the scheme is not dependent on its delivery and it is subject to relevant approvals and funding, it could undoubtedly transform the economic attractiveness of the new settlement to new occupiers particularly opening up new possibilities in the north east ‘triangle’ of land currently identified for business uses.

¹¹ Otterpool Park Garden Town Employment Opportunities Study, Lichfields, 2018.

7.131 To support the successful implementation and long-term economic sustainability for the new settlement, there is a need to attract highly skilled residents to the area and attract, grow and retain new businesses. The application establishes an appropriate framework from which this can be realised. This is secured through the spatial requirements identified through the parameters and principles approved at this stage. These would be controlled through the tiered approval process in addition to planning condition requiring the submission of an Employment and Skills Strategy and a town centre condition requiring details of the non-residential strategy and proposals for its long-term management, including the implementation of ‘meanwhile’ or interim uses.

7.132 Recognition of the importance of the commercial and community uses in new settlements is a key element of the garden town movement at a national level. Where traditional neighbourhood centres used to mean only convenience retail, the application sets out an approach to develop a sustainable shift towards a mix of uses, including residential, workspace, healthcare and other community facilities. The principles and parameters in the outline planning application allow for the provision of up to five local centres in addition to the town centre. A further planning condition is required to secure the precise details and components of the local and town centre to secure the vibrancy and vitality of each centre in accordance with local and national planning policies.

7.133 The economic development strategy has been scoped to include engagement and marketing; curating of new tenants; building support and investor networks for new business; considering flexible and favourable lease terms and developing a business offer that is complementary and not competing with neighbouring centres, especially Folkestone.

Changes since 2019 submission

7.134 In response to the original OPA a range of issues were raised and changes made in relation to town centre uses and employment matters as follows:

Issue	Changes
<p>The need for a clear, overarching concept for the town centre to develop the town centre’s identity, function and movement.</p> <p>The configuration of the A20 and its relationship to the town centre</p>	<p>The location, role, scale and potential identity has been clarified further and the design intent developed as part of emerging proposals for the town centre. Opening and activating a town and commercial centre from an early stage is beneficial to long term placemaking and is proposed to be secured as the first phase to come forward under condition T2(2). The Strategic Design Principles confirms the intention to create a lively mix of uses including a town square</p>

	with views of both Westenhanger Castle and Racecourse Lake surrounded by linked wetlands and waterbodies.
A clear hierarchy for the town offering high quality public spaces and reasons to be there	The Strategic Design Principles and other supporting documents confirm the intention to create an urban character in this area with formal edges to streets and open spaces which would support a stronger identity and role for the town centre in the overall hierarchy of the town.
The number, location and deliverability of local centres in the south of the masterplan area.	The two previously segregated local centres have been combined to create a single local centre at the intersection of the primary street and Otterpool Lane, straddling the Lane, as confirmed in the SDP.
The planning application's expected phasing against the indicative policy figure. The potential implications of this oversupply should be considered.	See assessment later in this chapter. This issue has been addressed through further justification in the submission and proposed planning conditions.
The strategic employment function within the district should be more clearly demonstrated.	See assessment later in this chapter. This issue has been addressed through further justification in the submission.
The rationale and spatial distribution of town centre and employment uses needs to be fully explained. These uses should be located to adequately serve the new settlement and in line with the overall strategy that is proposed.	See assessment later in this chapter. This issue has been addressed through further justification in the submission and proposed planning conditions.
The quantitative retail assessment was broad brush and no analysis of food/beverage provision had been provided. The assessment needed to follow the step-by-step approach set out in the PPG and provide a more detailed impact assessment for comparison, convenience goods retail and food/beverage.	This more detailed work has been carried out and provided within the updated OPA. An assessment of this is discussed later in this chapter.

More information on what planning conditions will be required to ensure a traditional town centre, with a broad mix of uses to serve local needs is delivered.	These matters are addressed in this report and via proposed retail controls in planning conditions.
Parameters for the mix of Class B floorspace and distribution between the hubs and business park	These matters are addressed in this report and via proposed retail controls in planning conditions.
The rationale and spatial distribution of town centre and employment uses needs to be fully explained.	See assessment throughout report. This issue has been addressed through further justification in the submission and proposed planning conditions.

Table 16 - Responses to Town Centre issues

Employment and employment land supply

- 7.135 The application site is allocated by Core Strategy Review Policies SS6 – SS9. The new settlement is at the heart of the development plan spatial strategy (Policy SS1). Core Strategy Review Policy SS6 3(a) states that the settlement shall provide approximately 36,760sqm net of employment floorspace (which may include office, research and development and light industrial uses within Class E and uses falling within Class B2 and B8) by 2037; with development beyond the plan period having the potential to provide for approximately 57,600 sqm of employment floorspace in total within the site allocation area.
- 7.136 Up to 87,500 sqm GEA of employment floorspace (use class E and B2), 29,000 sqm GEA of retail and related uses (E and Sui Generis) and 8,500 sqm GEA of leisure floorspace (E and F) is planned within the OPA area, in addition to hotel, community uses and services for housing which would also create jobs. Home and flexible working would be supported and promoted and is expected to accelerate as part of a strategy to reduce the need to commute.
- 7.137 The proposals will support the potential for approximately 8,605 headcount jobs, equivalent to 6,860 FTE jobs, over half of which are projected to be in office and light industrial jobs, based on the floorspace parameters proposed. The remaining employment is expected to be in retail and leisure, hotels, recreation and community, and in a wide variety of other sectors. Employment is expected also be created during construction, and a separate employment and training strategy relevant to construction skills and supply chain in partnership with local stakeholders is secured via planning condition. The new settlement proposes one primary employment district to provide a profile and critical mass for the new hub. This would provide a strategic employment function as well as serving the new development. This hub is proposed to be located close to Westenhanger Station to maximise the benefits of connectivity to the rest of the region (through both rail and road) and hence makes it an attractive location for people to work and businesses to locate.

- 7.138 Some concern has been expressed by stakeholders during consultation about the net effects of the proposed employment floorspace – whether it would displace employment from elsewhere or whether it would contribute to growth of the economic base of F&HDC and complement the existing off and local sector strengths. Understanding and establishing levels of demand from different non-residential uses is vital and would be part of the master developer(s) role and would form key element of the early stages of delivery with the aim of ensuring the town centre and other commercial areas are relevant to the scale of the residential development and is crucial to its long-term success. Further details and implementation of these proposals for the town centre parcels is secured via planning condition.
- 7.139 Initial concerns were raised that the outline planning application seeks permission for up to 87,500 sqm GEA of employment floorspace (use class E and B2). The planning application's overall quantum exceeds the indicative policy figure of 57,600sqm of employment space in total within the site allocation area. However, the application acknowledges the key opportunity the new settlement provides at the local level and sets out a series of actions which build on previous work, including an Employment Opportunities Study prepared by Lichfields.
- 7.140 The principle of local economic growth is essential to secure the success of the new settlement. Further justification for the difference in the overall quantum of employment space is related to the long-time horizon over which the development will be built out. Opening and activating a town and commercial centre from an early stage is beneficial to long term placemaking; it provides residents with the built infrastructure from the moment they move in. Occupier interest is broadly expected to increase as the labour pool living at Otterpool Park increases and as the facilities and amenities come forward (pubs, shops, open space etc.) ensuring it is an attractive place to locate as a business. There will therefore be a natural twinning of employment growth and population growth. In this context, and subject to ongoing monitoring, the proposed buffer is appropriate.
- 7.141 In taking this forward it is important that activity at the new settlement complements (rather than competes with) other locations in Folkestone and Hythe District. The potential implications of phased delivery will be kept under regular review as part of draft planning condition T2(1&2). In addition, the parameters for the mix of Class B floorspace and distribution between the community hubs and the business park would also require approval as part of the tiered approval process under these same conditions.
- 7.142 Policy SS6 3(a) goes on to state that a different delivery rate or quantum of employment development would need to demonstrate that employment provision aligns with population growth to ensure that the town grows in a sustainable way following garden town principles. This is an issue that can be appropriately dealt with through effective monitoring and controlled through the

tiered approval process. To ensure the proposed quantum and delivery rate of employment floorspace at the garden settlement can be suitably managed by ensuring the provision of employment floorspace is linked to the delivery of housing with the overall quantum requiring approval in relation to each phase under the Tier 2 conditions T2(1&2).

- 7.143 Monitoring provisions would also need to include an ongoing consideration of further changes in working patterns and the potential implications that an acceleration in home and flexible working may have on the overall quantum of employment space. There would also be opportunities to refine the employment space offer and the strategy of support and marketing as part of the detailed design process and as each phase is brought forward.

Employment Type

- 7.144 Core Strategy Review Policy SS6 3(a) envisages that the business floorspace within the garden settlement should fall within Class E and uses falling within Class B2 and B8. Although the OPA does not promote B8 uses, the overall mix of uses consisting of B2 and E use classes aligns with the expectations of adopted policies.

- 7.145 SS6(3)(b) states that the employment development shall provide business space suitable to accommodate growing sectors operating in regional, national and international markets with a capacity to contribute to employment and GVA growth, as informed by the Employment Opportunities Study.

- 7.146 The Economic Strategy draws upon the conclusion of the Otterpool Park Employment Opportunities Study, which promotes a focus on specific growth sectors (such as green construction, advanced manufacturing and low carbon environmental goods and services) and could give added focus to the commercial element of the new settlement and could complement initiatives underway in other parts of Kent.

Delivery

- 7.147 Policy SS6(3)(c) states that employment space should be delivered alongside infrastructure and new homes so that job opportunities are available when the first phases of housing are occupied; subsequent phases should show how further employment development would be delivered alongside new housing as agreed with the local planning authority.

- 7.148 Policy SS6(3)(e) requires the details of interim uses which support the delivery of the new settlement itself or the growth of future employment sectors shall form part of the implementation strategy in support of the outline planning application. Policies refer to the requirement for a meanwhile use strategy. In respect of 'meanwhile' or 'interim' uses this is particularly pertinent to the design and implementation of the town centre given its likely delivery over an

extended length of time and the changing face of town centres and retail and leisure trends in particular. A specific planning condition relating to the town centre is recommended to secure the precise details of these arrangements for the town centre parcels and further details would also be required as part of the tiered approval process.

7.149 Policy SS6 3(d) states that an innovation centre or business hub should be included within the initial phases of development (unless otherwise agreed with the local planning authority). Paragraph 7.4 of the economic strategy outlines that it is expected that the focus for the employment space in the first phase would be delivery of:

- the Folkestone and Hythe Civic Centre (c. 1,000 sqm) if this is progressed early in the development
- c. 1,000 sqm speculatively built office/workspace to be let on flexible terms
- supermarket (limited to c. 500 sqm) and supporting retail units.

7.150 The development of an innovation centre or business hub is expected to form part of the town centre phase of the new settlement although the exact form and nature of the facility is for future detailed design. A requirement for a design brief and details of phased delivery as part of initial phases is secured through planning condition RM9.

Town centre uses

7.151 The NPPF (2021) states that “*planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation*” (Paragraph 86). NPPF (2021) advises that “*the needs for all main town centres are met in full and not compromised by limited site availability*” (Paragraph 86).

7.152 Policy SS2 states that business activity and the provision of jobs would be facilitated through supporting employment opportunities in the garden settlement, existing town centres, the protection of sufficient employment land across the district, and new employment allocations.

7.153 Core Strategy Review Policy SS2 sets out a long-term requirement to deliver 37,700 sqm of goods retailing floorspace across the district comprising of 6,500 sqm convenience goods floorspace, 23,300 sqm comparison goods floorspace; and 5,900 sqm of food and beverage floorspace.

7.154 Policy SS4 outlines that major commercial development (including retail) should be located in accordance with the Priority Centres of Activity network and reinforce the role of the centre. To guide planning, investment and place-shaping, the general distribution of settlements with major employment sites and economic (retail) centres across the district is outlined in CSR Table 4.5. The new settlement is shown as supporting a town centre, with the stated

purpose “to accommodate the majority of identified needs for retail, office and leisure uses in the district through new development to improve their vitality, public realm, mix of uses, and daytime and evening economy”.

7.155 Policy SS7(a) goes on to state that as part of the new garden settlement a vibrant town centre would be provided to act as a focal point and located within an area of higher density housing to increase its vitality and viability. Paragraph 4.179 adds that in addition “other small-scale retail development would be expected to be provided at ‘local centres’ in neighbourhoods through the separate phases of the development.” The proposals are consistent with this approach and the size and general disposition of the local centres would support a clear hierarchy in which the town centre becomes the nucleus of the garden settlement.

7.156 Specifically, Policy SS7(b) outlines that “the settlement can support up to 4,284sqm of convenience retail floorspace 9,108sqm of comparison retail floorspace a mix of other town centre uses including food and beverage space up to 3,305 sqm; and non-retail and financial and professional services approximately 3,300sqm gross across the plan period to 2037, so that it only meets the needs generated by the development itself.”

7.157 Places and Policies Local Plan Policy TL1 and Policy RL8 seek to focus retail and other main town centre uses within existing centres. Town centre uses elsewhere would be permitted provided that certain criteria is met, such as:

- the sequential approach to site selection.
- an assessment of the impact the proposal would have on existing centres; and
- demonstrating that the site is in an accessible location and well connected to the centre enabling easy access by non-car modes.

7.158 Policy RL8 also sets an impact threshold for when an impact assessment is required of 500 square metres (gross) outside the town and district centres, and 200 square metres (gross) outside local centres. The policy confirms that the threshold to be applied would be based on the nearest centre to the proposal.

Retail assessment

7.159 The outline planning application envisages the following retail uses, up to the year 2042, based on assumptions as part of a worked-up model as follows:

- up to 15,000 square metres (gross) of Class E (retail) floorspace; and
- up to 4,200 square metres of food and beverage (F&B) (Sui Generis Class) floorspace.

7.160 The Retail Impact Assessment (RIA) shows that the 15,000sqm of retail uses would be delivered by 2037 and disaggregates this as 6,300sqm of

convenience and 8,700sqm of comparison retail floorspace. This represents an over provision of convenience floorspace at the new settlement. Justification for this level of provision was sought and potential implications considered. In terms of food and beverage uses the application shows 3,900sqm of floorspace being delivered by 2037. This is broadly comparable with the expectations of the policy and the over provision is not considered to be so great that it would have a detrimental impact on neighbouring retail centres.

- 7.161 The Outline Planning Application is consistent with the overall quantum of retail development envisaged in planning policy. Reference in the application is made to the town centre providing “*up to 29,000 sqm of adequately mixed retail and related uses, essential to maintaining the vitality and meeting the needs of resident’s quality of life*”. It will be necessary to ensure the town centre phase provides a suitable mix of non-retail, financial and professional services. This would be controlled through the tiered approval process and the requirement through Tier 2 definition stage to justify the quantum and mix of land uses proposed for the phase.
- 7.162 The aggregate retail and leisure figures will be kept under review as part of the monitoring approach embedded in Tier 2 conditions. This includes a requirement to provide a statement to show how the overall land uses are being managed through each phase under conditions T2(1&2).
- 7.163 The NPPF requires retail and other town centre uses to be focussed on identified town centres, using the sequential test. This was tested and satisfied during the Core Strategy Review plan-making process and subsequent examination. Therefore, compliance with the sequential test has not been necessary at application stage. Nevertheless, a more detailed retail impact assessment has been provided.
- 7.164 Although the main town centre uses supporting the proposed new garden settlement would effectively occupy an out-of-centre location; the proposal is in accordance with the Priority Centres of Activity Network as set out in Policy SS4 as well as Policies SS6 to SS9 of the adopted Core Strategy. These should therefore be afforded significant weight in determining the planning application and is in accordance with paragraph 87 of the NPPF.
- 7.165 The scale of main town centre uses proposed is commensurate with the demands of the overall number of dwellings proposed in the new garden settlement and would be controlled and monitored through the tiered approval process as each phase comes forward. This is to ensure that the proposed development remains in accordance with the development plan; as well as providing the necessary justification required by PPG paragraph 12¹² that market and locational requirements apply, and that any alternative sequentially preferable locations to existing retail centres would be unsuitable in sustainably serving the intended garden settlement market.

¹² Reference 2b-012-20190722

- 7.166 The Core Strategy Review Policy SS7(b) states that retail impact is only a consideration for proposals that exceed one or more of the floorspace values stated within this policy, or where individual comparison retail unit exceeds 500 sq.m (gross). Where a Retail Impact Assessment (RIA) is required, it should demonstrate that there would be no significant impacts on the vitality and viability of nearby local village centres and other town centres including Folkestone, Hythe, New Romney, Dover and Ashford, by the scale and/or phasing of town centre development.
- 7.167 As is appropriate, the applicant has assessed the likely trading effects of the full quantum of retail and food and beverage floorspace proposed. The application has submitted a Retail Impact Assessment (RIA) that shows forecasts 1,500sqm gross of retail floorspace would be delivered by 2026, increasing to 11,250sqm gross by 2031 and then 15,000sqm gross by 2037. In terms of food & beverage floorspace, the RIA assumes only 600sqm gross implemented by 2026, increasing to 2,700 sqm gross by 2031; 3,900 by 2037 and 4,200 sqm gross by 2042.
- 7.168 The applicant's RIA has been independently assessed with the support of Lichfields. Initial concerns were raised regarding the potential for double counting population growth, failure to use the most up-to-date expenditure projections, and low turnover densities. To stress test the figures, Lichfields has undertaken its own assessment of the retail impact including the up-to-date figures. Whilst the impact on convenience floorspace in Hythe is of potential significance this is not assessed to be severe enough to cause store closures as post development turnover is still expected to be higher than the benchmark figure.
- 7.169 During the review consideration was given to the phased retail projections set out in Table 3.7 of the RLNA, which forecasts 4,330sqm gross retail by 2027, 8,532sqm by 2032; and 13,392sqm by 2037. This shows that the development plans to deliver retail floorspace in excess of need in the mid-point of the plan period. Officers are of the view, however, this is necessary to create the critical mass needed to create a viable new town centre location and sense of place and to maintain the sustainability of the settlement.
- 7.170 Policy SS7 informs us that the stated floorspace projections by use class type (baseline values) as drawn from the Retail and Leisure Need Assessment (June 2019 update) are to represent the upper limit of floorspace provision within the new settlement across the plan period, so that it only meets the needs generated by the development itself.
- 7.171 The delivery of retail and food/beverage floorspace is linked to the delivery of housing at the new settlement to ensure trade diversion and impact levels do not exceed those estimated by the applicant. Planning conditions are therefore proposed based on the following household thresholds:

- 350 dwellings – not more than 1,500 sq.m gross of retail floorspace and not more than 600 sq.m gross of food / beverage floorspace;
- 2,500 dwellings – not more than 11,250 sq.m gross of retail floorspace and not more than 2,700 sq.m gross of food / beverage floorspace;
- 5,500 dwellings – not more than 15,000 sq.m gross of retail floorspace and not more than 3,900 sq.m gross of food / beverage floorspace;

7.172 The retail and leisure assessments submitted are comprehensive and robust. Combined with proposed planning conditions the proposals in respect of employment are consistent with local and national town centre policies and are acceptable.

e) Sustainable access and transport

Policy and legal framework

- 7.173 At a national level the planning system is expected to actively manage patterns of growth in support of reducing congestion, emissions, improving air quality and public health objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 7.174 Within this context applications for development are expected to ensure: appropriate opportunities to promote sustainable transport modes; safe and suitable access to the site for all users; the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and, any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 7.175 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All significant developments are expected to provide a travel plan.
- 7.176 This framework is echoed in Policy SS1 District Spatial Strategy which aims to ensure development in the district is focused on maximising strategic infrastructure as well as explaining that the new settlement presents a major opportunity to secure a high-speed rail service between Westenhanger and London St Pancras.
- 7.177 Policy SS7 outlines the place shaping principles for sustainable access and movement for the new settlement. The development is expected to be underpinned by a movement strategy which prioritises walking, cycling and access to public transport and demonstrates how this priority has informed the design of the new settlement.
- 7.178 The Places and Policies Local Plan re-iterates the expectations of new development to prioritise walking, cycling and public transport modes before private cars. Policy T1 Street Hierarchy and Site Layout states that a safe environment for all street users is created, meeting the needs of all and not allowing vehicles to dominate.
- 7.179 Under Policy SS9 (2) development is expected to incorporate smart infrastructure to provide real-time and mobile-enabled public transport information in accordance with smart town principles.

Environmental Impact Assessment

- 7.180 The Transport Chapter follows the assessment methodology set out in the document entitled, “Guidelines for the Environmental Assessment of Road Traffic” (Ref 16.1), published by the Institute of Environmental Assessment (IEA) in 1994. The ES Transport Chapter has been reviewed by officer’s EIA advisors throughout the determination of the application and is acceptable.

Transport Strategy

- 7.181 The Transport Strategy provides the overarching approach to transport and movement for the new settlement. It presents the numerous transport enhancements and services proposed to be delivered. The Transport Strategy has been updated to reflect more progressive mobility interventions in the context of changes in technology, the way we work and a shift in the way we access services and buy goods which influence the way we travel. The vision is to promote sustainable and active travel modes through the offer at the new settlement such that the need for long distance travel and reliance on the private vehicle is reduced. The overarching vision and objectives of the Transport Strategy are secured via the s.106 legal agreement and planning conditions and its objectives will be monitored via annual Monitoring Reports.

User Centric Approach

- 7.182 The user-centric report submitted with the application outlines the benefits and linkages between a traditional transport planning approach and the future mobility thinking deployed to ensure the full potential of a low carbon vision is achieved. Fundamental to the success of rolling out a progressive user-centric approach will be the need to develop a monitoring and evaluation framework that supports a validated learning proposition. Such a framework provides the evidence base to cascade the user-centric approach across site-wide masterplan and these are proposed to be built into the terms of reference for the Transport Review Group as well as forming part of the Transport Strategy and associated Monitoring Reports mentioned above.

Framework Travel Plan

- 7.183 A Framework Travel Plan has been submitted and is intended to be a live document which sets out a strategy and package of measures designed to manage access by sustainable travel modes to/ from the new settlement. The purpose of the Travel Plan is to reduce the dependency on the private car, promote sustainable accessibility and promote healthy lifestyles. The typical initiatives covered may be amended or changed to suit future patterns/ issues. The Framework Travel Plan submitted is comprehensive and consistent with the requirements of the NPPF for large scale developments. Its measures and content will be secured via the tiered approval process with each phase and

Parcel expected to provide a progressive layering of detail in accordance with the site-wide framework.

Highways infrastructure

- 7.184 The extent of the assessment study area for each mode has been defined by the routes people would travel using each mode between the site and off-site locations across the UK and was agreed with Kent County Council, Folkestone & Hythe District Council and Highways England (now National Highways).
- 7.185 The study area for walking and cycle trips includes all existing and proposed pedestrian routes within the application site boundary and destinations within walking distance of the site; Sellindge and Stanford, east towards Hythe, west along Aldington Road and south along Lympne Hill (Figure 16.1 in ES Appendix 16.1). The assessment of these trips considers the scale of increase in trips and the current and proposed condition of the routes.
- 7.186 The effect of the development on public transport, bus and rail, is considered on the routes and services that provide access to the on and off-site locations between which residents of and visitors to the site are expected to travel. For bus services, this includes services that route to the site and other connecting services. The scale of impact on existing services that are expected to experience an increase in patronage is considered.
- 7.187 The ES presents the extent of the highway capacity study area agreed with KCC, FHDC and Highways England (now NH). Existing and committed junctions are indicated on Figure 5 below by solid black circles while junctions proposed as part of the proposed development are coloured yellow. Each of these junctions has been assessed using the appropriate LinSig or Junctions 9 modelling software.
- 7.188 In addition to the outline planning application development (8,500 homes) a wider Otterpool Park Framework Masterplan Area (OPFM) for up to 10,000 homes has been considered as a sensitivity assessment scenario.

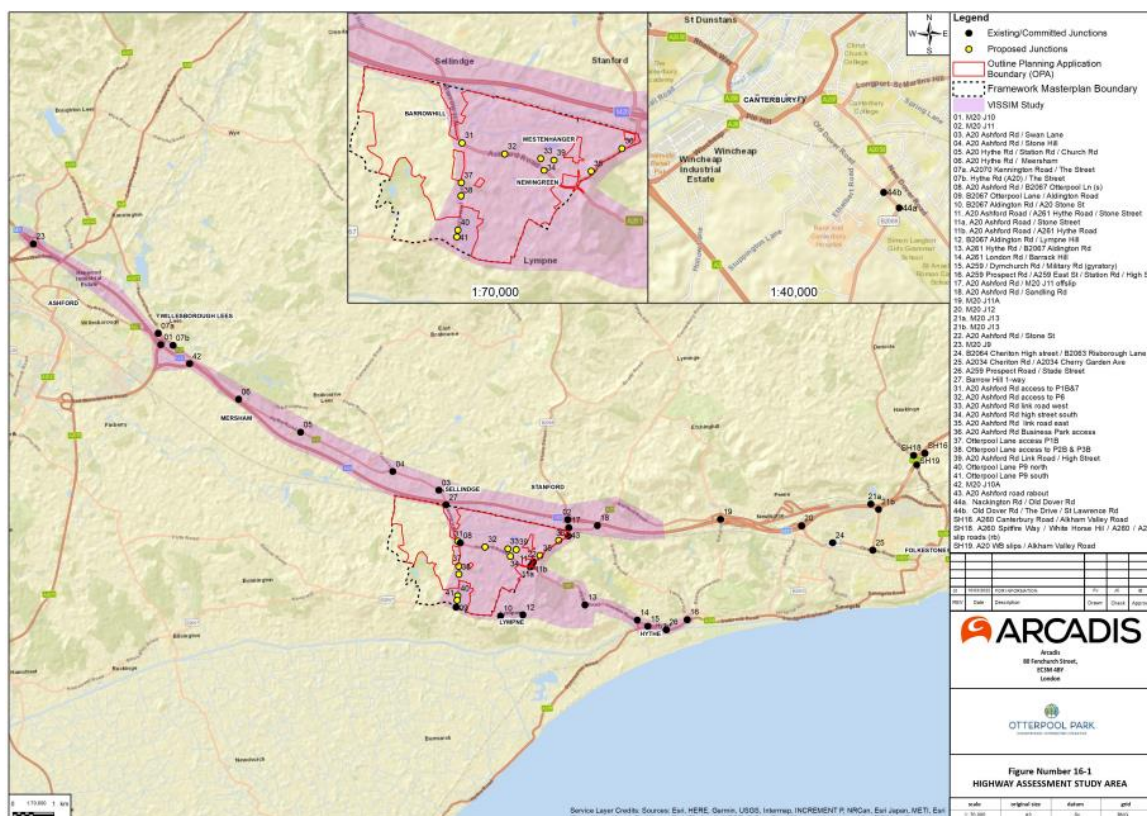


Figure 6 - Highway Assessment Study Area

7.189 The environmental effects of road traffic resulting from the new settlement development have been assessed in accordance with the IEMA guidelines. The effects considered include severance, pedestrian and cycle amenity, delay, fear and intimidation, driver delay, accidents and safety, hazardous loads and air pollution. The scope of the Transport chapter is considered acceptable.

7.190 The following forecast years have been assessed:

2018 base year: pre-construction ‘without development’ baseline, selected to represent the original year of planning application submission, as agreed with F&HDC, KCC and HE.

2030: peak year of construction, the reasoning for the selection of 2030 as peak construction year

2044: main assessment: the forecast year of full build-out for the 8,500 homes and associated land uses. This represents the main assessment for the outline planning application. Build out of 8,500 homes would be completed in 2042. However, 2044 has been used in this assessment because the 2044 assessment year represents a worst-case scenario in terms of background growth in traffic, this assessment year for

8,500 homes has also been used in the TA and agreed with the overseeing highways authorities.

7.191 The future year assessment includes two scenarios:

- Do-Minimum (DM), which includes:
 - committed highway improvement schemes described in Chapter 6 of the TA; and
 - forecast baseline traffic flows and committed land use development proposals.
- Do-Something (DS), which includes:
 - committed highway improvement schemes;
 - forecast baseline traffic flows;
 - highway schemes proposed for the new settlement development as described in the TA ES Appendix 16.4; and
 - new settlement development traffic flows.

7.192 For each assessment year the TA focuses on a weekday morning peak hour (0800 to 0900) and a weekday evening peak hour (1700 to 1800). These time periods align with the local highway network peak periods as determined from analysis of traffic survey data, as described in Chapter 4 of the accompanying TA. The ES, in accordance with guidance, considers effects over 18-hour days (06:00 – 24:00).

7.193 Potential impacts associated with construction traffic were also considered. Construction traffic flows for year 2030 (the year with worst-case construction traffic) was compared to the 2044 forecast year. The assessment indicated that from a transport perspective (number of vehicles/congestion) 2044 would be worst case scenario compared to 2030.

7.194 Further clarifications were requested during the assessment of the Transport chapter and these were included in further responses provided in August 2022. A Final Review Report (September 2022) concluded all the transport responses were acceptable and no further clarifications were required. The ES sets out a comprehensive assessment of transport matters and the impacts might be experienced during construction and on completion of the development.

Predict and provide

7.195 The originally agreed approach for the TA as part of the 2019 submission is the traditional approach reflective of the 'predict and provide' methodology derived from historic trip rate patterns. This approach is based on various sources of data including 2011 Census, TRICS surveys and the National Travel Survey. This data is up to ten years old and does not consider any step changes to the derived mode shares of the latest travel patterns and sustainable travel choices to be promoted by the development and is therefore considered to be a worst

case for car trips. The highway capacity assessment has therefore been undertaken based on this approach to demonstrate that even in this worst-case scenario - highway mitigation options are available and could be secured.

7.196 However, the desire for on demand mobility and shared mobility services is changing with evidence car ownership and driving licence ownership is falling amongst younger generations. Technology continues to accelerate this shift and therefore a 30-year project of this nature cannot only rely on transport infrastructure based on historic trends – in fact it should not.

7.197 Following initial consultation, officers requested that the overall approach to transport be revisited with a more concerted effort to exploit opportunities to reduce travel demand as part of a standalone mixed use new settlement. Since it is not possible to predict all aspects of future movement and transport further flexibility would be needed together with a more ambitious Transport Strategy to allow swift and effective adaptation as development progresses.

Monitor and Manage

7.198 The effects of the pandemic and long-term consequences for travel behaviour and work patterns further underscore the need for a more forward-looking transport strategy befitting of a 21st Century garden town.

7.199 In response to these concerns the applicant commissioned a revised Transport Strategy together with a suite of transport documents to provide the framework for a more forward-looking approach to transport and movement. The suite of documents included in the 2022 submission include:

- Revised Transport Strategy
- User-Centric Travel
- Mobility Vision Report
- Access and Movement Mode Share Targets
- Monitoring and Evaluation Framework

7.200 In combination, these documents provide a more progressive approach to future mobility. It better reflects the need to respond to advances in technology, continued changes to the way we work and a shift in the way we access services and buy goods. It provides stronger commitments to promote sustainable and active travel modes such that the need for long distance travel and reliance on the private car is reduced. The modal shift targets are proposed to be incorporated into the Terms of Reference for the Transport Review Group to ensure they continue to be central to the monitoring and delivery of the project. In addition to annual Monitoring Reports required through the s106 agreement, Tier 2 supplementary transport assessments will also be required for each phase. The scope of these submissions are themselves subject to the recommendations of the Transport Review Group. These requirements will sit alongside conditions requiring Travel Plans and a

Car Parking Strategy for each phase. Overall, this is consistent with the Core Strategy Review's priority to more sustainable travel and the council's wider aim to achieve net zero emissions target by 2030.

Sustainable Transport

Shared mobility

7.201 The Transport Strategy states that bike and scooter share schemes, including electric options, would be established in the early phases of the development. Initially, a network of bike and/ or scooter share hubs would be provided at local centres and at the Westenhanger Station and then the scheme will be expanded as new development phases are completed. The share bikes/ scooters will be fundamental part of a Mobility as a Service strategy (MaaS) described below.

Mobility hubs and car club

7.202 It is proposed that a range of mobility hubs will be placed at significant points of major public transport corridors and local commercial centres, supporting the public and active modes of transport. Each mobility hub will be designed based on the requirements of the area and will be spatially organised in a way to facilitate access to and from different modes of transport such as, bus and/or train services, car clubs, shared bikes and scooters and electric charging and bike charging points. Covered waiting area providing seating, Wi-Fi, phone charging, lockers and refreshment retailer may also be incorporated within each hub. The application sets out a three-tier strategy for the distribution of mobility hubs as follows:

- Primary hubs - to support travel to and from the development connecting to the rail station and town centre.
- Secondary hubs – to accommodate internal travel within the site connecting to primary schools and parks.
- Community hubs – to serve local residents within their neighbourhoods.

7.203 The application states an intention to provide mobility hubs at the start of the development as phases of the development are implemented. This will provide a focus for the travel options available at the development and raise awareness of alternatives to the private car, enabling sustainable travel habits to be embedded from the outset. Mobility hubs integrate shared, active and public transport modes in one location, providing attractive options for continuous journeys whilst also contributing to reductions in carbon emissions and offering an opportunity to improve the public realm. In addition, mobility hubs can support low car lifestyles and the reallocation of space from car parking to housing or public realm improvements. These objectives are all consistent with the principles and objectives outline in Policy SS7 and the promotion of a healthy new town outlined in Policy SS8. Mobility hubs are secured via planning conditions at Tiers 2 and 3.

- 7.204 The Strategic Design Principles also secure the proposed mobility hubs to support and encourage the sustainable movement of residents and visitors, as well as freight and deliveries. The combination of these parameters and principles secured at this outline stage are consistent with the principles identified in SS7 including the need for road infrastructure to be designed for a low-speed environment, with priority given to pedestrians and cyclists through the use of shared space, dedicated cycle routes and separate pedestrian walkways where appropriate.
- 7.205 In the new settlement the location of electric car club bays will be decided based on specific factors, including:
- Population density
 - Availability of public transport
 - Parking constraints.
- 7.206 It is recognised that car clubs are more likely to be successfully established within a development (or in the neighbourhood adjacent to a development) if consideration is given early enough in the planning process to its viability as a location. Car club bays will be considered at the early stage of the development through the tiered approval process to allow the scheme to be encouraged to prospective occupants, prior to occupation. These matters are required to be addressed through the Tier 2 Car Parking Strategy to ensure car club provision will offer development users who do not require a car on a regular basis the option to drive without the high cost and long-term maintenance associated with the private car. This is in alignment with local and national policies.

Buses

- 7.207 Although the new settlement predominantly comprises rural land, there are 22 bus stops located within the study area. Bus stops are located on the strategic and local routes within the area, namely along the A20 Ashford Road, B2067 Aldington Road and Stone Street between Aldington Road and Ashford Road. Within the application area, East Kent Stagecoach bus services currently route along the A20 Barrow Hill/ Ashford Road, B2067 Otterpool Lane, Stone Street and Aldington Road.
- 7.208 The 10/10A bus service provides a regular bus service between Folkestone and Ashford. The 111 operates on a Thursday only, between Ashford and Folkestone via Aldington and Burmarsh. The 18A runs daily, once in the morning and returns in the afternoon, taking local children to and from schools in Folkestone and Canterbury. This service only operates on school days.
- 7.209 As part of discussions with the applicant, Stagecoach and KCC Public Transport a number of bus improvement measures have been agreed to address the needs of the development. These include s106 contributions totalling £840,000 secured via phased payments to enable number 10/10A services to increase to 2bph in each direction as a minimum.

Mobility as a Service (Maas)

- 7.210 The integration of the public transport and other modes provided in the mobility hubs would be further facilitated by the implementation of a Mobility as a Service (Maas) Strategy. The term refers to a single application to provide access to mobility, with a single payment channel instead of multiple ticketing and payment operations.
- 7.211 The implementation of MaaS to the existing public transport operators in the vicinity of the new settlement is proposed in the application. MaaS can provide the best value proposition, by helping the scheme's residents meet their mobility needs and solve the inconvenient parts of individual journeys as well as the entire system of mobility services. A successful MaaS service also brings new business models and ways to organise and operate the various transport options, with advantages for transport operators including access to improved user and demand information and new opportunities to serve unmet demand.
- 7.212 The introduction of MaaS could bring a step change in modal shift away from private car ownership, and the principle of such a scheme is welcomed. It is also consistent with the requirements of Core Strategy Review Policy SS9 (2) which supports the incorporation of smart infrastructure to provide real-time and mobile-enabled public transport information in accordance with smart town principles. Continuous liaison with KCC to develop the precise nature of the MaaS solution but commitments to secure its provision is secured via proposed planning s106 agreement and its progress reported through the tiered approval process.

Walking, cycling and bridleways

- 7.213 SS6 also includes the requirement for significant improvements to public transport, measures to promote cycling and walking, and off-site highway improvements. The underpinning principle is to prioritise sustainable movement across the new settlement, making such modes more convenient than car travel. The design approach, together with the indicative movement network shown in the Strategic Design Principles demonstrates prioritisation of sustainable movement across the new town which will act as a design control for future detailed design submissions.
- 7.214 The policy goes on to require a permeable network of tree-lined streets, lanes, pathways, bridleways, cycleways and spaces to be created providing connections between neighbourhoods, the town centre, employment opportunities and public transport facilities. These matters are secured in principle at this outline stage via a combination of the Parameter Plans, the Development Specification and the Strategic Design Principles. These secure the parameters for the delivery of footpaths, cycleways and bridleways which link to existing public rights of way, nearby villages and the wider countryside,

including the North Downs Way and the Sustrans national cycle network. In particular, the Strategic Design Principles in Chapter 5.3 of the Transport Assessment provides a strong emphasis on walking and cycling, along with bus routes through linked streets and routes, regular connections and street hierarchy. This is further supported by the mobility vision and user centric approach discussed earlier in this section which is itself secured via the monitoring mechanisms proposed and targets for modal shift.

- 7.215 Road infrastructure would be designed for a low-speed environment, with priority given to pedestrians and cyclists through the use of shared space in ultra-low speed environments and dedicated cycle routes and separate pedestrian walkways where appropriate. The use of grade separations, roundabouts, highway furniture and highway signage should be minimised.
- 7.216 A parking strategy shall be developed that balances the necessity of car ownership with the need to avoid car parking that dominates the street scene to the detriment of local amenity. The parking strategy shall deliver well-designed and accessibly located cycle parking facilities within the town and neighbourhood centres, at Westenhanger Station and transport hub, as well as at employment developments.
- 7.217 The existing bus network that serves the surrounding towns and villages would be upgraded and new services provided as an integral element of the transport hub and settlement. All new homes shall be within a five-minute walk of a bus stop.
- 7.218 The Strategic Design Principles requires development proposals to create a network of routes suitable for all non-motorised users including horse riders across the site. The provision of green corridors and a high-quality network of pedestrian and cycle routes is promoted within the Strategic Design Principles and there is opportunity at detailed design stage to include provision within this network for equestrian users. This can be addressed at design code stage and therefore a condition is recommended to ensure that the submission of design codes includes measures to secure equestrian access and multi-user routes through the site – however the illustrative masterplan and Parameter Plans indicated that a network of routes could be provided to meet the policy aims. Further detailed consideration of transport and highway impacts are considered later on in this report but overall, subject to conditions, the proposed movement network is considered to accord with the objectives of Policy SS6.

Public Rights of Way

- 7.219 These issues are also addressed in the Green Infrastructure section of the report (see chapter i). Where this overlaps with transport matters the Otterpool Park Transport Response 2022 makes clear that it is expected that many elements relating to the mitigation of adverse impacts on PRoW and their improvement in support of active travel, amenity and leisure benefits will be subject to s106 Agreement and planning conditions.

7.220 Officers have held positive discussions with the PRow and Access Service to identify and deliver a coherent package of measures that both mitigate adverse impacts and deliver improvements to the PRow Network in furtherance of the Rights of Way Improvement Plan (ROWIP) 2018-2028 policies and active travel objectives for the site has been acknowledged by KCC and is welcomed.

Location	Trigger
HE291, HE357, HE271, HE343, HE317, HE271A	PRow Management Scheme for each phase
HE318, HE317 - access to AONB and Greensand Ridge; HE293 and HE313 (all footpaths) providing links to east of site.	PRow Management Scheme for each phase
HE/281 improvements to the route between Stone Street and heading southeast through Sandling Park towards Hythe and Saltwood.	Prior to 1 st occupation
HE/359 upgrade footpath to bridleway.	Prior to 1 st occupation
HE/371 improve the connection to Public Right of Way (PRow) and cycle network from Westenhanger Station to the north.	Prior to 1 st occupation

Table 17 -PRow Improvements

7.221 The results of discussions are reflected in proposed planning conditions and s106 agreement. KCC’s main request within responses to the application is that a PRow Management Scheme is provided to include each Public Right of Way affected, to cover pre-construction, construction and completion over the prolonged and tiered phasing schedule. A separate scheme will be provided and agreed for each phase. Where these are not delivered directly by the applicant a payment in lieu is proposed. All details will be required to be approved by KCC PRow and Access Service prior to commencement of any works if permission is granted.

Rail

7.222 The Core Strategy Review sets an expectation that Westenhanger Station should be upgraded at the earliest opportunity to provide a high-speed service ready integrated transport hub, in partnership with Network Rail, the rail operator and Kent County Council, giving priority to pedestrians, cyclists, bus and train users. The proposals for rail are set out in the application on a phased basis, as set out in Table 13 below.

7.223 An upgrade to the passenger facilities at Westenhanger Station is being sought in conjunction with key stakeholders through a phased approach including early improvements to the existing station. The station is eventually intended to provide a major hub of activity within the settlement, enhanced transport interchange, an identity for commercial, social and residential land uses and improved linkages for visitors to Westenhanger Castle. The parameters allow

for the potential to enhance rail services through an upgraded rail station with additional direct services to London is being explored. These proposals are consistent with the overarching objectives of SS7.

7.224 In respect of the longer-term ambition this would require a new (relocated) station building. There is clear evidence in the application that supports the commitment in the Core Strategy Review for close joint working between the applicant and Network Rail to introduce high-speed rail services from Westenhanger to central London. This includes indicative proposals for enhancements shown in the Transport Strategy (see Table 13 below) which will be progressed through the PACE 1 process. To further this ambition and ongoing discussions a s106 requirement is proposed to require the submission of a programme and implementation plan.

Stage	Measures
Stage 1	Improvements to the station including: <ul style="list-style-type: none"> • Platform extensions to become new 12 car length • New access-for-all footbridge with integrated lifts • A total of four new platform shelters • New canopy to cover at least 30% of whole length of each platform • Use of Diversity Impact Assessment (DIA) specialist to advise on accessibility provision. For Network Rail, Phase 1 includes making passive provision for the new station building (based on phase 1 masterplan) • Southeastern are expected to deliver ticket vending machines, customer information screens, LED lighting and possible provision for catering
Stage 2	<ul style="list-style-type: none"> • New station building with waiting room, ticket office, passenger waiting area, staff accommodation, public toilets including for disabled passengers

Table 18 Rail Improvements

7.225 Turning to short- and medium-term measures, specific improvements are proposed to support sustainable modes of transport and integrate the existing rail station more fully into the new settlement. These measures are welcome in principle, accord with local and national policies and are secured via proposed planning conditions.

Timing	Measures
Phase 0 – before construction commences	Modest Improvements to the station including: <ul style="list-style-type: none"> • New cycle parking facilities. • Bus stopping facility including bus stops for scheduled and rail replacement services and complete remodelling of the current forecourt. • Car parking provision for 270 to 300 spaces, using pay & display with Smart / card-reader payment, electric vehicle charging points,

	statutory level of DDA spaces with nearest level access to station. <ul style="list-style-type: none">• Creation of Controlled Parking Zone (CPZ) beyond station area.
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Table 19 – Westenhanger Railway Station Improvements

Highway Capacity Assessment

7.226 The highway capacity study undertaken includes local modelling of a number of agreed existing and committed junctions as well as proposed junctions that connect into the existing highway network. Junctions have been assessed using the appropriate LinSig, Arcady or Picady software. A VISSIM model has also been produced at the request of KCC, and the base model has been shared and discussed with National Highways. Merge/diverge assessments have been undertaken within the study area on the M20 and at the A20 slip roads near Alkham Valley.

7.227 The following forecast years have been assessed for the highway's capacity study:

- 1) 2018 base year: pre-construction 'no scheme' baseline
- 2) 2037: end of the Local Plan period
- 3) 2044 – main assessment (8,500 homes) being the forecast year of full build out. This provides the worst-case assessment for vehicles with the inclusion of two additional years of traffic growth
- 4) 2044 – sensitivity assessment (10,000 homes) representing the year of full build out for Otterpool Park Masterplan Framework.

7.228 Each future year assessment includes two scenarios:

- 1) Do-minimum which includes:
 - a. Committed highway improvements schemes; and
 - b. Forecast baseline traffic flows including committed land use development.
- 2) Do-something which includes:
 - a. Committed highway improvement schemes
 - b. Highway schemes proposed for the OP development
 - c. Forecast baseline traffic flows
 - d. OP development traffic flows.

Monitor and Manage Framework

7.229 A Monitor and Manage Framework is proposed as part of the Core Strategy Review to provide mitigation for the Strategic Road Network (SRN). Following extensive discussions with KCC, National Highways, and the applicant over a number of years, the capacity assessments and sensitivity tests identified the

following junctions would operate within capacity in the 'Do Minimum' scenarios but over capacity in one or more of the 'Do Something' scenarios:

Location	Trigger (part of Monitor and Manage Framework)
M20 J9	Prior to 1st occupation of development which generate trips – trigger subject to review of updated traffic survey and then subject to M&M.
M20 J10	Prior to 1st occupation and subject to a completion of further technical assessments and identification of trigger points following updated traffic surveys and then subject to M&M.
A292 Hythe Road / M20 London Bound Slip Road	Prior to 1st occupation and subject to a completion of further technical assessments and identification of trigger points following updated traffic surveys and then subject to M&M.
M20 J10a	Prior to 1st occupation and subject to a completion of further technical assessments and identification of trigger points following updated traffic surveys and then subject to M&M.
M20 Junction 11 Eastbound diverge	Prior to occupation of 5264 dwellings – subject to M&M.
M20 Junction 11 Eastbound merge	Prior to occupation of 4023 dwellings – subject to M&M.
M20 Junction 11 Westbound diverge	Prior to occupation of 4023 dwellings – subject to M&M.
M20 Junction 11 Westbound merge	Prior to occupation of 6601 dwellings – subject to M&M.
M20 J12 Eastbound merge	Prior to occupation of 8,499th dwelling – subject to M&M.
M20 J13 (Castle Interchange)	Prior to occupation of 5,059th dwelling subject to M&M.
Dualling of A20 between eastern Otterpool Ave Junction with the A20 and the A20 southern roundabout	Prior to occupation of 4,500th dwelling subject to M&M
A260 Spitfire Way/White Horse Hill/A20 slip roads	Prior to first occupation of development which generate trips – trigger subject to review of updated traffic survey and then subject to M&M.
A20 Ashford Road/A20 Junction 11 (left-in left-out)	Prior to occupation of 5,059th dwelling subject to M&M

A20 Hythe Road/The Street	Prior to occupation of 5264 dwellings – subject to M&M.
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Table 20 - Monitor and Manage Framework

7.230 Discussions have led to the following trigger points being agreed for the core mitigation i.e., committed mitigation not subject to further review and agreed with the overseeing highways authority in in the interests of highway safety.

Location	Mitigation	Trigger
B2064 Cheriton High St/B2063 Risborough Lane	£210,000	Implementation prior to 1 st occupation
B2067 between junction with Otterpool Lane and Roman Road, Aldington Road.	Should vehicle flows exceed those predicted in the Transport Assessment then measures need to be implemented to seek to reduce vehicle flows in consultation with the Local Highway Authority.	Traffic surveys every 3 years upon first occupation of development to the south of the A20.
B2064 Cheriton High St/A2034 Cherry Garden Avenue	£150,000	Contribution required prior to 1st occupation
Barrow Hill Shuttle Signals	£200,000	Contribution required prior to 2968 dwellings
M20 J11	Partial Signalisation	Implementation prior to occupation of 4525 dwellings
Alkham Valley Road/A20 slips	£30,000	Implementation prior to 1 st occupation
A260 Canterbury Road/Alkham Valley Road	£80,000	Contribution before occupation of 500 dwellings
Newingreen Junction	Works to improve safety and provide suitable access including HGV movements	Planning condition – pre-occupation works.
‘Otterpool Avenue’ including eastern and western junctions	Junctions to enable access	Planning condition – pre-occupation works.
Otterpool Lane (local centre)	Junctions to enable access	Planning condition – pre-occupation works.

Prospect Road / Stade Street	Box junction	Implementation prior to 1st occupation Traffic Regulation Orders / Planning Condition
Military Road Gyrotory and improvement scheme	Double yellow lines	Implementation prior to 1st occupation Traffic Regulation Orders / Planning Condition
London Road/Barrack Hill	Box junction	Implementation prior to occupation of 7797 dwellings subject to M&M Traffic Regulation Orders / Planning Condition
Harringe Lane	Road closure	Subject to TRO. Prior to any occupation east and west of Otterpool Lane Subject to approved TRO by KCC
Aldington Road	Road closure	Prior to any occupation east and west of Otterpool Lane Subject to approved TRO by KCC

Table 21 – Core Mitigation

- 7.231 Based on the reasonable worst case junction capacity assessments and the interventions it is considered that the traffic flows generated can be mitigated so as not to have a severe impact on the network. This view has been confirmed in writing by the overseeing highways authorities for strategic and local roads on the basis of these measures being secured through the Monitor and Manage Framework secured via the s106 agreement and appropriate planning conditions.
- 7.232 The outline application supports the local and national objectives to achieve an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities. When considering the outputs of the Transport Assessment (TA) against the relevant requirements of the Core Strategy Review, Places and Policies Local Plan and the NPPF the proposed development is acceptable in highway safety terms and will not result in any severe residual cumulative impacts. Details of key junctions on the road network to be improved have been agreed in partnership with National Highways and Kent County Council in accordance with Policy SS7 (C).
- 7.233 The updates and revisions to the outline planning application have been underpinned by a movement strategy which prioritises walking, cycling and access to public transport and demonstrates how this priority has informed the design of the new settlement in accordance with Policy SS7. The range of

sustainable transport measures discussed have been assessed against the requirements of local and national policies and found to be in alignment.

7.234 The proposals provide the framework for an innovative approach to be taken to maximise walking, cycling and the health and wellbeing of residents. The requirements outlined in the Strategic Design Principles secure a strong emphasis on active travel and internal road infrastructure that is designed for a low-speed environment with dedicated cycle routes. The public transport measures and interventions proposed together with other travel plan requirements, including the setting of targets, monitoring and the use of technology and incentives, are appropriate for a new standalone settlement and secured through s106 legal agreement and planning conditions.

f) Landscape and visual impact (LVIA)

Policy and legal framework

- 7.235 Section 85(1) of The Countryside and Rights of Way Act 2000 sets out that a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Paragraph 176 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in, amongst other areas, Areas of Outstanding Natural Beauty. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 7.236 Policy NE3 of the Places and Policies Local Plan is concerned with protecting the district's landscape and countryside. It requires the impact of individual proposals and their cumulative effect on the AONB and its setting to be carefully assessed. It goes on to define Special Landscape Areas (SLA) within which proposals should protect or enhance the natural beauty of the Special Landscape Area.
- 7.237 The setting of the Kent Downs AONB is broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen but may be wider when affected by intrusive features beyond that. The setting of the Kent Downs is not formally defined or indicated on a map. The setting of the AONB landscape should be distinguished from the setting of listed buildings and other heritage assets (on which there is legislation and also policy in the National Planning Policy Framework and elsewhere).
- 7.238 Proposals which would affect the setting of the AONB are not subject to the same level of constraint as those which would directly affect the AONB itself. The weight to be afforded to setting issues will depend on the significance of the impact. Matters such as the size of proposals, their distance from the AONB, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. Where the qualities of the AONB which were instrumental in reasons for its designation are affected by proposals in the setting, then the impacts should be given considerable weight in decisions. The Kent Downs AONB Joint Advisory Committee has prepared a '*Setting Position Statement*' which provides further advice supporting the vision, aims and principles of the Plan.
- 7.239 In allocating land for a new Garden Settlement Policy SS6 of the CSR requires a landscape-led development that responds to its setting of the Kent Downs AONB and the adjacent Lympne Escarpment with an emphasis on a network of green and blue spaces including woodland and other planting,

open space and recreation that supports healthy living, encourages interaction between residents, enhances local biodiversity and mitigates impacts on views from the scarp of the Kent Downs.

- 7.240 Given the location of the proposed new settlement and its relationship with the Kent Downs AONB, the CSR goes on to require appropriate structural landscaping in order to avoid or minimise adverse impacts on the AONB and views in and out of the AONB in accordance with policy SS7. As in this case applications are required to be accompanied by a landscape and visual impact assessment to inform the landscaping scheme at a structural and local level. Light pollution is also dealt with under Policy NE5.
- 7.241 The Kent Downs AONB Unit has produced the Kent Downs Management Plan 2021-26. It identifies the distinctive features and characteristics of the landscape and provides the framework for the management and spatial planning of the AONB. It does not formulate land-use planning policies but is a component of the decision-making process and means that its policies are a material consideration in planning matters.

Quantum of development

- 7.242 In relation to the overall quantum of development, reference is made to the quantum of development proposed within the plan-period i.e., 5,600 new homes up to 2036/7. The AONB Unit in its representations states that Policy SS6 '*only allocates the site for circa 5,600 new homes*¹³'; a similar point is reflected in the Natural England response on landscape and visual impact¹⁴. Officers do not agree with this interpretation of planning policy. It is important to consider the role of 2019 amendments to the NPPF here which provide a more supportive approach to the long-term nature of new standalone settlements which do not align with typical 15-year local plan periods. There is now explicit recognition within the NPPF that the delivery of large-scale developments may need to extend beyond an individual plan period (see footnote 37¹⁵) and we think planning beyond plan periods for new settlements represents good strategic planning.
- 7.243 The Inspectors were clearly aware of national policies when examining the plan and Policy SS6 is clearly expressed in these terms, by virtue of its specific reference to up to 10,000 homes. From the outset of planning policy formulation dating back to the AECOM Strategic Growth study in 2017 the new settlement has been designed to function as a comprehensively planned standalone settlement; this entails a critical mass of population to support the necessary infrastructure and services required of a new town within the wider settlement hierarchy. This approach has been consistent throughout the policy preparation process and officers do not believe that the

¹³ AONB Unit response 22 June 2022.

¹⁴ Natural England response dated 15 July 2022

¹⁵ Footnote 37, p.20, NPPF

masterplanning of a new self-sufficient settlement predicated on the plan period alone would be in the interests of good strategic planning. Adopted policy SS6 is clear in its allocation for up to 10,000, subject to appropriate safeguards, with the wider masterplan framework area being reflected in the updated site allocations map.

Scale and heights

7.244 In respect of heights and densities the optimum density for a new settlement of this scale would inevitably be determined by a range of factors and an iterative design-led approach is needed rather than a derivative constraints-led approach in which a particular viewpoint or land ownership guides structure. In this approach, the appropriate form and scale of a landscape-led development has been established through an iterative design process that takes account of the site context in terms of the surrounding landscape, townscape, proximity and access to services and capacity of supporting existing and planned infrastructure, particularly public transport. An overall envelope of development is required at this outline application stage against which significant environmental impacts must be fully tested.

7.245 It is recognised the location of taller elements, their alignment, spacing, height, bulk, massing and design quality should form part of a cohesive new development. This is implicit in the landscape-led approach defined in Policy SS7 and is indivisible from good design. The new settlement would be viewed and experienced from a range of static and kinetic perspectives and angles; on foot, cycle, from cars, public transport, from existing settlements, as well as important viewpoints assessed later in this chapter.

7.246 The concerns expressed by both Natural England and the AONB Unit in relation to the overall quantum, scale and heights proposed in the development in this location in addition to the concerns regarding the methodology have been carefully considered. Following the consultation on the 2019 OPA a number of significant changes were made to address concerns raised in respect of landscape and visual impact by a number of consultees. The changes include:

- restructuring the application to adopt a tiered approval process involving an intermediate detailed masterplanning stage at Tier 2 with a further opportunity for design development and refinement;
- corresponding revisions to simplify the parameters plans to make them clearer at outline stage;
- changes to the Development Specification to include more references to specific landscape matters, including advance structural planting;
- the introduction of the Strategic Design Principles (SDP) document to act as a 'bridging' document and include detailed requirements for detailed design, particularly in relation to landscape and visual impact;

- further design and concept development of the town centre to provide detailed design intent in relation to heights, scale and quantum within approved parameters;
- the removal of the linear employment uses proposed along the railway line and its integration in less visually intrusive locations;
- the submission of a Green Infrastructure Strategy which describes the landscape proposals and how these have been informed by the site's characteristics accompanied by outline advance structural planting plans;
- the submission of a Colour Study and Kent Vernacular Study as previously requested by the AONB Unit.

7.247 Some concern has been raised regarding the overall scale and heights proposed as a result of amendments to the Parameter Plans to enable more flexibility including a collapsing of the height ranges from five categories to three. This has resulted in a concern that a quarter of developable area, including in more visible areas such as the racecourse, is proposed for the maximum 18 metres. Whilst these concerns are noted they are not shared by officers, and they do not reflect the design controls fixed at Tier 1 which are to be delivered through Tier 2 Design Codes. Whilst more flexibility has been introduced into the Parameter Plans themselves, additional corresponding controls are introduced through details contained in the Development Specification and Strategic Design Principles (SDP). Furthermore, an additional tier of masterplanning is secured at a phase level through the submission of a phase framework which will include a masterplan and design code under condition T2(2).

7.248 The detailed design process of defining heights, spacing, massing and alignment for each phase will be subject to further input from the relevant bodies through the tiered approval process and this has been agreed with Natural England. It should be highlighted that where greater height/scale is proposed in core areas this allows for not only lower scales in other areas but also allows for a greater separation of built form which in turn introduces opportunity for green infrastructure and open space and subsequently, amelioration of the development across the wider development. There is a careful balance to be struck. It could also be argued that a homogenous lower scale across the site, whilst maintaining the need to deliver circa 8,500 homes would result in a more intrusive form of development.

7.249 The related concern raised by Historic England regarding the scale of development proposed in and around the scheduled Barrow 131 has been addressed through the introduction of additional restrictions contained within the Development Specification that stipulate the highest level of what is being shown on the building heights parameter plan. This has been accepted by Historic England.

- 7.250 In officers' judgement, the combined effect of these measures is considerably more design control over landscape and visual impact, not less. In any event, officers are satisfied a new self-sufficient town of this scale, particularly in its centre, could successfully encompass varying building heights – as is found in many of the district's successful towns. The design intent shown in the additional concept and illustrative design work for the potential first phase also give confidence this can be achieved successfully.
- 7.251 Policy SS6 requires detailed masterplanning and an assessment of potential impacts on the Kent Downs AONB. This is intrinsic to the approach and would be secured in the tiered approval process to planning and masterplanning, consistent with Policy SS9. In practical terms each phase of development must be supported by a sequence of submissions to the local planning authority to provide a progressive layering of increasingly detailed information from the over-arching and site-wide strategy (Tier 1), through substantive phases (Tier 2) to detailed reserved matters application for sub-phases within a specific phase and on individual development sites (Tier 3). Natural England has stated its support for this tiered approach.
- 7.252 At this outline stage, the combined effect of these measures and revisions is considerably more design control over landscape and visual impact secured in the Tier 1 control documents and assessed appropriately through the LVIA.
- 7.253 Future submissions are required to be consistent with Tier 1 approval documents, including the Strategic Design Principles, which itself contains specific design principles for the assessment of landscape impacts and also requires regard to be had to the Colour Study and Kent Vernacular Study requested by the AONB Unit. The in-combination effect of all these measures is a high degree of design control over the detailed masterplanning process with appropriate safeguards in place to involve consultees throughout. In officers' view, this provides a strong framework for future detailed design throughout the lifetime of the project.

Impacts on residential amenity

- 7.254 Concerns have been expressed regarding the scale and building heights proposed, including from residents for whom boundaries adjoin the town centre. In some locations, such as parcel TC.7 adjacent to Westenhanger the Parameter Plans show a maximum parameter of up to 18m as part of the development. These locations are generally limited to the town centre area where the variation in height is likely to be more pronounced. Officers believe that to create a successful, self-sufficient and vibrant town centre higher densities and heights are justified in parts of the town centre given its likely future role over the next thirty years. The detailed relationship between new development and neighbouring properties would need to be considered at reserved matters stage but at present there are no reasons to consider that an appropriate relationship could not be established through good design.

Additional safeguards in the form of new principles are included to protect residential amenity in the limited instances where proximity to existing residents is most pronounced. These changes support the requirements of Policy HB1 of the Places and Policies Local Plan in assessing the potential impacts of new build residential development on neighbouring dwellings.

LVIA Methodology

- 7.255 In coming to a view as to the landscape and visual effects of the proposal regard has been given to the relevant current Landscape Institute guidance (Guidelines for Landscape and Visual Impact Assessment). Officers have been supported by the Council’s EIA assessors (Temple Group) and its conclusions are incorporated into this report. The LVIA assesses the likely significant effects of the proposed development on the surrounding landscape character and strategic and local views based on a worst case, ‘maximum parameters’, scenario. The LVIA also assesses the likely cumulative effects of the proposed development with other reasonably foreseeable developments.
- 7.256 The scope of the LVIA including the overall approach to assessment, study area, sources of information, level of baseline detail and number and location of views are appropriate for the scale of the proposed development. The level of description with regard to the landscape and visual baseline is considered sufficient. The focus of the assessment upon landscape character is focussed upon the key characteristics on the landscape character identified in the Shepway District High Level Landscape Appraisal (2017), the Ashford Borough Council Landscape Character SPD (2011) and the Countryside Commission’s publication CCP 479: ‘The Kent Downs Landscape – An assessment of the AONB’ (1995), and the AONB and SLA designations. The focus of the assessment upon visual amenity is on the visual receptors and the selection of viewpoints is used as a means of illustrating the experience of people as required by GLVIA 3. The study shows a clear understanding of the range of visual receptors which are well illustrated by the number and variety of viewpoints. The most sensitive landscape and visual amenity receptors are identified below:

LANDSCAPE RECEPTORS	
	Character of the landscape within and surrounding the site, including a small part of the North Downs Special Landscape Area located at the north-east corner of the site; and
	Kent Downs Area of Outstanding Natural Beauty, which borders the eastern and southern edges of the site. The escarpment of the North Downs lies at its closest point approximately 2.0km to the north-east.
VISUAL RECEPTORS	
	Residents of properties surrounding and within the site;
	Users of the North Downs Way, National Trail and Saxon Shore Way Long Distance Path:

	Users of public rights of way within and surrounding the site;
	Users of places of recreation such as Open Access Land and visitor destinations surrounding the site; and
	Users of local roads.

Table 22 - Sensitive landscape and visual receptors

- 7.257 Concerns have been expressed by the AONB Unit regarding the methodology including assessment of significance. The judgements on significance are addressed further below but in relation to the methodology our assessment concludes the methodology, including significance criteria, is clearly explained and accords with relevant guidance.
- 7.258 The assessment of magnitude of effects is described in terms of the level of change experienced by the landscape receptors and by those with views to the development. Sufficient explanation is provided in terms of the assessment of magnitude within the body of the assessment and an explanation of the factors that enable the levels of magnitude to be judged is provided within the methodology.
- 7.259 The description of the LVIA visualisations provided in the LVIA demonstrates that the views provide a fair representation of the impacts of the proposed development. Annotated baseline photographs together with wireline images and photomontages have been used throughout depending on distance and extent of view. The methodology follows that of the Landscape Institute Technical Guidance Note 06/19. The AVRs illustrate the existing, proposed (completion, year 15 and year 30).
- 7.260 Construction and demolition effects are assessed for both landscape character and visual amenity. Significant construction stage landscape effects are limited to the landscape of the site (LCA Lympne), with effects reducing 'very quickly beyond its boundaries' such that no further effects would be significant. This is generally agreed to, and, albeit there are some greater levels of visual connectivity with the landscape to the north, the description of magnitude of change in Table 11 (Appendix 12.2) are reasonable. A summary of the residual significant effects is provided below and discussed later in this chapter.
- 7.261 Significant operational levels of landscape effect are limited to the landscape of the site (LCA Lympne), with effects reducing rapidly outside of the site. Significant operational visual effects are predominantly experienced by receptors on completion of the development reducing to not significant by year 15 for all but receptors using Stone Street.
- 7.262 Significant levels of cumulative landscape effect are assessed for the site and a limited area of LCA Lympne outside of the site; the additional significant cumulative landscape effects would result from the Otterpool Framework Masterplan Area (OFMA). No other cumulative effects are

described as significant over and above those already assessed as such for the development itself.

7.263 The ES provides sufficient detail in terms of the embedded design measures developed through the iterative design process towards a landscape led approach. Additional mitigation is described as further advance planting and phase/parcel-specific structural planting that has been taken into account when assigning magnitude of impacts. The levels of assessment of residual effects therefore include both the embedded and additional mitigation proposals. This is considered appropriate. The embedded design principles that have been incorporated are secured through Tier 1 control documents.

The impact on the setting of the AONB

7.264 The AONB has national importance and the conservation of its landscape and scenic beauty carries great weight, as set out in the NPPF. Development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

7.265 As part of its recent review the AONB Unit has altered its approach to recognise that the Management Plan as a whole represents their Policy (to be consistent with the CROW Act 2000 and PPGs). It also included a full review of the Landscape Character Areas (LCAs). This used up to date guidance and advice to define Landscape Character Types and review the established Landscape Character Area descriptions and some boundaries. Two of the identified areas wrap around the new garden settlement; the Lympne Greensand Escarpment and the Postling Scarp and Vale.

7.266 The Postling Scarp and Vale LCA covers the foot-slopes, scarp-slopes, escarpment and dip-slopes of the North Downs between Wye and Caple-le-Ferne. At their closest point the foot-slopes of the North Downs within this LCA lie approximately 1.2km north of the site boundary. The LVIA determines (through the preparation of a Zone of Theoretical Visibility (ZTV)) the areas between the Wye National Nature Reserve and Dover Hill to have the potential to obtain views to the proposed development.

7.267 The Postling Scarp and Vale LCA is characterised by its “*magnificent views*” from the scarp; the rough grassland of the scarp slope with typically a notable belt of scrub at its foot; and the large fields, remnant hedgerows and scattered large woodlands at the base of the slope. The local character area of Stowting is appropriately described as a “*more open, intensively farmed landscaped which extends out towards Ashford*”. There are “*large arable fields...surrounded by small shaws or overgrown hedges or trimmed remnant hedges*” views are however affected to varying degrees by the existing infrastructure corridors including the Channel Tunnel terminal development and the M20 and railway corridors and in the far east of the Postling Vale LCA these features sever the Downs from Folkestone town and dominate

views from the scarp. The existing urban fringe of numerous settlements and major transport routes up and down the North Downs do impact upon a degree of tranquillity and the sense of remoteness but areas of extensive woodland cover and farmland offer tranquillity and calm even where development is present.

- 7.268 The site is seen to varying degrees within the setting of the AONB, albeit not within the boundary of the AONB. In spatial terms, the AONB itself wraps around the proposed development in a boot shape where it transcends Sandling and Lympne then heading west out towards Aldington although these vantage points are less elevated. In these sections the AONB boundary immediately abuts the development boundary. The setting of the AONB can reasonably be taken to be that part of the surroundings within which the AONB is experienced. Hence it is fair to consider views into and out of the AONB as having the potential to impact on the setting and the enjoyment of the AONB. Here, the views out from the AONB including key views are fairly to be regarded as part of the setting contributing to the special character of that area.
- 7.269 The site, with its open fields, hedgerows and undulating topography clearly relates to some of the AONB special qualities comprising the rolling patchwork of agricultural landscape within the AONB's setting and the historic agricultural land use. It therefore complements the AONB and its setting in these respects, being most clearly seen all together in those more distant views referred to above.
- 7.270 One of the special qualities of the AONB relates to iconic wide, unspoilt and panoramic views and part of its natural beauty derives from such views. Visually one of the main impacts would occur from the elevated viewpoints to the north. The panoramic vistas are impressive. The views from the scarp of the North Downs are generally dominated by undeveloped landscapes but larger buildings in and around the site are clearly visible too. There are certain features which are prominent, such as the racecourse grandstand, hospitality buildings and ancillary buildings, Westenhanger Castle and its barns, Folkestone Motorway Service Station ('Stop 24'), the salt sheds of the M20 maintenance yard, the 14m high warehouse buildings within Lympne Industrial Estate and the agricultural buildings associated with farms across the site.
- 7.271 There is no doubt panoramic views would be changed considerably, and to the extent that it would be visible, the new development would be perceived as impinging upon the extensive existing views. The development plan process has already determined that the setting of the AONB would be changed. Moreover, the impact on the setting of the AONB has been balanced against the strategic objectives/needs of the district and found to be appropriate in principle. The issue therefore to be assessed is whether the proposed development can be delivered in a manner outlined in Policy SS7 and so as to minimise the impact of the change – recognising that the

change would take place gradually and with a number of safeguards. With effective landscaping, particularly advance planting, the new town would, over time become an integral and unsurprising part of these views as do other towns and villages, not least Folkestone, which can be seen from the North Downs Escarpment or where the Kent Downs meets the cliffs at Dover.

7.272 Officers consider that the replacement of the racecourse, agricultural land, the historic airfield and areas of flat land and interspersed with buildings, by a comprehensively designed and landscaped town, would have moderate adverse impact on both the landscape character of, and the visual amenity of those within the area, but that this could be satisfactorily mitigated with properly designed and comprehensive masterplanning and landscaping. The AONB would be visible in new public views from the development such as the new Westenhanger Castle Park and other proposed open spaces. These views are not currently available to members of the public and would be a benefit of the scheme, particularly where they provide access to heritage assets of national importance where none is currently available.

Publicly accessible areas

7.273 The kinetic experience for users of longer distance National Trails is not one purely of secluded areas and uninterrupted panoramas and the visual experience, especially for those on bicycles, is angled along the line of the North Downs. At longer distances along the elevated ground of the North Downs of 5.0km or more the viewer's ability to distinguish the detail from a settlement is significantly compromised. Officers agree that this is borne out in the viewpoint images. The ZTV and detailed kinetic descriptions contained in the assessment identify the general locations along the National Trail to show where the site is visible or partially visible.

7.274 From the publicly accessible areas around the application site, below the elevated viewpoints, particularly where it meets the AONB boundary, there is a degree of visual containment from certain aspects such as viewpoints from Aldington and east of Stone Street where the land is less elevated. The ZTV confirms that all users of every part of the PROW within the site would have views to the proposed development with the degree of visual openness experienced being varied.

7.275 The proposals would make provision for enhanced countryside access routes around the edges of the eastern, western and southern parts of the development including access to the Saxon Shore Way and the number of Public Rights of Way which cross the site (see discussion in GI chapter). This would therefore provide a different but significant opportunity for pedestrians to experience albeit closer views of the surrounding countryside and the AONB.

7.276 The triangle of land along the existing A20 (Ashford Road) stretching from the M20 Junction 11 to Newingreen Junction is particularly sensitive and careful attention to design and planning is required. This is particularly so since this part of the site forms part of the Special Landscape Area and is much closer in proximity to the AONB itself and Sandling Park (Grade II Registered Park and Garden of Special Historic Interest). In this location, the extent of the proposed development's intrusion into the setting of the AONB would be more apparent and it would be prominent. Concerns were raised by officers regarding the landscape structure to this area and this has resulted in enhanced open space and greater filtering of the view through informal layouts that better reflect the farmstead and courtyard of Hillhurst Farm. These principles are reflected in the updated Strategic Design Principles.

7.277 A potential dualling of the A20 in this area is the subject of monitor and manage provisions discussed within the transport chapter. The key sensitivities to the immediate east, including the landscape character of the AONB, the heritage of Sandling Park and the biodiversity of Kiln Wood (and the ecological corridors connecting to it) plus the rising topography to the south with the slope being highly visible from the Kent Downs AONB are all also now properly reflected in the updated Strategic Design Principles. Proposed mitigation planting would further soften the proposed development in this area over time as seen from those distant vantage points and the immediate boundaries to the AONB.

7.278 In the scenario the existing A20 does need to be dualled under the Monitor and Manage schemes discussed earlier in the report it could be designed and implemented off-line so that the road alignment is moved further away from the AONB boundary providing an additional buffer incorporating SUDS and tree belts. Detailed control of the design and form of new planting could be secured via a range of conditions including the updated Strategic Design Principles and controlled through the tiered approval process. The use of an appropriate palette of materials for the proposed buildings would further help the development to integrate into the landscape without appearing stark as seen from those distant vantage points. The above-mentioned conditions include references to the Kent Vernacular Study and Colour Study requested by the AONB Unit and a detailed Design Code for this phase would also need to be submitted for approval.

Landscape-led approach to Green Infrastructure

7.279 The development itself would be capable, in the officers' view, of offering high quality and well managed green infrastructure both within and surrounding the area to help service the demands of a growing population in the same way other settlements have that lie close to the boundary. This can be secured through the regime of conditions and tiered approval process.

7.280 The AONB Management Plan acknowledges that where it is decided that development would take place that would have a negative impact on the landscape character, characteristics and qualities of the Kent Downs AONB or its setting, mitigation and or compensatory measures appropriate to the national importance of the Kent Downs landscape would be identified, pursued, implemented and maintained. A strategic, landscape led approach to green infrastructure and net gain investments is supported to ensure the recovery, conservation and enhancement of the special characteristics and qualities of the Kent Downs AONB and its setting. This approach is explicit in Policy SS6 which makes provision for this with its emphasis on a network of green and blue spaces including woodland and other planting, open space and recreation.

7.281 The proposal includes significant areas of publicly accessible open space in the form of a new Castle Park, a Country Park, resilience zones and other recreational facilities. The parameter plan secures 260.5ha of open space (44% of the application site). Furthermore, it is anticipated that within development areas (other than private gardens) approximately 10-15% of the land would be provided as open space which is secured through the Strategic Design Principles. This would result in approximately 50% of the total OPA area being open space. In addition, the network of blue and green space would be managed in perpetuity through the establishment of a Long-Term Stewardship and Governance vehicle discussed elsewhere in this report. These provisions would have the potential to:

- return the landscape the restoration of a richer and more appropriately diverse landscape character to the corridors of the East Stour River and its tributaries.
- the creation of more appropriate landscape character settings to key areas of heritage and geological value such as Westenhanger Castle and the Otterpool Quarry SSSI.
- restore a frequency of woodland on the lower slopes of the greensand ridge
- create a new stronger structural landscape framework of woodland, wet woodland, copses, shaws, tree belts, and hedgerows
- create landscape features to define linear settlements and transport corridors and control visual detractors – such as Lympe Industrial Estate.
- and net gain investments in a way prescribed by Policy SS6 and the AONB Management Plan.

7.282 There would, of course, be extensive areas of built development, and these would bear little relation to the sparsely populated North Downs landscape character. Even so, in officers' judgement the overall impact on character would show some pluses and some minuses, resulting in a final effect which would be moderate adverse.

Advanced and structural planting

7.283 To further assist in reducing adverse effects upon landscape character and visual amenity it is reasonable to take into account the following factors as part of the LVIA assessment: substantial proportion of overall open space; measures to reduce reliance on existing public open space through a high level of accessible and multi-functional space together with requirements to create a stronger landscape structure across the site with areas of woodland, open space and wetland.

7.284 Whilst the Parameter Plans shows the general location of the structural planting, the LVIA is also reliant on the further detailed commitments made upon this, as set out in the Green Infrastructure Strategy. This includes:

- the general principles for its planning, design, implementation and management;
- the detailed principles, management prescriptions and species palettes, per planting type;
- the more detailed indicative planting layout shown in Figure 106 of the Green Infrastructure Strategy;
- the proposed type, position and extent, phasing and purposes of each individual proposed planting unit set out in tables.

7.285 The key mitigation-related purposes of the structural planting proposals that reduce adverse impacts on landscape character and visual amenity are to:

- help mitigate the landscape character and visual amenity effects arising from construction activity, lighting and movement upon sensitive receptors – particularly the existing and emerging areas of settlement;
- help visually integrate proposed built form, movement and lighting arising from the operational proposed development and visually disperse larger areas of new buildings in views into, through and out of the site from sensitive receptors – particularly users of publicly accessible areas within the AONB, users of Public Rights of Way and existing and emerging settlements;
- help create robust defensible boundaries and ‘strategic buffers’ along the boundaries of the settlement to check sprawl, and to conserve the individual identity of existing neighbouring settlements and the rural character surrounding them;
- help prevent the coalescence of the new settlement area with the existing surrounding settlements and so help retain their individual character and identity;
- reinforce and restore local landscape character, such as the creation of greater areas of woodland upon the slopes and ridge of the greensand ridge (to bolster the wooded skyline in views from the North Downs), and planting that reinforces existing or recreates lost field

boundaries, tree belts and the lines of watercourses so creating a stronger, richer landscape structure, with a more wooded character throughout the area;

- support the creation of distinct character areas within the proposed development;
- help integrate existing areas of built form and infrastructure (e.g., the Link Park, Industrial Estate, HS1/railway line, and M20 the M20/A20 roundabout and the motorway services) into existing views across the surrounding landscape; and compensate for the loss of structural vegetation that would be removed to allow for the creation of a permeable settlement.

7.286 The LVIA recommends that the structural planting type-specific design principles set out in the Green Infrastructure Strategy should be developed into a more detailed site-wide Strategic Planting Report containing a more detailed planting palette and planting specification that all those designing, implementing, managing and maintaining both scheme/site-wide and phase/parcel-specific structural planting proposals use. Figure 7 (see below) in the submitted Green Infrastructure Strategy and the associated principles in the same chapter will be secured as an approved document under planning condition T1(4). Planning condition T1(10) will secure a site-wide Strategic Planting Report. Proposed planning conditions T2(1&2) for each phase to come forward will also ensure that the design, implementation, management and maintenance of the structural planting as a whole is consistent across the site, and so performs its function as quickly as possible. The applicant will also be required to demonstrate the programme for its implementation at Tier 2 stage under T2(1).



Figure 7 Proposed Structure Planting Plan

7.287 The Green Infrastructure Strategy also states that the structural planting units would desirably be planted ‘in advance’ of the construction of proposed built development so allowing them to establish and mature, and so perform their visual integration and mitigation functions, earlier than it would if they were implemented once the rest of the built development was completed. Natural England has welcomed the proposed conditions requiring approval of these matters in advance of each phase coming forward and the approval of the details contained within the Green Infrastructure Strategy. This provides greater certainty regarding the location, timing and type of structural planting. Natural England will be consulted again through the tiered approval process.

Tranquillity and lighting impacts

7.288 Included within the sustainable development principles of the AONB Management Plan are the need to provide and protect tranquil areas, dark night skies being a valued part of the experience of tranquil rural areas, the quality of the setting of the AONB particularly in the experience of views and in the enjoyment of landscape, the choice of design and materials, biodiversity net gain and the need to support the rural and visitor economy.

7.289 In terms of the level of tranquillity experienced in relation to the AONB from those more distant viewpoints, any additional noise generated from traffic activity on the site would be unlikely to be perceptible, given the distance involved and that for most of these viewpoints the proposal would sit beyond the existing infrastructure corridor formed by the M20 and railway.

Furthermore, the sense of tranquillity relating to the experience of the AONB and its setting from those more distant viewpoints during daylight hours would be substantially preserved by the buffer between the AONB and the site.

- 7.290 An important exception to this is where the AONB boundary immediately abuts the development in the triangle of land along the existing A20 Ashford Road and then for a short section further south along Stone Street in between Westenhanger and Lymnpe. There would also be increased recreational pressure on the landscape and some loss of tranquillity. Whilst the use of the proposed parks, open spaces and other publicly accessible routes would contribute to this loss of tranquillity, the increased recreational use of the new settlement accords with Policies SS6-9. The purpose of this approach is to provide a self-sustaining new settlement that embraces the Garden Town movement principles and would also limit recreational pressure on other nearby sensitive landscapes, including the AONB itself.
- 7.291 From the publicly accessible areas around the application site below the elevated viewpoints there is a degree of visual containment from particular viewpoints such as those from Aldington and east of Stone Street. The ZTV confirms that all users of every part of the PROW within the site would have views to the proposed development with the degree of visual openness experienced being varied. There are limited places where any impression of the totality of the new settlement is experienced.
- 7.292 It is acknowledged that light emanating from the development would be likely to have some impact on the general visibility and character of the area, and to the perception of the setting of the AONB, particularly in the mixed-use town centre phase of the development and the employment land to the east. Balanced against this is the existing infrastructure corridor in the form the railway, motorway and associated services that cut across these same views and create an urbanising effect albeit confined to a relatively narrow corridor. However, a well-designed lighting strategy would reduce the light emission from the site and, with properly designed landscaping, would not be likely to cause anything other than minor detriment. These lighting principles are secured through the Tier 1 Strategic Design Principles (SDP) at this outline stage and controlled through the tiered approval process.
- 7.293 This intervention will be addressed through the tiered approval process, including a specific design code for the relevant phase. The likelihood of the public being present at the higher public viewpoints of the AONB when lighting is in use will be slim. The lightings of the new town would be additional to the lights of the settlements of the North Downs generally including the Eurotunnel infrastructure and Folkestone.

Summary of landscape and visual impacts

- 7.294 Strategic scale development of this scale will always give rise to some adverse landscape and visual effects; a new settlement of this scale should always be of the highest standards of design and planning. There are compelling strategic reasons for the decision to locate a new settlement in this location and this has been intrinsic to policy formulation, being the subject of scrutiny through public examination and now embodied in the Core Strategy Review.
- 7.295 Nevertheless, panoramic views would be changed considerably, and to the extent that it would be visible, the new settlement would be perceived as impinging upon the extensive views. However, with effective landscaping, particularly advance planting, it would, over time, become an integral and unsurprising part of these views. Taken together the impact of the proposals on the character and appearance of the area is assessed as no greater than moderate adverse.
- 7.296 Policy SS6 makes provision for the mitigation of views from the scarp of Kent Downs as part of a landscape-led approach. Impacts can be mitigated by careful design and planting. The Parameter Plans together with the SDP and Tier 2 measures provide the basis for this to be achieved. As such officers find no conflict with Policies SS6 or SS7. To the extent there is any conflict in the development plan between policies SS6 in the Core Strategy Review which refers to mitigating impacts and policy NE3 in the PPLP which refers to conserving and enhancing it should be resolved in favour of the policy which is contained in the last document to become part of the development plan. Officers are of the view that there would be no conflict with Policy NE3.

g) Heritage and archaeology

Policy and legal framework

7.297 The way in which decisions which affect heritage assets and conservation areas are to be approached is determined by legislation, the adopted development plan, the NPPF and the NPPG.

Legislation

7.298 The Planning (Listed Buildings and Conservation Area) Act, Section 66 (1) 1990, places a statutory duty on the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In this case, the listed buildings include the Grade I listed Westenhanger Castle and also a Scheduled Monument.

7.299 Section 72 (1) of the Act places a statutory duty on the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.300 The Ancient Monuments and Archaeological Areas Act 1979 gives statutory protection to any structure, building or work which is considered to be of particular historic or evidential value and regulates any activities which may affect such areas. Under the Act any work that is carried out on a Scheduled Ancient Monument must first obtain Scheduled Monument consent.

7.301 The Levelling-up and Regeneration Bill is currently at its second reading in the House of Lords. Whilst not yet passed as legislation, there are considerations within the Bill that are of relevance to the application, so it is considered pertinent to discuss them in this report, should it be enacted by the time the decision is issued should permission be granted.

7.302 In terms of heritage, the Bill proposes that a new subsection is added to the Town and Country Planning Act 1990 to the effect that in considering whether to grant planning permission for development that affects a relevant asset or its setting, the local planning authority must have special regard to the desirability of preserving or enhancing the asset or its setting. For the purpose of this application, this applies to scheduled monuments and historic gardens.

NPPF and NPPG

7.303 Section 16 of the National Planning Policy Framework (NPPF) sets the considerations when assessing planning applications which affect heritage assets. This essentially requires the 'significance' of the asset to be established and to avoid or minimise any conflict between the heritage asset's conservation and any part of the proposal (paragraphs 194 & 195), then take

account of the desirability of sustaining and enhancing the significance of that asset and putting it to a viable use; to consider the positive contribution it would make on the community; and the possible positive contribution new development could make (paragraph 197).

- 7.304 The NPPF states that the impact of any development, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be given (paragraph 199) and any harm to, or loss of the significance should require clear and convincing justification (paragraph 200). Footnote 68 highlights that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.
- 7.305 Where potential harm to designated heritage assets is identified and in order to identify which policies in the NPPF apply the harm needs to be categorised as either 'less than substantial' harm or 'substantial' harm (which includes total loss).
- 7.306 Substantial harm to grade II listed buildings or registered gardens should be exceptional and substantial harm to assets of the highest significance, notably grade II* listed buildings should be wholly exceptional. In cases of substantial harm to designated heritage, paragraph 201 states that local authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 7.307 Where a proposal would result in less than substantial harm, the NPPF requires that it is weighed against the public benefits of a proposal in the manner described in paragraph 202. Heritage benefits are a public benefit to consider in the weighing exercise and this also includes non-designated heritage assets (paragraph 203).
- 7.308 Local planning authorities should require developers to record and advance the understanding of the significance of any heritage assets to be lost (paragraph 204). Further advice is also provided in the Planning Practice Guidance. This states that

“whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from

development within its setting.” (Paragraph 018 Reference ID: 18a-018-20190723).

Development Plan

7.309 The development plan documents that apply are the Core Strategy Review 2022 (CSR) and the Places and Policies Local Plan 2020 (PPLP). As part of the evidence base for both the CSR and the PPLP, the district council published and consulted on the Folkestone & Hythe Heritage Strategy, which contains useful discussions on the significance of heritage assets in the district. This has been noted in the Heritage Strategy that accompanied the application.

7.310 In the CSR, criteria 5 of Policy SS7 New Garden Settlement – Place Shaping Principles, sets out criteria for enhancing heritage assets. This states that:

- a. A heritage strategy shall be agreed that identifies how the development will conserve and enhance local heritage assets and their setting.
- b. The heritage strategy should include an archaeology strategy.
- c. The provision of public art should be an integral part of the heritage strategy.
- d. Westenhanger Castle and its setting shall become a focal point for the new settlement that informs its character.
- e. Other archaeological and heritage assets will be evaluated, conserved and, where appropriate, enhanced.
- f. Proposals should explore the potential for:
 - i. renovating the existing buildings and barns to conserve the heritage assets at Westenhanger Castle and improve the setting of the building;
 - ii. providing space for appropriate sustainable uses for the asset and its setting; and
 - iii. enhancing and positively contributing to the conservation of all relevant heritage assets both within and outside the allocation boundary, such as the setting of Lympne Castle and the Lympne Conservation Area where appropriate.

7.311 Policies HE1 – Heritage Assets, HE2 – Archaeology and HE3 – Local List of Heritage Assets in the Places and Policies Local Plan are all also relevant to the application. Policy HE1 states that planning permission will be granted for proposals which promote an appropriate and viable use of the heritage assets. Policy HE2 seeks to protect and where possible enhance archaeology and states that development which would adversely affect them will not be permitted. Policy HE3 seeks to protect and conserve assets identified on a local list, or those that would meet the criteria. The criteria to identify potential local assets is set out in the PPLP.

Assessment of significance

- 7.312 In order to assess the impact of the application on heritage assets therefore, it is for the Local Planning Authority (LPA) to identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and necessary expertise. The LPA should take this into account to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 7.313 In order to have a clear understanding of the heritage on the site, the application is supported by a designation screening carried out by Historic England's Enhanced Advisory Service in 2021. This independent screening assessed heritage assets which have potential to be either scheduled or listed. As a result, some previously non-designated have now been designated. The list of assets to be screened, agreed with Historic England, included assets both within and outside the application boundary. The screening included all the buildings due for demolition and it also assessed other assets (buildings and monuments) that were due to be preserved but were identified as medium or high value. As a result, the Castle Causeway and barrows were designated as scheduled monuments and added to the National Heritage List for England in 2021. Additionally, Newingreen Farm and Twin Chimneys were listed Grade II. The baseline assessed in the planning application is therefore considered up to date.
- 7.314 The Heritage Strategy (August 2022) accompanying the application, as required by Policy SS7 of the CSR, is one of a number of site-wide strategies for the delivery of the development and as such it is a Supporting Document to be viewed alongside the Documents and Plans submitted for approval under Tier 1. The scope of the document was agreed in advance with the heritage consultees, and the commitments made in the Heritage Strategy secured via both planning conditions and s106 obligations with Tier 2 and Tier 3 submissions being required to meet these commitments.
- 7.315 The purpose of the Heritage Strategy (August 2022) is to ensure the heritage plays a clear and positive role in informing placemaking design for the future development of Otterpool Park. It sets out a heritage vision, establishes strategic priorities, and illustrates how placemaking decisions and proposed outcomes now and in the future have been and would be made through design informed by heritage. It also defines actions and commitments which would be built upon as the heritage understanding develops to realise these outcomes. It contains a detailed Mitigation Strategy (Appendix A) which is based on current understanding of the baseline and the proposed impact. It includes the strategy for the next phase of evaluation work as well as more detail of mitigation measures. It also includes an Archaeological Research Strategy (Appendix B). Both the Mitigation Strategy and Archaeological Research Strategy are 'live' documents, to be reviewed and updated during the life cycle

of the development. A Conservation Management Plan (CMP) for Westenhanger Castle Estate has also been prepared and submitted.

7.316 The Heritage Strategy (August 2022) refers to the number of studies that have been carried out over a period of approximately five years in order to gain an understanding of the depth of heritage across the site. This has included desk-based studies and archaeological fieldwork. Whilst further heritage assessment studies and fieldwork evaluation investigations would be needed for each relevant phase, through the Tier 2 and Tier 3 submissions, the work that has been carried out so far has identified key known heritage features within the outline application site. These are:

- Westenhanger Castle and the remains of the historic deer park (which includes the Castle, the Manor, the Barns, Deer Park and Causeway)
- Lympne Airfield and Military Remains
- Prehistoric Barrows
- Roman Villa
- Former Folkestone Racecourse
- Hillhurst Farm

7.317 An assessment of the wider historic environment within the outline application site has also been carried out and this includes archaeology, other non-designated heritage assets within the application site and historic landscape. Archaeological fieldwork, including desk-based research, geophysical survey and trial trenching field work found and collected archaeological remains across the application site, and the Heritage Strategy identifies actions required for the successful integration of these heritage considerations across the site. An assessment of the historic landscape is also included, and the Heritage Strategy identifies the importance of the settings of key heritage features, in particular the designated features and the need for space around them to appreciate them.

7.318 The Heritage Strategy also assesses designated and non-designated heritage assets outside the application site, which may be affected by the development through impact on existing views to and from the asset, or impact on the setting of the asset. These are:

- Upper Otterpool (Grade II listed).
- Otterpool Manor (Grade II listed).
- Port Lympne (Grade II listed building and Grade II* Listed Registered Park and Garden).
- Lympne Castle (Grade II listed).
- Lympne Conservation Area (includes 9no. Grade I and II listed buildings within its boundary).
- Sandling Park (Grade II Listed Registered Park and Garden).

7.319 The Heritage Strategy also includes reference to the Kent Downs AONB, describing the rich cultural heritage, landscape and architecture, making

reference to the Kentish Vernacular Study which was also submitted with the application.

7.320 The Heritage Strategy states the significance of each heritage asset both within the application boundary and outside, including the historic landscape and the AONB.

7.321 Within the application site, the significance of the heritage features is as follows:

Heritage Asset	Significance
Westenhanger Castle SAM and Grade I listed	High
Westenhanger Castle Manor SAM and Grade I listed	High
Westenhanger Castle Barns SAM and Grade I listed	High
Castle Causeway SAM	High
Historic Deer Park	Medium
Former Pound House and Track	Low
Former Tudor Garden	Medium
Remnant Historic Water Features	Medium
Historic Orchard (now lost)	Low
Pre-Castle Archaeology	Yet to be determined but presumed to be retained
Barrows (with the exception of three) SAMs	High
Remaining three Barrows	Medium
Lympne Airfield	Between low and medium
Roman Villa	Medium
Former Folkestone Racecourse	Low
Hillhurst Farm	Low

Table 23 – Heritage Features of Significance

7.322 For each heritage feature or consideration, having defined the significance, the Heritage Strategy goes on to define strategic priorities and commitments to ensure these priorities are achieved within the proposed development. The Strategy clarifies for each commitment what the proposed outcomes for each heritage feature, consideration or asset; how that commitment would be delivered, including any further technical studies required; what body would be responsible for leading and undertaking the action at each planning tier or project phase; and when, in terms of a defined timeframe, would the actions be delivered, tied to a planning tier or project phase.

7.323 The Heritage Strategy (August 2022) concentrates on the key heritage features currently known within and outside the application boundary, but significance assessment of all currently known heritage features and archaeological remains is identified in the ES (March 2022) and in the Cultural Heritage Mitigation Strategy, included at Appendix A of the Heritage Strategy, as well as the Cultural Heritage Desk Based Assessments and other baseline reports.

7.324 During the processing of the application, views have been sought from Historic England (HE), KCC Archaeology (KCC) and the Council's Conservation Advisor. On the basis of these consultation responses, the evidence submitted by the applicant and the screening undertaken by Historic England's Enhanced Advisory Service, officers are satisfied that the significance of each of the heritage assets within and outside the application site is clearly understood, in accordance with paragraph 194 of the NPPF.

Assessment of harm to heritage assets

7.325 Turning to the assessment of the proposed development in terms of heritage, as stated above, s66 (1) of The Planning (Listed Building and Conservation Act) 1990 requires the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any feature or special architectural or historic interest which they possess, and this applies to dual designated sites. Section 72 (1) of the Act places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. The NPPF requires the significance of the asset to be established and that great weight should be given to the assets the conservation. Where potential harm to the designated heritage assets is identified, it needs to be categorised as either 'less than substantial' harm, or 'substantial' harm. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset this harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use. The emerging Levelling Up and Regeneration Bill requires the local planning authority to have special regard to the desirability of preserving or enhancing the asset or its setting, where it applies to a scheduled monument or historic gardens.

7.326 The Historic England Good Practice Advice on The Setting of Heritage Assets (Note 3, 2017) is also relevant. This sets out a staged approach to proportionate decision taking, as follows:

- Step 1: Identify which heritage assets and their settings are affected
- Step 2: Assess the degree to which these settings and views make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
- Step 3: Assess the effects of the proposed development, whether beneficial or harmful, on the significance or on the ability to appreciate it
- Step 4: Explore ways to maximise enhancement or avoid or minimise harm

Castle, Causeway and Barrows

- 7.327 Historic England has provided a formal response to the application as a statutory consultee and given the wide range of heritage assets across the application site and beyond, they have been involved in discussions about the heritage aspects of the development throughout the application process. Indeed, their input has resulted in a number of positive amendments to the application.
- 7.328 Historic England has confirmed, formally, that the proposal would result in 'less than substantial' harm.
- 7.329 Historic England has further raised no objection to the proposals subject to the conditions and suitable s106 obligations, which secure the heritage commitments, mitigation and on-going assessment of heritage assets as the development progresses, identified in the Heritage Strategy (August 2022).
- 7.330 In assessing the application, officers have had special regard to Historic England's highlighting of the national importance of Westenhanger Castle, the causeway and scheduled barrows with particular reference to their setting and significance.
- 7.331 Historic England considers that the landscape setting of the Castle is fundamental to understanding its significance, as it allows an appreciation of the castle as the focal point of a large rural estate, which is understood in a number of views from within the site. Furthermore, archaeological features within its setting also help explain the historic functional relationship of castle to landscape, e.g., the causeway, which was the principal route into the castle. The Castle, and evidence of activity associated with it, overlays a much older, complex funerary landscape, which includes scheduled Bronze Age burial mounds (comprising a cemetery group and two isolated barrows). The landscape of the new settlement is linked to an understanding and appreciation of the significance of these ancient burial monuments, and the current landscape setting highlights that these barrow sites were specifically chosen to allow views of, and be seen from, other key features in the landscape. Historic England has therefore carried out a full assessment of the Castle and its environs, including the impact on the setting, as is required by current and emerging legislation, and which the local planning authority gives significant weight.
- 7.332 Historic England considers that the setting of the Castle would fundamentally change from a rural character to one which is very urban, and that the proposed development parcels around the causeway would harm the understanding that the castle was designated as a high-status country residence which served as the focal point of a rural estate. Further harm could be increased, they consider, from the design of the proposed Castle Park, and the construction of a new access and parking for the castle, depending on where these are located. The specific treatment of known and as yet unknown archaeological features associated with the castle and its setting, could also add to the overall harm, as could the loss of any evidence of the former park boundary. In terms of the

causeway, development in such close proximity to the southern end would, they say, harm an understanding of this feature as the principal access route across a rural approach to Westenhanger Castle because it would urbanise the immediate setting of its southern end and contribute to the entire loss of its rural setting.

- 7.333 Historic England's concerns about the scheduled barrows relates to the understanding of the barrows as a group with a deliberate and nuanced relationship to one another that is intrinsic to the significance of the scheduled monument. The landscape setting of the would be eroded, they consider, by the proximity, scale and extent of development around the scheduled monument. They are also concerned about the severance of Barrow 136 from the wider landscape and the loss of a key view between it and Barrow 44, along with a visual connection between the barrow, East Stour River corridor and North Downs, and the proximity of 15 m high development to its south, which they conclude would still cause harm in NPPF terms.
- 7.334 Historic England is also concerned about the potential for a high level of harm and extensive impacts to non-designated archaeology, most clearly illustrated through direct removal of archaeological remains. They agree however, that it is not proportionate to preserve all archaeological remains in situ.
- 7.335 Members will also note that KCC Heritage Conservation does not object to the application but they continue to have concerns that relate to the treatment of the barrows, and the harm caused by development within their setting, particularly the barrow cemetery at Barrow Hill and Barrow 44. In summary, KCC considers the proposed development parameters and the open space around Barrow 44 has the potential to result in a high level of harm, as does the physical separation of Barrow 131. This is because the current parameters allow for development between this barrow and the other members of the monument group. KCC considers the harm to fall within 'less than substantial' in terms of the NPPF tests, but at the very upper end of that spectrum. KCC acknowledges the ongoing dialogue and discussion that has continued which has addressed some of their concerns but suggest that it is possible that concerns might be alleviated, although not fully overcome, by the agreement of condition wording to reduce harm through control of development within the setting of the barrows.
- 7.336 The concerns expressed by Historic England and KCC have long been understood by the applicant and officers, and the impact on the setting of the castle, causeway and barrows has been a key consideration before and during the processing of the application. The Heritage Strategy (August 2022) was one of the amended documents submitted in August 2022, following discussions and consultation responses from Historic England and KCC Archaeology. The updated Development Specification dated November 2022 and updated Strategic Design Principles (both Tier 1 documents to be approved) further address concerns raised by Historic England. It is on these documents that the final comments from Historic England are based.

- 7.337 At the request of Historic England, a Conservation Management Plan (CMP) for the castle was also prepared and submitted as a supporting document. This reflects current understanding of its significance and will ensure a significance-led approach to guide future proposals for the conservation and enhancement of the castle. At this stage in the application, it takes the form of a framework CMP, providing a detailed overview of the heritage significance of the Scheduled Monument and the heritage assets on the site. As the application evolves and uses for the buildings onsite emerge, the framework CMP can be updated with additional detail and analysis for specific areas where necessary.
- 7.338 Heritage matters are addressed in the wider sense in both the Development Specification and the Strategic Design Principles, in relation to the Parameter Plans and how they have been informed by the variety of strategies that have been prepared to support the application.
- 7.339 In respect of Westenhanger Castle, the Development Specification states that no new built development is proposed within the Westenhanger Castle indicative phase at this stage. The existing buildings are proposed to continue in their existing use and an application will be forthcoming for future uses, which will be in line with the principles enshrined in the Heritage Strategy and Conservation Management Plan, to secure the future viable use of the castle.
- 7.340 The updated Development Specification includes a number of commitments to each of the strategies submitted with the application. In respect of commitments to heritage, it refers to the commitments made in the Heritage Strategy in respect of the Castle, the remains of the deer park, Lympne Airfield and military remains, prehistoric barrows, the Roman Villa, the former Folkestone racecourse, Hillhurst Farm, the wider historic environment within the outline planning application area and the heritage features outside the outline planning application area. It also refers to the Strategic Design Principles, which sets out key commitments for future Tier 2 and 3 submissions, including the design of the open space for barrow 44 to allow for the spatial pattern of the Bronze Age barrows east of Barrow Hill and relationship with the river valley and each other to be appreciated, and for there to be an acceptable massing relationship between built form and barrow 44. This was a specific concern of Historic England which has now been addressed.
- 7.341 The amendments to the updated Strategic Design Principles in respect of heritage comprise the addition of a further detailed design requirement for development near barrow 44 and a correction to the barrow references in the 'Barrow Hill Green' heading. These amendments were sought as a result of the understanding and appreciation of the significance of barrow 44 and its relationship with the river corridor. Furthermore, specific conditions relating to the treatment of the Barrow Cemetery and Barrow 44 are included at Tier 2, which, it is considered, will ensure that the concerns expressed by Historic England and KCC Heritage and Archaeology are addressed through ongoing assessment, which they will both be party to.

- 7.342 There is no doubt that the setting of the castle and its environs as well as the barrows would change as a result of the application, and those changes and the degree of impact of those changes on the setting is set out specifically and clearly in Historic England's response. The setting would change from a rural to an urban setting and the appreciation of the castle and its approach in the wider landscape would be eroded, as would an appreciation of the funerary landscape. Historic England makes clear in its response that in all cases, the harm arises because each heritage asset derives significance from their landscape setting and the character of the landscape setting would alter to one which is strongly urban. The applicant has however, sought to address concerns about setting, including setting the castle within a new castle park, widening the landscape buffer at the southern end of the causeway to 65m, with adjoining development being no more than 18m in height; improving connectivity between barrows, incorporating them into a heritage trail; reducing maximum building heights around barrow 44 which will be incorporated into open space; and intermittent planting to maintain visual connections between the barrow cemetery and North Downs. Where concerns remain, these will be addressed by conditions and s106 requirements as the development progresses, including supplementary heritage assessment through Tiers 2 and 3. It is also of note that the Parameter Plans demonstrate the maximum amount of development that would be acceptable, and the masterplans worked through in Tier 2 can further consider matters that have been raised in particular around Barrow 44. The Heritage Strategy makes specific commitments to analysis and setting assessments of the Barrows being part of future masterplanning work.
- 7.343 In officers view, the value of, and impact on the castle, its setting, the causeway and the barrows has been fully assessed through the various documents submitted with the application and the consultation responses. The proposals put forward for mitigation over the life of the development through Tier 2 and 3 submissions are sufficient to ensure that the level of harm can be mitigated to a satisfactory degree, as acknowledged by Historic England in its response.
- 7.344 Whilst Historic England raises no objection to the application subject to conditions and s106, in its response, it stated that it considers the harm to heritage to be towards or at the upper end of 'less than substantial' in NPPF terms for the scheduled monuments Westenhanger Castle, the Barrow Cemetery and Barrow 44. For the Causeway, the harm would be in the middle of the range of 'less than substantial'.
- 7.345 KCC express a 'holding objection' until certain amendments are made in connection to development around certain Barrows, and state that whilst they identify the harm to be 'less than substantial', they term it to be 'at the very upper end of that spectrum'.
- 7.346 It is worth noting that the precise NPPF test, as stated earlier in this section of the report that where potential harm to designated heritage assets is identified, it needs to be categorised as either 'less than substantial' harm or 'substantial'

harm (which includes total loss) in order to identify which policies in the NPPF apply. There is no scale of harm within the 'less than substantial' harm test, notwithstanding the comments from HE and KCC, and this has no bearing on the way the NPPF requires the decision maker to make its decision.

7.347 In terms of the response from KCC about the level of harm not being necessary to deliver the public benefits, this refers to paragraph 200 of the NPPF which, as referred to earlier in this section of the report, states that harm to the significance of the designated asset requires clear and convincing justification. In this case, the need for housing on this scale was explored through the Core Strategy Review, and the site was subsequently allocated as a New Garden Settlement. The policies in the Core Strategy are clear that it is to be a sustainable settlement, providing new homes in a broad mix of tenures, employment opportunities and community facilities within easy walking and cycling distance. It is to be landscape led, informed by the historic character of the area. The policies set out criteria which the development proposals should follow, including enhancing heritage assets, have been met and clear and convincing justification for development on this scale is established.

7.348 As stated earlier, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. If 'less than substantial harm' is identified, para 202 of the NPPF is engaged and the harm must be weighed against the public benefits of the proposal. It is a balancing exercise between the two, and it is for the decision maker, i.e., the local planning authority, to make that balanced decision.

7.349 Officers do not dispute the assessment by both HE and KCC of where the level of harm lies within the 'less than substantial' range for the reasons articulated and as recorded above. This harm should be afforded great weight in the balancing exercise which requires this harm to be weighed against the public benefits.

7.350 In terms of the public benefits, the Heritage Strategy (August 2022) sets out a number of important public benefits which are heritage linked and which, in officers' view, should attract significant weight. They are proposed to be secured through s106 obligations. These include:

- a community development programme,
- the appointment of a Community Archaeologist,
- the preservation and presentation of archaeological finds within a storage facility,
- further archaeological fieldwork,
- the introduction of a heritage trail including heritage interpretation,
- heritage-informed design guides and designation screening of heritage features that could potentially be listed.

- establishing a long-term stewardship vehicle for the development in perpetuity which will be responsible for managing strategic spaces within which heritage assets will sit and be publicly accessible
- proposals to reveal and maintain the Grade 1 listed castle within its wider setting secured via planning conditions and s106 obligations.

7.351 Furthermore, heritage can bring substantial benefits to the wider district, as stated in para 190 of the NPPF, which recognises the wider social, cultural, economic, and environmental benefits that conservation of the historic environment can bring. This is supported by the Folkestone and Hythe District Heritage Strategy, which recognises the benefits of incorporating heritage as a catalyst for cultural, economic and social regeneration, by ensuring that heritage plays a positive role in all areas of strategic planning – place shaping, economic, tourism, health and wellbeing and education.

7.352 There are many other public benefits associated with the proposal. The proposal would meet recently adopted policy objectives, in particular the District Spatial Strategy as identified in the Core Strategy Review 2022, which plans for sustainable growth over the plan period and beyond. This allocates the land for the new garden settlement, with proposals to include up to 8,000 - 10,000 new homes, including affordable housing, self-build and custom homes, up to 36,760sqm of employment floorspace and community and educational facilities in a sustainable, landscape-led settlement, with supporting town centre and community uses, based on garden town principles. Over half of the site would be public open space, with access to the wider countryside. The settlement will be self-sufficient with regard to education, health, community, transport and other infrastructure, which will all be provided in accordance with an approved infrastructure and delivery timetable.

7.353 Turning to wider public benefits, these include the provision of a sustainable settlement providing much needed housing, including affordable housing, with over half of the site being open space, new schools and public services, with good public transport links and access to the wider countryside. The specific heritage benefits associated with this proposal would be secured through the s106, and in our view therefore, the public heritage benefits that would be secured by this proposal as well as the wider public benefits, can be weighed favourably against the harm identified by the finding of 'less than substantial harm'.

7.354 Paragraph 205 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. S.106 obligations and planning conditions secure provisions to accord with these requirements.

7.355 In terms of the LPA's statutory duty in section 66(1) of the Act, which requires that considerable and important weight is given to the assessment of harm to the setting of a listed building should be given, when carrying out the balancing exercise pursuant to para 202 of the NPPF, officers consider that the less than substantial harm to heritage assets and their settings is outweighed by the proposed public benefits that the proposed development will deliver.

Other heritage assets within the application site

7.356 The other heritage assets identified within the application site boundary, namely the Roman Villa, Lympne Airfield and Hillhurst Farm, would be retained. Neither the Roman Villa nor the Airfield are listed or scheduled, but both have significant archaeological value. Hillhurst Farm is Grade II listed.

7.357 The former Folkestone Racecourse is also identified as a heritage asset but most of the buildings associated with the Racecourse would be demolished. Scheduled Ancient Monument Consent has been granted for the removal of those buildings specified in the Heritage Strategy (August 2022) as not being retained, the need for which is identified at the beginning of this section of the report. Those features to be retained from the racecourse are the Winner's Circle, the ornamental pond in the paddock and the Racecourse Lake and would be incorporated within the landscape design of Westenhanger Castle Park and made accessible to the public, including being enhanced and explained through heritage interpretation and being located on the Heritage Trail. The impact in terms of harm on the remaining features is considered to be less than substantial given the changes that will occur to their setting.

7.358 The Roman Villa is assessed as having high significant heritage and whilst some fieldwork has been carried out, the full extent of it is not yet fully understood. It is located within the Country Park and would be the subject of ongoing archaeological assessment within the Country Park phase. A Conservation Management Plan, including a settings assessment, is required to be developed for the Roman Villa, to inform Tier 2 and 3 masterplan design proposals, for the retention and protection of the archaeological remains and setting, and their enhancement and interpretation within landscape public realm. It will also be included on the proposed Heritage Trail. The impact in terms of harm on the Roman Villa is considered to be less than substantial at this stage. The ongoing archaeological assessment will determine the future interpretation of the asset, and whilst it is located within the Country Park, the wider setting as it would have been understood, will change from a countryside and agricultural landscape to an urban setting.

7.359 There are a number of identified heritage assets on Lympne Airfield, including the airfield itself, which was used during WW1 and WW2, and then as a civil airfield until 1984; a concrete bunker; an air raid shelter; wall to rifle range; and a variety of other ruinous buildings. There is also a possible Pickett Hamilton Fort although nothing is visible above ground. It is proposed that heritage

features here would be retained, enhanced and interpreted (where appropriate) within proposed public realm. Further supplementary assessment would include working with a military archaeologist, and all retained operational and military features associated with the Airfield would be included within the proposed Heritage Trail. The proposal is for the runway to retain its former location as a green open space within the masterplan development to ensure its legibility as an historic runway is evident. The impact in terms of harm on the Airfield is considered to be less than substantial. Whilst the features will themselves be retained, the setting will change from a largely open and exposed landscape to an urban setting.

- 7.360 Hillhurst Farm, which is located in the eastern part of the site, is Grade II listed and comprises a courtyard style farm, with a farmhouse, outbuildings and a barn. It is proposed that the farmhouse and large barn to the north will be retained and adapted to accommodate a beneficial long-term use for the local community. This would be informed by ongoing heritage assessment including statements of significance and condition surveys, undertaken in Tier 2 design stages for this development zone, to inform Tier 2 and 3 design proposals for their adaptive re-use, including setting assessment. It will also be included in the Heritage Trail. The impact in terms of harm on Hillhurst Farm is considered to be less than substantial, due to the change in setting from open agricultural to urban.
- 7.361 As stated above, the harm identified to these heritage assets should be afforded great weight in the balancing exercise which requires this harm to be weighed against the public benefits, in accordance with para 202 of the NPPF. The heritage linked public benefits and other public benefits are identified in paragraphs 7.349 – 7.352 above and officers consider that the less than substantial harm to heritage assets and their settings is outweighed by the proposed public benefits that the proposed development will deliver.
- 7.362 In terms of the historic landscape, this is fragmented, but the evidence demonstrates many phases of human activity, settlement and change dating from the Late Medieval period through to the 19th century racecourse and the 20th century industrial and military activity. The Heritage Strategy has influenced the design of the new settlement and parks, heritage features and historic places would be connected via a network of pedestrian, cycle and bridleway paths along green links, which would include Heritage Trails that would promote education as well as health and wellbeing.
- 7.363 It is proposed that a Community Officer would be appointed to implement a Community Development Programme to enable engagement and education around various themes, which would include heritage. A Community Archaeologist would also be appointed to coordinate archaeological fieldwork across the site and to enable presentation and interpretation of heritage through the Community Development Programme.

7.364 In addition to the identified assets within the application site, archaeological fieldwork has found and collected archaeological remains within the application site, and they were found across all seven indicative development phases. Archaeological assessments, field evaluations and archaeological mitigation would continue to take place over Tier 2 and 3 submissions, which would ensure that heritage is assessed and recorded at each development phase. Finds would be preserved within a storage facility with the potential for public access secured via s106 legal agreement.

7.365 Two additional buildings were listed as a result of the Historic England listed screening exercise – Twin Chimneys and Newingreen Farmhouse. Two Chimneys is located on the east side of Stone Street, within the proposed Hillhurst Farm character area and residential development is proposed in this location. Newingreen Farmhouse is located on Stone Street to the south of the A20. The land immediately to the rear of this property is outside the application site and the land to the south west is proposed to be allotments. The impact in terms of harm on the setting of these listed buildings is considered to be less than substantial, however, it is outweighed by the proposed public benefits that the proposed development will deliver. Furthermore, heritage statements and impact assessments will be undertaken in Tier 2, to inform masterplan design proposals.

Heritage features outside the application site boundary

7.366 The heritage features that have been identified outside the application boundary, together with their significance are as follows:

Designated Heritage Assets	Significance
Upper Otterpool Grade II listed	Medium
Otterpool Manor Grade II listed	Medium
Port Lympne Grade II listed building and Grade II* listed Registered Park and Garden	High
Lympne Castle Grade II listed	High
Lympne Conservation Area (including nine Grade I and II listed buildings within its boundary)	Medium
Sandling Park Grade II listed Registered Park and Garden	Medium

Table 24- Heritage Assets not within application boundary

7.367 The Kent Downs AONB is also considered as a heritage feature in the context of its rich cultural heritage including the remains of Neolithic megalithic monuments, Bronze Age barrows, Iron Age hillforts, Roman Villas and towns, medieval villages, post-medieval stately homes with their parks and gardens and historic defence structures from the Norman period to the 20th century.

- 7.368 Upper Otterpool and Otterpool Manor are located within the wider red line application boundary but are excluded from the application site themselves. The illustrative Masterplan submitted with the application shows Upper Otterpool to be located within the Otterpool Country Park, which is bounded to the west by Otterpool Lane. Otterpool Manor is located immediately to the west of Otterpool Lane, so would face eastwards over the Country Park. SUDs are proposed to the north, south and partly to the west of Otterpool Manor, with sports pitches to the west. It is the intention therefore that these buildings would be located in open space in order to preserve their settings. The impact in terms of harm on Upper Otterpool and Otterpool Manor is considered to be less than substantial, due to the change in setting from open agricultural to urban.
- 7.369 Port Lympne and the Registered Park and Garden is accessed off Otterpool Lane, adjacent to the southern boundary of the application site. This access leads to the car park to the south, but the buildings and garden are on the other side of Aldington Road, which runs west to east through Lympne. On the other side of the road, the escarpment drops away and views from Port Lympne are all to the south, towards the sea. It is therefore not considered that the setting of Port Lympne or the Park and Garden would be affected by the proposals.
- 7.370 Similarly, Lympne Castle is located on the other side of Aldington Road, separated from the application site by other development, with its views principally southwards. It is not considered that its setting would be adversely affected.
- 7.371 Lympne Castle falls within the Lympne Conservation Area which extends to and includes the group of buildings to the south of the junction between Aldington Road and The Street. Whilst the conservation area is all located to the south of Aldington Road (and therefore to the south of the southern boundary of the application site), the properties around the junction are in close proximity to the boundary of the site, albeit that there are existing properties on the opposite side of Aldington Road, the rear boundaries of which form the eastern boundary of the application site. The masterplan shows a village green to the rear of these properties, and this extends as far as Aldington Road, opposite the northern boundary of the conservation area effectively providing a landscape buffer between proposed development and Aldington Road. This land is currently part of the airfield and is open grassed land on which sheep are occasionally grazed. This will not therefore change in terms of it being undeveloped. Structural planting is also shown along the southern boundary of the village green, next to Aldington Road, which will be secured as part of Tier 1. The village green will also be subject detailed landscape proposals as part of the Tier 2 proposals.
- 7.372 The conservation area extends southwards from the junction of The Street and Aldington Road, and the surroundings in which the conservation area is experienced here is unchanged by the proposed development. Outside of the conservation area, views are obtained from both directions along Aldington

Road, but given the absence of any built development in close proximity to the northern boundary of the conservation area, officers are satisfied that the setting of it and the listed buildings within it would be preserved .

7.373 Sandling Park is located to the east of the A20, which forms the eastern boundary of the application site. The A20 already forms a hard boundary on this side of the Park and the orientation and views from the Park are mostly to the south and east, towards the sea. The part of the Park that is adjacent to the road is heavily wooded which already shields views further into the Park. The Masterplan shows a buffer of planting within the site along the boundary with the road which would help soften the impact of built development in this location and preserve the setting of the Park. As discussed in the landscape and visual impact chapter, this intervention would be designed and implemented off-line so that the road alignment is moved further away from the boundary providing an additional buffer incorporating SUDS and tree belts. Detailed control of the design and form of new planting is secured via a range of planning conditions and is reflected in the updated Strategic Design Principles.

7.374 Notwithstanding the above, the submitted Heritage Strategy (August 2022) includes commitments in respect of all these heritage assets to undertake Heritage Statements & Impact Assessment, Views Analysis and Setting Assessments to inform and assess the masterplan proposals before they come forward to Tier 2 application stage and to enable the impact of the masterplan proposals on the assets and settings to be understood and minimised.

7.375 Officers are satisfied that the heritage analysis in support of the application to inform the Masterplan in terms of impact on heritage assets both within and outside the application site provides sufficient evidence to be assured that the legislative and NPPF requirements are met.

Development Plan

7.376 Criteria 5 of Policy SS7 New Garden Settlement – Place Shaping Principles, sets out criteria for enhancing heritage assets. It is considered that the information submitted as part of the outline submission satisfies the policy criteria and this is demonstrated in the information contained in this part of the report. This would be further substantiated by submissions in Tiers 2 and 3.

7.377 Officers are satisfied that the information submitted in Tier 1 meets the requirements of PPLP policies HE1 and HE2. Policy HE3 refers to a local list of heritage assets, or sites that would meet the criteria. A local list has not yet been established, but the policy would nevertheless apply as it also applies to any assets that would meet the criteria. Whilst the Heritage Strategy does not specifically reference the criteria, many assets of local importance have been identified within the Heritage Strategy and the appended Mitigation Strategy. The heritage assessment is satisfactory at this outline stage and in alignment with the requirements of this policy secured via the tiered approval process. As

further detailed design is brought forward supplementary assessments may be required at Tiers 2 and 3.

Views of the Council's Conservation Advisor

7.378 Throughout the application process, officers have been advised by an independent Conservation Advisor. Their comments have largely been addressed through the submission of the Heritage Strategy in August 2022, and where there are outstanding issues, these can be covered by conditions.

7.379 The main concern was that heritage views had not been satisfactorily covered in the Landscape and Visual Impact Assessment (LVIA) submitted with the application. The applicants' response is that heritage views were not within the scope of the LVIA and it is not possible or proportionate to undertake LVIA type views analysis from and to all heritage assets at this stage. Views analysis has however, been carried out on the Castle and its landscape, the barrows and the AONB which has informed Tier 1.

7.380 Officers accept the applicants' response on the basis that the Mitigation Strategy goes into a lot of detail about known and potential buried archaeology, built heritage and historic landscape, establishing a cultural heritage baseline based on location, topography and geology is considered reasonable. The information required by conditions to satisfy Tier 2 submissions, including further Heritage Statements & Impact Assessment, Views Analysis and Setting Assessments, would ensure that the wider historic landscape, where appropriate, would be taken into account at those stages.

7.381 The council's Conservation Advisor also queried the methodology for ascribing significance set out in the Mitigation Strategy. The methodology has been clarified by the applicant and officers are satisfied that this issue is satisfactorily addressed.

Conclusion

7.382 There is a clear legal framework for the consideration of the impact of a proposed development on relevant heritage assets. Given the wide range of heritage assets across the application site and beyond, Historic England and other stakeholders have been involved in extensive discussions about the heritage aspects of the development throughout the application process.

7.383 The decision maker is under a general duty to pay special regard to the desirability of preserving the listed buildings potentially affected by the proposals, their settings, and any features of special architectural or historic interest which they may possess ((Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

- 7.384 The NPPF then requires the significance of the asset to be determined, and harm to the significance of a designated heritage asset requires clear and convincing justification. Where harm is identified, it needs to be categorised as either ‘less than substantial’ harm or ‘substantial’ harm, in order to identify which policies in the NPPF apply. However, in either case the decision maker must give considerable weight and importance to any such harm.
- 7.385 Where a development would lead to ‘less than substantial’ harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal.
- 7.386 Whether a proposal causes ‘substantial harm’ or ‘less than substantial’ harm, is a matter of judgement for the decision maker, having regard to the circumstances of the case and the policy in the NPPF. In particular; the effect of a particular development on the setting of a listed building – where, when, and how that effect is likely to be perceived, whether or not it would preserve the setting of the listed building, whether, under government policy in the NPPF, it would harm the “significance” of the listed building as a heritage asset, and how it bears on the planning balance – are all matters for the planning decision-maker. This is subject to the decision maker giving considerable importance and weight to the desirability of preserving the setting of a heritage asset.
- 7.387 The heritage analysis in support of the application to inform the masterplan in terms of impact on heritage assets both within and outside the application site is extensive. Having special regard to the desirability of preserving buildings or settings or features of special architectural or historic interest which an asset possesses officers have considered the likely effects of the development on the designated and undesignated heritage assets within the site and those beyond.
- 7.388 The significance of the heritage assets on the site have been assessed, and in particular, in relation to the castle and its environs, the causeway and the Barrows. Historic England and KCC having assessed the proposal have concluded that the proposed development would result in ‘less than substantial’ harm. The assessment in this report confirms that less than substantial harm will occur to heritage assets. This harm should be given substantial weight and importance and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal.
- 7.389 In terms of the statutory duty in section 66(1) of the Act which requires that considerable and important weight to the assessment of harm to the setting of a listed building should be given, when carrying out the balancing exercise pursuant to paragraph 202 of the NPPF, the impact on the setting of the castle, causeway, barrows and their setting is understood, and considerable weight has been given to it. With the detailed criteria prescribed in the Development Specification and Strategic Design Principles it is considered that appropriate measures have been taken to avoid where possible and to minimise harm to heritage assets through a range of mitigation proposals that include specific measures identified in the site allocation. Officers agree with the assessment

of Historic England that the proposed development will cause harm, that it is less than substantial harm and the conditions and s106 Heads of Terms, which secure the heritage commitments, mitigation and supplementary details as the development progresses, identified in the Heritage Strategy, are sufficient to minimise the harm.

7.390 Officers are also satisfied that the test referred to in the emerging Levelling Up and Regeneration Bill in respect of the Scheduled Monuments has been satisfied and that the submitted information also satisfies the requirements of PPLP and CSR heritage policies.

7.391 Officers therefore consider that in each case and overall the less than substantial harm to heritage assets is outweighed by the proposed considerable public and heritage related benefits that will arise from this application, outlined in paragraphs 7.350 - 7.353 which is submitted in response to Core Strategy Review site allocation SS6 for the delivery of 10,000 homes with the allocation being central to meeting the housing and development needs of the district within and beyond the plan period.

h) Masterplanning, design and community engagement

Background

7.392 Good design embraces all elements of a scheme, such as form, function, aesthetic, detailing, durability, sustainability, local and wider context, an appreciation of the environment and heritage, and many other factors, and tries to satisfy all these requirements in the same space. As part of an overarching aim to achieve well-designed places, NPPF paragraph 130 sets 6 criteria for developments:

- a. will **function** well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b. are **visually attractive** as a result of good architecture, layout and appropriate and effective landscaping;
- c. are sympathetic to **local character and history**, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d. establish or maintain a strong **sense of place**, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e. **optimise** the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f. create places that are **safe, inclusive and accessible** and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.393 Policies HB1 and HB2 in the Places and Policies Local Plan deal specifically with design and the built environment. HB1 sets out how good design can respond in a practical and creative way to both the function and identity of places. It includes criteria for achieving places, buildings and spaces that work well for everyone, are attractive, long lasting and would adapt to the needs of future generations.

7.394 HB2 provides further for major housing developments or complex proposals to demonstrate a comprehensive approach to design, avoiding the need for retrofitting as much as possible. It includes criteria to ensure neighbourhoods are integrated, places are distinctive and high-quality streets and homes.

Evolution of the masterplan

- 7.395 Securing good design should lead the evolution and assessment of individual proposals. The NPPF recommends early discussion between applicants, the local planning authority and the local community about the design and style of emerging schemes and it is important for clarifying expectations and reconciling local and commercial interests. Applicants are expected to work closely with those affected by their proposals to evolve designs that take account of the views of the community. The NPPF states that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 7.396 Details of the involvement of local communities has been included in two Statements of Community Involvement and the spatial evolution of the scheme is also described in the Design and Access Statement. In tandem with statutory consultation processes stakeholder engagement began at an early stage of emerging proposals of the new settlement in early 2016, as part of the preparation of the submission to Government's Garden Cities, Towns and Villages programme.
- 7.397 The community consultation and engagement process on the masterplan and planning application was undertaken in three distinct stages in December 2016, April/June 2017 and June 2018. The first set of public events were held in early December 2016 at multiple locations within the vicinity of the site. At this stage some early technical and surveying work had been completed but no proposals had been drawn up. The purpose of this engagement was therefore to raise awareness of the project and the planning process, provide information and hear early ideas and concerns that could feed into the masterplan.
- 7.398 Throughout these stages of community and stakeholder involvement a range of spatial changes occurred, including:
- adaptation of the town centre uses and location to move away from a high street concept;
 - a clearer high-quality route network for pedestrians and cyclists to key destinations of high street, station, schools and recreation spaces;
 - enhancing Green Infrastructure influencing the distinct character of local centres to differentiate housing neighbourhoods and assist legibility and footfall;
 - changes to Westenhanger Castle landscape open space surrounding the castle including enlarging the open space to enhance the setting and vistas to the scheduled ancient monument and listed building;
 - landscape layout and edge of development refined in response to Historic England comments for the Castle Park and appropriate context and views to and from Westenhanger Castle;
 - integration of development and landscape corridors with key retained features to create a landscape with water and woodland at the heart, which links to surrounding landscapes;

- water strategy developed to include provision for onsite waste water treatment facility with SuDS integrated in landscape and route network to make water a key integrated feature of the layout;
- progressing the concept design for Westenhanger Castle Park, enhancing points of arrival and linkages to the wider area, and ensuring all key facilities have been accounted for across the landscape.

7.399 Further public consultation in the form of exhibitions, social media and publicity took place in 2019 during the formal consultation period on the planning application. Following the submission of the 2019 Outline Planning Application the main changes to reflect stakeholder feedback are shown in illustrative form below and include:

- the structure of the application has been amended to reflect a tiered approval process in order to improve the flexibility and deliverability of the development;
- the red line of the boundary of the OPA has been amended:
 - Include Westenhanger Castle
 - Include additional land in the north west corner of the site to reflect the likely requirement for a wastewater facility;
 - Additional land for highway junction works at Newingreen Junction
 - Other minor amendments to reflect landownership boundaries.
- phasing plan submitted in support rather than for approval;
- a range of additional documents to reflect additional technical work, including survey work across transport, water and heritage;
- revised approach to the transport strategy to reflect a user-centric approach that prioritises active travel;
- potential to deliver on-site wastewater treatment works and an area of wetlands
- development of a Housing Strategy informed by local needs survey
- development of a Heritage Strategy that identifies a range of heritage mitigation measures reflecting the diverse history of the site across different millennia (for example, the site now incorporates Westenhanger Castle and the causeway and the proposals have been refined to reflect recently scheduled heritage assets);
- development of Strategic Design Principles document for approval that acts as a bridge between Tier 1 and Tier 2; and
- development of alternative Parameter Plans to reflect the location of the permitted Waste Facility at Otterpool Quarry.

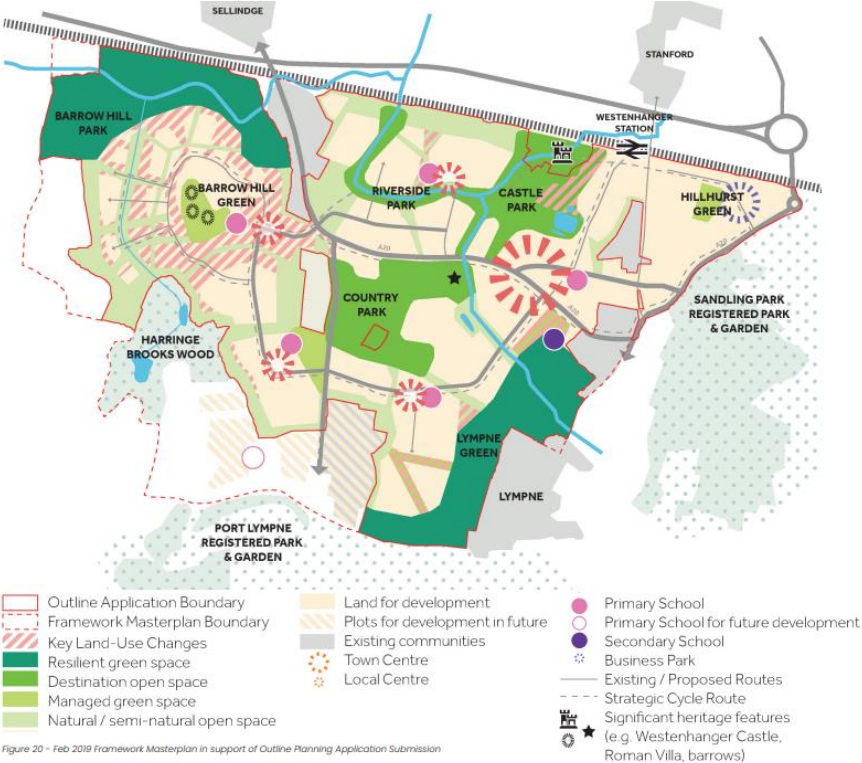


Figure 8 - Illustrative Masterplan 2019

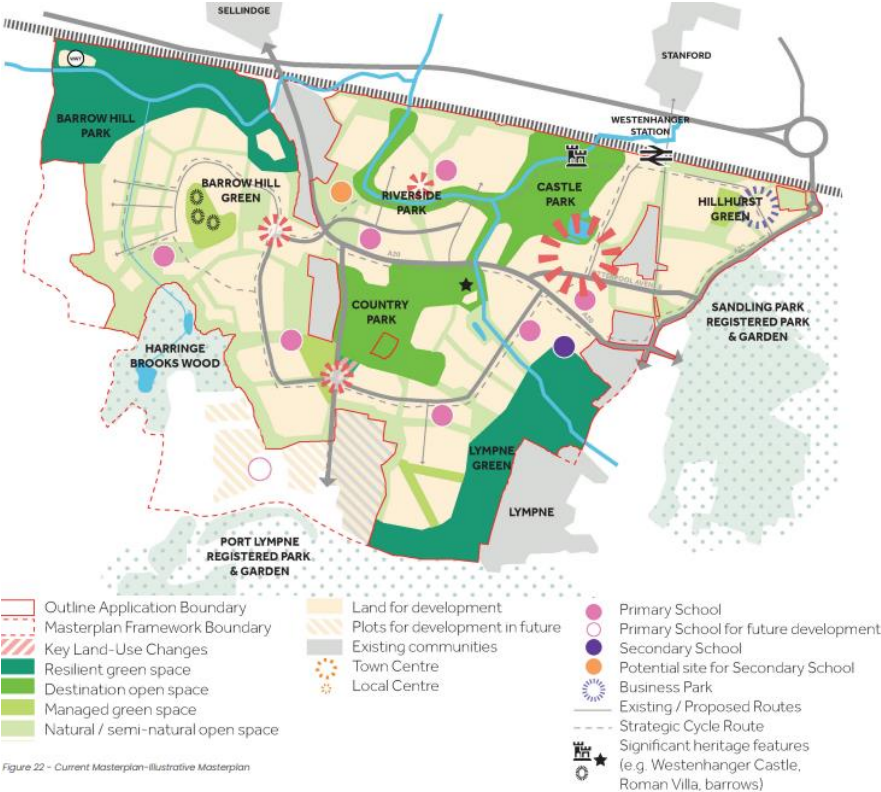


Figure 9 - Illustrative Masterplan 2022

7.400 The updated application includes an alternative set of Parameter Plans incorporating a 250m buffer zone around Otterpool Quarry. This is consistent with the distance recommended by the Kent Safeguarding Supplementary Planning Document (updated March 2021) for development that would be within the proximity of permitted waste facilities.

Design Review

7.401 In assessing applications, the NPPF states that local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

7.402 In 2018, the LPA established a Place Panel¹⁶ to support Folkestone & Hythe District Council in achieving high quality, innovative and sustainable placemaking. The Place Panel provides independent, objective expert advice to the planning authority as a ‘critical friend’ to support delivery of the vision set out in the Charter. This includes formulation of planning policy and development strategies. A number of workshop and place panel reviews have taken place since 2018 across a range of disciplines and would continue at the request of the LPA.

7.403 Generally, schemes are referred to the panel by planning officers at an early design stage to identify and consider the key assumptions of the proposed design. The panel’s advice assists the planning authority in negotiating design improvements and may support decision making by the planning committee. The Place Panel has provided this support to Folkestone & Hythe District Council through both place review and specialist support.

7.404 In total there have been 11 reviews relating to new settlement since the inception of the panel in 2017 broken down as follows:

Year	Review Type	Topic
2017	Mentoring Review	Charter for Otterpool Park
2018	Place Review	Framework Masterplan
	Workshop Review	Water / open space, energy, waste, circular economy
	Place Review	Framework Masterplan
	Workshop Review	Planning Policy Framework
	Place Review	Framework Masterplan
2020	Workshop Review	Town Centre – early options
2021	Workshop Review	Green Infrastructure Strategy
	Place Review	Town Centre Masterplan

¹⁶<https://www.folkestone-hythe.gov.uk/otterpool-park/background-documents-otterpool-park>

	Workshop Review	Transport Strategy, movement network and design of streets
	Formal Review	Draft Phase 1 Design Code

Table 25 - Place Panel reviews

- 7.405 The involvement of the Place Panel has provided additional independent design and placemaking challenge to the project throughout its evolution to date. In the early conceptual stages of the project the panel commented on the development of the Framework Masterplan which informed the current Outline Planning Application and reviewed the development of Core Strategy planning policies. The panel was encouraged by early progress on developing the framework masterplan for the new settlement and welcomed the landscape led approach and clear identification of a diverse landscape characters. It recommended a less definitive approach to land uses and continued to urge further work to create a unique character and identity for the new settlement. It recommended more work to develop the contribution walking and cycling could make, the design of streets and spaces and the way people move around. Later in 2018 the Panel reiterated its regret that an ambitious, distinctive vision for the new settlement had yet to emerge and felt a convincing narrative was needed that would support flexibility, complemented by simplified, more legible Parameter Plans together with clarification of the delivery vehicle and development strategy.
- 7.406 Following the submission of the 2019 OPA and detailed technical work in the intervening period the panel reviewed evolving proposals for Phase 1 Town Centre (as part of revisions to the OPA) in early 2021. The panel welcomed improvements since the previous review which it felt provided greater confidence that a coherent town centre, with distinctive character can be achieved. It felt Westenhanger Park has a unifying role at the heart of the Phase 1 Masterplan and that greater clarity was needed about the park's character, uses, and edges. The panel suggested further careful thinking about how the town centre would relate to future phases of the development. In relation to the revised Transport Strategy, it commended the appointment of new consultants with the expertise to progress the transport strategy and felt it was moving in the right direction.
- 7.407 The panel's comments have assisted officers by providing further independent challenge as the proposals have evolved. In combination with officer concerns the narrative and approach of the proposals have been tested, changed or refined for robustness and quality. Detailed feedback on emerging proposals for the early phase since then have also influenced revisions to the proposals resulting in a more ambitious and deliverable masterplan with a much clearer function and identity. The structured approach to future masterplanning and design would help support further review and input from the panel throughout the next stages of detailed design. The Overarching Management Strategy submitted with the OPA includes a commitment to continue to put detailed designs to independent review through the panel. This would support an

ongoing rigorous design and technical approach to help secure design quality in the long term.

Spatial framework and identity of the new settlement

7.408 Early criticism of the proposals included the lack of a coherent narrative with the rationale between existing and proposed, its distinctiveness and how existing features would be protected and enhanced. To address these concerns a substantial amount of further technical and spatial work has been undertaken. Revisions to the overall masterplan and spatial framework have been underpinned by a range of specific and site-wide pieces of work since 2019 including:

- a fundamental review of the Transport Strategy including a refreshed Transport Strategy and a new Future Mobility Strategy;
- a Green Infrastructure Strategy which brings together the green infrastructure proposals and rationale;
- a review of the tiers and typologies of open space to provide enhanced focal points for each neighbourhood;
- the development of a Heritage Strategy to establish a cultural identity that generates economic, social and environmental value as well as achieving successful conservation;
- the development of Strategic Design Principles (see later in this chapter) that acts as a bridge between the Outline and subsequent design stages;
- the development of a more engaging Conservation Management Plan (CMP) for the Castle itself to support placemaking in the early phase.

7.409 A multi-disciplinary review of all technical aspects has resulted in substantial changes to the spatial framework over a number of years in response to the officer concerns:

- the removal of the previously proposed employment space along the railway corridor to be integrated into the town centre and employment-led 'triangle' land;
- the development of a clearer overarching concept for the town centre to address its identity, function and movement as well as reinforce the hierarchy of the town as a whole;
- clarifying the configuration of the A20 underpinned by a new 'Otterpool Avenue' based on low-speed principles with direct access to the rail station;
- a clearer approach to the tiers and typologies of open spaces to provide stronger focal points for each neighbourhood and related change to combine the previously proposed two local centres either side of Otterpool Lane into one integrated centre;
- a review of the overall approach to Green Infrastructure on the 'triangle' of land to exploit existing placemaking and landscape elements around Hillhurst Farm;

- revisions to strengthen connections between the first Secondary School south of the existing A20 and the new town centre;
- overall revisions to strengthen the movement network so that it is based on walking and cycling;
- significant revisions to the approach to heritage assets based on a clearer understanding of significance including strengthened walking and cycling connections between the causeway, the town centre and other assets and additional open space buffers for barrows and other features;
- additional technical work to support a more ambitious approach to water resources such as enhancements to ensure water plays a stronger role in animating open space incorporating a more naturalistic approach to the east-west watercourse in particular so that it now crosses the threshold into the town centre, helping to integrate the town centre and Westenhanger Park;
- a proposed new on-site Wastewater Treatment Works as part of revised proposals for a network of formal, informal and resilient open spaces combining landscape, ecological, heritage and recreational features;
- the development a 21st Century transport vision based on a network of mobility hubs connected via green infrastructure to the rail station, which focus on convenience and experience.

7.410 One of the most notable changes in the masterplan and design has been the overall approach to movement, connections and streets. A fundamental review of the mobility vision was undertaken resulting in proposals with a much stronger emphasis on walking and cycling, along with bus routes. The SDP includes the aim to encourage people away from the private car as a means of getting around, and instead use more sustainable modes. This is achieved through:

- linked streets and routes for pedestrians and cyclists;
- regular connections and street hierarchy;
- a Mobility Vision and User Centric Approach to support its overall connectivity and includes 9 mobility principles;
- mobility hubs are included as one of the principles which are intended to support and encourage the sustainable movement of residents and visitors, as well as freight and deliveries.

7.411 These revisions support an approach in which walking and cycling become more attractive, and more convenient than using the car, especially for short trips within the town. Catching a bus needs to be easy, with bus stops close to where people live and work. A key part of convenience is therefore providing direct, convenient and attractive connections for pedestrians and cyclists to destinations - both at the strategic (e.g., the Town Centre) and local level (e.g., the local bus stop). These principles are secured in the SDP, Transport Strategy and future masterplans and design codes would need to accord with

these principles and are consistent with design policies HB1, HB2, T1, HW3, HW4 and SS7.

- 7.412 In this context, the development of a 21st Century transport vision based on a network of mobility hubs connected via green infrastructure to the rail station, focussing on convenience and experience is particularly welcome and consistent with the requirements of local and national policies.
- 7.413 As identified by earlier feedback by the Place Panel and officers, the masterplan area designated for the new settlement provides exceptional potential for a strong and distinctive character. Whilst this did not come through strongly enough in earlier proposals, a clearer identity for the new settlement has emerged through a considerable amount of iterative design work since 2016. The overarching themes of creativity, countryside and connectivity presented in the Spatial Vision provide a potential framework for future design development. Specific work to develop the shape, size, role and function of the town centre in particular has helped evolve the identity of the new settlement as a whole, with a series of well-connected but distinct neighbourhoods all connecting to a strong and well-located town centre. The submitted Green Infrastructure and Heritage Strategies provide a solid framework to inform future design development and would continue to be kept under review.
- 7.414 This work has resulted in a refreshed spatial vision for the town centre with a clearer design intent based on activity where contemporary life meets the heritage of Westenhanger Castle and a more robust and deliverable spatial masterplan overall. Taken together with the extensive Strategic Design Principles and other design controls managed through the tiered approval process the proposals hold the potential to deliver a unique and distinctive new settlement in accordance with the requirements of the Core Strategy Review, PPLP and NPPF.

Strategic Design Principles (SDP)

- 7.415 The new garden town settlement is a very significant development for Folkestone and Hythe, essentially creating a 'second town' for the district, with Folkestone and Hythe being the main settlements. The vision is for a landscape-led, high-quality place of exemplary design and high sustainability standards. To ensure this vision is achieved, there has been close collaboration between planning officers at the Council and the applicant team to ensure that the application has the right information to deliver this quality.
- 7.416 The Strategic Design Principles document is a Tier 1 document and is relevant to the whole site and as such has a significant role in informing future detailed design. The principles would inform the masterplans and design codes for each individual phase of development, so ensuring that the design approach is co-ordinated across the entire town. The local planning authority would expect clear references to be made back to this Strategic Design Principles document. The Strategic Design Principles have been developed in parallel with updates

to the outline planning application material, so making sure that both work well together. This is secured via planning conditions.

Design Codes

- 7.417 The NPPF encourages the use of design guides and codes to provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. This is echoed in the Kent Design Guide. It goes on to say that they should be tailored to the circumstances and scale of change in each place. It says that one option is for landowners and developers to prepare design codes in support of a planning application for sites they wish to develop.
- 7.418 It is therefore intended to secure a design code for each phase as part of the tiered approval process. Future detailed design codes for each phase would need to be consistent with the approved Strategic Design Principles. Developers and their design teams would be expected to produce a framework plan accompanied by a detailed design code informed by principles within the Strategic Design Principles document for approval by the local planning authority (Tier 2) prior to the submission of reserved matters applications. Subsequent reserved matters applications (Tier 3) would also be expected to accord with the masterplan and design code. The SDP contains a considerable level of detail as to the nature and level of detail considering the guidance contained in the National Design Guide and the National Model Design Code. These design codes will be capable of being adopted by the local planning authority following appropriate consultation and therefore could also be afforded weight as part of the development plan.
- 7.419 Section 6 of the Strategic Design Principles includes requirements for detailed masterplans and design codes together with a recommended structure which is aligned with the National Model Design Code. In developing the guidelines in the chapter, a number of existing design codes were reviewed and their strengths and weaknesses examined. These approaches are in alignment with local and national policies and represent a best practice approach for large scale sites of this nature.
- 7.420 The new settlement would take many years to build out, and would become a permanent new town, providing homes, community facilities, employment and leisure activities to a changing population. It is vital to the success of the town that it is designed to be flexible, so that it can respond to changes in the future - different working patterns, alternative modes of transport, and developments in technology – whilst still being focused on people and their needs and prevailing environmental parameters and interest of acknowledged importance.
- 7.421 Since 2017, a stronger spatial concept with the potential to deliver a unique town centre experience that includes a strong interplay between water, heritage and open space supported by distinct neighbourhoods stitched into the countryside has emerged. This makes for a more compelling long-term

proposition and spatial narrative. This greater clarity will help to achieve a more cohesive spatial framework against which future details can be judged and guard against fragmentation.

7.422 The illustrative masterplan, Strategic Design Principles and associated documents submitted at this stage respond in a practical and creative way to both the function and identity of the new place that would emerge at new settlement. It includes a strong basis from which to achieve places, buildings and spaces that work well for everyone, are attractive, long lasting and would adapt to the needs of future generations.

i) Green infrastructure and ecology

Policy and legal framework

- 7.423 The Core Strategy Review sets out the strategic need for a new garden settlement. It also sets out a charter for the new settlement, much of which covers aspects of green and blue infrastructure.
- 7.424 Policy CSD4 of the Places and Policies Plan and Core Strategy Review policies SS6 – SS9 include specific requirements relating to green and blue infrastructure for taking the new garden settlement development forward include. Other planning policies which are relevant to the green and blue infrastructure elements of the new settlement include Policies NE1 to NE3 which address natural environment, biodiversity and landscape matters. Policy C3 deals with open space requirements whilst policies C1 and HB1 address wider matters relating to design quality and sense of place which also contain elements of green and blue infrastructure. Policy CC3 addresses the key requirements relating to sustainable urban drainage alongside Policies HW3 and HW4 which cover healthy, active travel and lifestyles. Of particular note is paragraph (b) of Policy SS7, which sets out the requirement for a Green Infrastructure Strategy and the areas it should address.
- 7.425 It should be noted that Folkestone and Hythe District's Green and Blue Infrastructure Strategy is currently out to consultation. Whilst not a statutory planning document the revised document does not impose policy requirements but provides a greater depth of information on strategic and local priorities and provides valuable guidance for the development and assessment of proposals. The chapter also references the review of the ecology aspects of the Environmental Impact Assessment by its EIA advisers Temple Group. Finally, KCC Ecology services has provided independent advice throughout the evolution of the proposals and its conclusions and advice are also incorporated into this chapter.
- 7.426 The revised Green Infrastructure Strategy (2022) provides a more comprehensive approach to green infrastructure following previous comments provided by the local planning authority in 2019. It also assesses the submission against Folkestone and Hythe's draft Green and Blue Infrastructure Strategy (2022). Whilst still draft, and therefore carrying limited weight, it remains a material consideration.
- 7.427 The Green Infrastructure Strategy has been reviewed, along with a range of other evidence reports which support the breadth of the themes of Folkestone and Hythe's draft Green and Blue Infrastructure Strategy. These primary evidence sources have been reviewed to ensure that recommendations and commitments set out in these technical documents have been fed through to the overarching Green Infrastructure Strategy.

Environmental Impact Assessment

7.428 An assessment has been undertaken of the potential impacts of the new settlement on biodiversity through desk and field-based studies. In addition, consultation with Natural England, Kent County Council and Folkestone & Hythe District Council has been ongoing since 2016. The key ecological features identified in relation to the new settlement can be broken down into four broad categories:

- designated sites including Folkestone to Etchinghill Escarpment Special Area of Conservation and Wye and Crundale Downs SAC;
- Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar Site, Lympne Escarpment Site of Special Scientific Interest and Harringe Brooks Wood Local Wildlife Site;
- habitats including ponds, woodlands (both ancient woodland and broad-leaved woodland) riverine habitats, hedgerows, grasslands and arable field margins;
- species including birds, dormouse, water vole, invertebrates, great crested newt, bats, badger and reptiles;
- ecosystem services including food production, water provision and regulation, sense of place and history, biodiversity and soils.

7.429 Within the site, the design retains key ecological features creating a green grid for wildlife to move through the development. These features are shown in the diagram below. Key habitats and areas of importance for protected and notable species are also retained. In many areas, linear corridors of vegetation, such as hedgerows, lines of trees and ditches, would be enhanced with additional planting to create wider corridors. The green spaces also buffer retained habitats and off-site features such as Harringe Brooks Woods. Green spaces within the site would offer recreation space, preventing recreational impacts upon designated sites. These green corridors link up key areas of biodiversity, including:

- the Folkestone Racecourse Lake
- off-site Woodlands including Harringe Brooks Woods
- off-site parts of the East Stour River, both upstream and downstream
- smaller areas of woodland in the area

7.430 The green corridors would also link up areas of:

- retained areas of the former Lympne Airfield
- the Otterpool Quarry SSSI
- a pond area to the south of the A20
- a number of smaller green spaces within the proposed development.

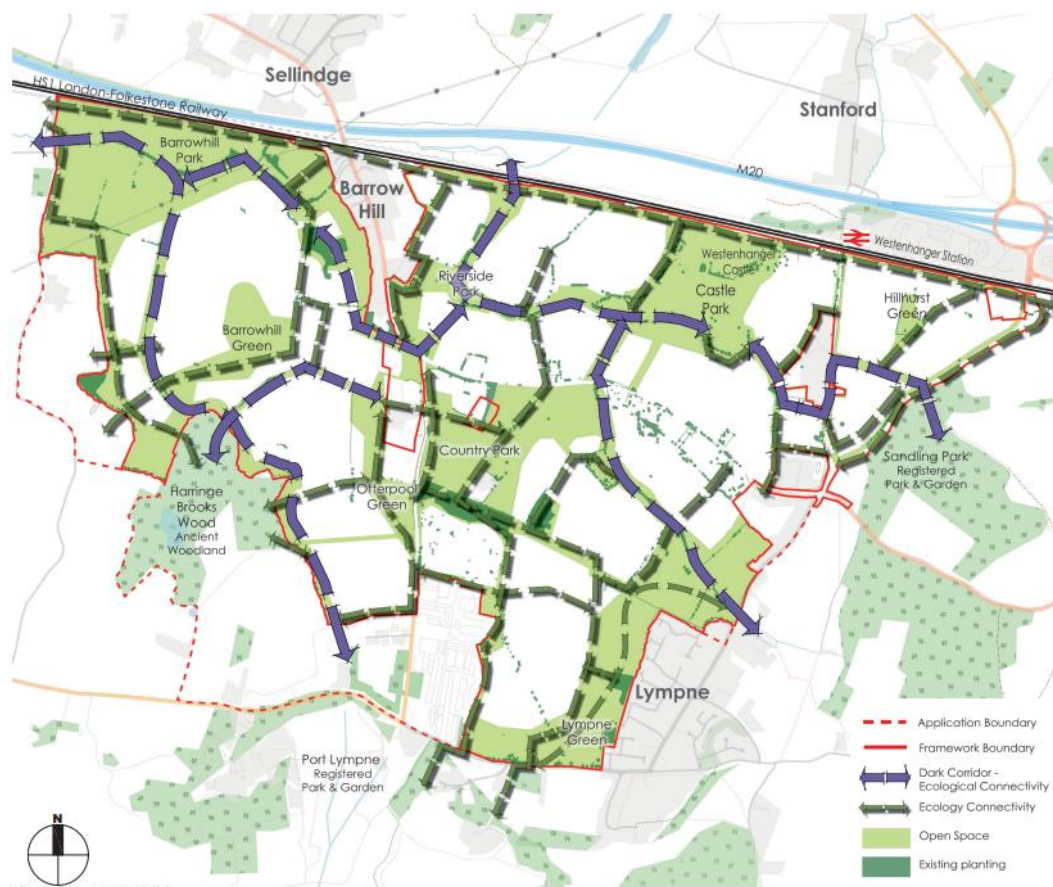


Figure 52. Green Grid
 Figure 10 - Green Grid

7.431 The on-site wastewater treatment works is addressed in Chapter J and is designed to ensure nutrient neutrality for the site, preventing impacts to designated ecological sites away from the proposed development. These issues are addressed through the Habitats Regulations Assessment discussed elsewhere in this report and secured via planning conditions. No likely significant impacts from the new settlement upon designated sites are foreseen resulting from recreation or air quality changes with monitoring requirements addressed in the air quality chapter. The ES concludes potential effects on designated ecological sites are not likely to be significant and this is agreed.

7.432 The most recent clarifications resulted in amendments to the Biodiversity Action Plan to include woodland and other bird species. Further considered proposals are provided for the provision of off-site mitigation for farmland birds. These matters can be addressed via an appropriate mechanism in the s.106 legal agreement for ensuring delivery of the approved mitigation.

7.433 In relation to the effects on designated sites inclusive of the Paddlesworth Reservoir works and whether there would be any additional mitigation required for these works, officers sought clarification. This further information has been reviewed by the LPA and it provides a considered proportionate evaluation of the potential impacts on the proposed development in combination with the

Paddlesworth Reservoir works. This accounts for reasonable worst-case scenarios in the absence of detailed design for the Paddlesworth Reservoir scheme. All necessary assessments of the reservoir works will be required of the statutory undertaker when that scheme comes forward.

- 7.434 Habitat retention and creation on the site is extensive, with approximately 50% of the site being green space. The ES adequately assesses habitats of principal importance and describes where they are safeguarded and created. An assessment of the proposals using the Biodiversity Metric 3.0 (an industry recognised biodiversity calculator tool devised by the UK government) demonstrates that the development as secured in the Parameter Plans has the potential to deliver approximately 20% biodiversity net gain overall. There would also be removal of non-native invasive plant species within the site. The s.106 agreement would secure a minimum of 10% with a target of 20% monitored through the tiered approval process.
- 7.435 With regards to habitats, the ES concludes the design of the new settlement has ensured that there is a demonstrable net gain to biodiversity. Once the proposed mitigation is applied, there are significant beneficial effects upon habitats, including the reduction in the negative impact on local flora and fauna from invasive plants, and an increase in the overall biodiversity value of the site.
- 7.436 Within the site, there would be habitat creation for species including areas specifically designed for species including water voles, reptiles, great crested newts and invertebrates. A number of safeguarded and enhanced corridors for wildlife would be identified as 'dark corridors'. Such areas would have lighting that should be kept low and the areas dark in order to allow light-sensitive animals such as bats, invertebrates and badgers to continue using the area.
- 7.437 Construction mitigation includes working measures to prevent disturbance and pollution impacts. Protection of species during construction would include species translocations and bespoke method statements, timing of works, ecological clerk of works input and safeguarding of key areas. Operational mitigation includes lighting strategies to avoid and reduce light falling onto sensitive areas, and proposals for monitoring and habitat management.
- 7.438 Once all the proposed mitigation is applied, the only significant residual negative effects are associated with species which require large areas of open agricultural land. However, these effects would be addressed through offsite mitigation in the form of improvements in the management of farmland in the surrounding area reducing the effects to not significant and secured via appropriate mechanisms in the s.106. Overall, once mitigation is applied, the ES concludes there are no significant residual effects upon species.
- 7.439 Whilst potential ecosystem service changes are difficult to quantify precisely at this stage the ecosystem services assessments outline a reduction in some provisioning services (including food production) but increases in the provision of some regulating services (including flood regulation and pollination) and

cultural services (including recreation, interaction with nature and sense of place).

7.440 Overall, officers are of the view that the ES provides a comprehensive assessment of biodiversity with the conclusions of the ES, including the summary of residual effects, accurately presenting the findings of the impact assessment. Residual effects and long-term monitoring would be secured via appropriate planning conditions, s106 obligations and controlled through the tiered approval process.

Overarching approach to green infrastructure

7.441 The new settlement is being developed on garden town principles which is informed by its landscape setting and historic elements. There is a strong emphasis on networks of green and blue spaces which are easily assessable, and a coherent movement strategy has been produced. These are well developed in the Green Infrastructure Strategy and Tier 1 specific commitments to this are highlighted in the Development Specification.

7.442 Initial assessment of the application considered that that while the proposal recognised the importance of green infrastructure, further work was required to develop a coherent narrative and overall ambition. The overarching Green Infrastructure Strategy accords with the requirements of Policy SS7 and makes it easier to understand how the existing green infrastructure has influenced the proposed masterplan and how the proposals are going to mitigate and enhance green infrastructure. Compliance with these principles will be secured through the tiered approval process.

7.443 The proposals as set out set out at this stage are also consistent with CSD4, although it is acknowledged that full implementation of these requirements relies on details that would be secured through the tiered approval process. The LVIA, addressed in the landscape and visual impact chapter (f), makes specific recommendations for additional structural planting mitigation which should be followed. Structural advance planting plans are found to be sound from a wider green infrastructure perspective and would be secured through planning conditions and s106 agreement. These conditions allow particular attention to be given to species mix and size at later design stages.

7.444 The provision of open space meets the standards in the Places and Policies Local Plan which is likely to be formed of spaces which are habitat, SuDS or other spaces. There are local deficiencies outside the site which the new settlement would be able to mitigate, good access to the site from these areas has been planned in the Green Infrastructure Strategy.

7.445 The Green Infrastructure Strategy sets out how the scheme would make a positive contribution to its location and prioritises active forms of travel which enhances and integrates areas of public open space. These approaches are

consistent with the broader sustainability objectives set out in policies SS6-9 as well as HW3 and HW4 which promote healthy, active travel and lifestyles.

7.446 The establishment of a long-term stewardship vehicle is relevant in the context of green infrastructure in all its guises by providing a governance and management structure in perpetuity. These matters are discussed in greater detail in chapter (p). A shadow board is proposed to be established early in the process, as soon as there is certainty over planning and development timelines and ensure that the emerging detailed plans reflect the intended long-term approach. These aspects are mirrored in the Community Development and Facilities Strategy which sets out how community development and custodianship would be managed and encouraged into the future. This strategy is particularly welcome in the context of green infrastructure and commitments to the above are set out in the Development Specification as well as being secured through s106 obligations.

Strategic open spaces

7.447 At this outline planning application stage, the proposed strategic parks their size and broad features are considered acceptable and would meet the needs of the development. Further detail is required in subsequent stages. The Green Infrastructure Strategy incorporates biodiversity features in each of the parks. These are addressed below.

7.448 Barrow Hill Park is identified as a 'resilient open space' in the Green Infrastructure Strategy. Within this wider green space, the entire area to the north of the River Stour East is referenced as a wildlife area, particularly for the creation of mitigation habitat for water vole and other protected species. In this area, 3 – 4km of ditches are proposed to be created for water vole, along with a range of other habitats.¹⁷

7.449 The ES states that human activity and dog walking should be discouraged in areas of enhanced habitats for water vole and otter,¹⁸ and lists disturbance as an impact pathway. An existing public right of way passes through this area which is shown as being a future cycleway and footpath. Whilst diverting a public right of way can be a lengthy process, with no guarantee of success it may be beneficial to explore at detailed design stages re-routing the public right of way from its current position as it bisects the mitigation area. A position further to the east to join the proposed cycleway / footpath to the south of the river, whilst retaining the entrance point to the north of Barrow Hill (settlement) would provide a large, functioning, and undisturbed area for wildlife.

7.450 Methods to be employed to ensure that there is not detrimental disturbance in this area, particularly from dogs entering the ditches and pools, will be required to be demonstrated as detailed designs and proposals come forward. The

¹⁷ OP5 ES Appendix 7.18: Targeted Species Mitigation Strategies, figure from page 49.

¹⁸ OP5 ES: Appendix 7.1, page 31.

Commitments Register states there would be a 'no dogs' area.¹⁹ The Biodiversity Action Plan states that signage and spot fines would be utilised. This is a potential role for the stewardship vehicle secured via planning conditions and also for the proposed Green Infrastructure Ranger(s) secured via the s.106 legal agreement. This provides sufficient level of confidence these measures can be implemented and enforced whilst the detailed design would be scrutinised and controlled through the tiered approval process.

7.451 The Green Infrastructure Strategy identifies the area of Barrow Hill Park as a potential area of mitigation for water vole and other protected species. The WwTW and associated wetlands discussed in the water chapter is now located within this wider mitigation area in the north west of the site. Given the wider function of this area of the masterplan for wetlands provisions further detailed design will be required to demonstrate measures that prevent disturbance. There is nothing to suggest that this cannot be successfully achieved through detailed design and in a way that means some areas would not be accessible to people and to dogs. Due to the size of the site, KCC Ecological Advice Service has concluded that appropriate species mitigation can be carried out within the proposed development site. The commitment to establish a site-wide stewardship vehicle and provisions for management provides additional confidence this can be secured, implemented and enforced appropriately.

Biodiversity Net Gain (BNG)

7.452 The planning policy framework includes requirements to ensure biodiversity must be enhanced with overall net biodiversity gain. They go on to require advance planting and habitat creation to offset temporary losses during construction, create corridors, including for pollinators, for species to move within and beyond the boundary and to enable them to adapt to climate change impacts. Enhancements to specific biodiverse sites within and adjacent to the new settlement are suggested – specifically Harringe Brooks ancient woodlands, Local Wildlife Sites, Otterpool Quarry Site of Special Scientific Interest and other sensitive ecological features, including the existing pond at the former Folkestone Racecourse.

7.453 The Biodiversity Net Gain Report submitted with the application discusses the methodology for demonstrating how the outline application can achieve biodiversity net gain, in line with SS7. The Environment Act requires that 10% BNG is delivered but has yet to come into full force. The calculation applied to the baseline uses the illustrative masterplan (which demonstrates one way in which the development could be delivered within fixed parameters) using the Biodiversity Metric (BM) 3.1. The proposal aspires to achieve 20% biodiversity net gain (BNG) overall,²⁰ with the biodiversity net gain calculations indicating an increase of 22%.²¹

¹⁹ OP5 Appendix 2.6 Commitments Register, page 24 row 12: and page 24 row 25

²⁰ OP5 Appendix 2.6 Commitments Register, page 20 row 10.

²¹ OP5 ES 7.21 Biodiversity Net Gain Calculations. Page 18, 21.51%

7.454 Inevitably, due to physical variations across the site the biodiversity unit delivered in different areas of the application area is likely to differ in their contribution towards the overall target with some delivering more and some less to achieve the overall target. A Biodiversity Delivery Plan to secure a minimum of 10% and a target of 20% will be secured via s.106 and Biodiversity Net Gain monitored through the tiered approval process.

7.455 Green roofs may form a significant element of the achievement of 20% Biodiversity Net Gain. The delivery of green roofs accounts for 28% of urban biodiversity units to be delivered and approximately 5% of the total Biodiversity Net Gain to be delivered by the development. The calculations account for flexibility in the delivery of the urban biodiversity units to enable the design to respond to the requirements of each phase and changes in best practice. Appropriate planning conditions are proposed to ensure these are monitored effectively for appropriate delivery across each phase.

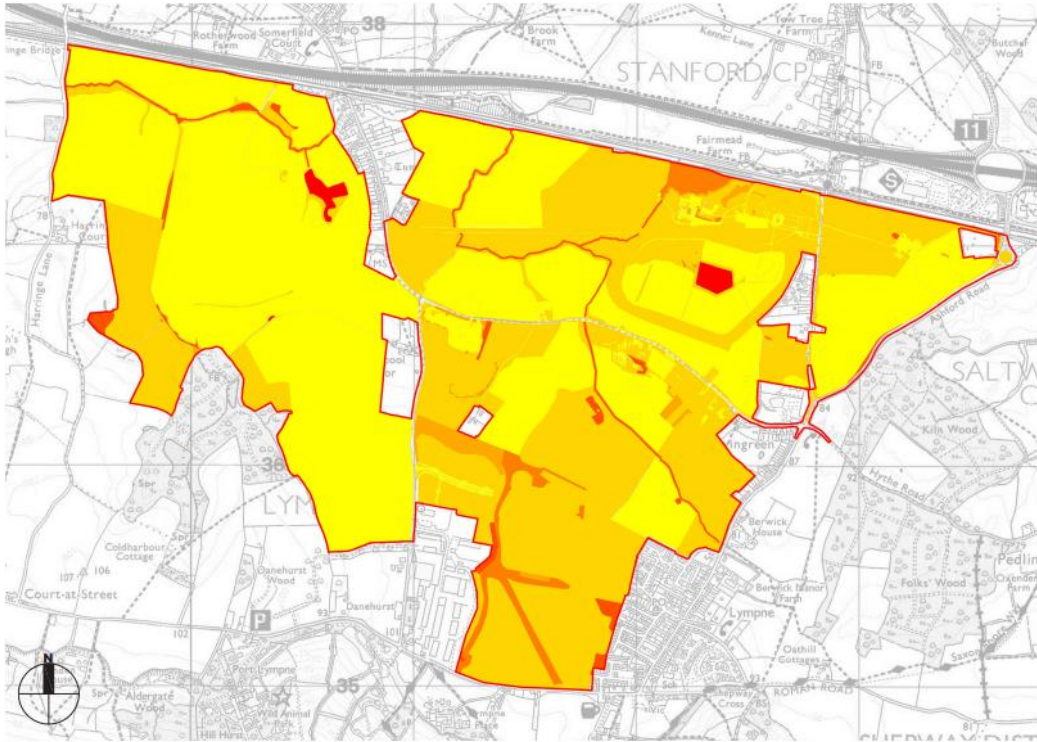


Figure 49. Baseline Habitat Evaluation before development

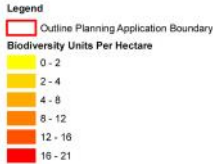


Figure 11 -Baseline Habitat Evaluation pre-development

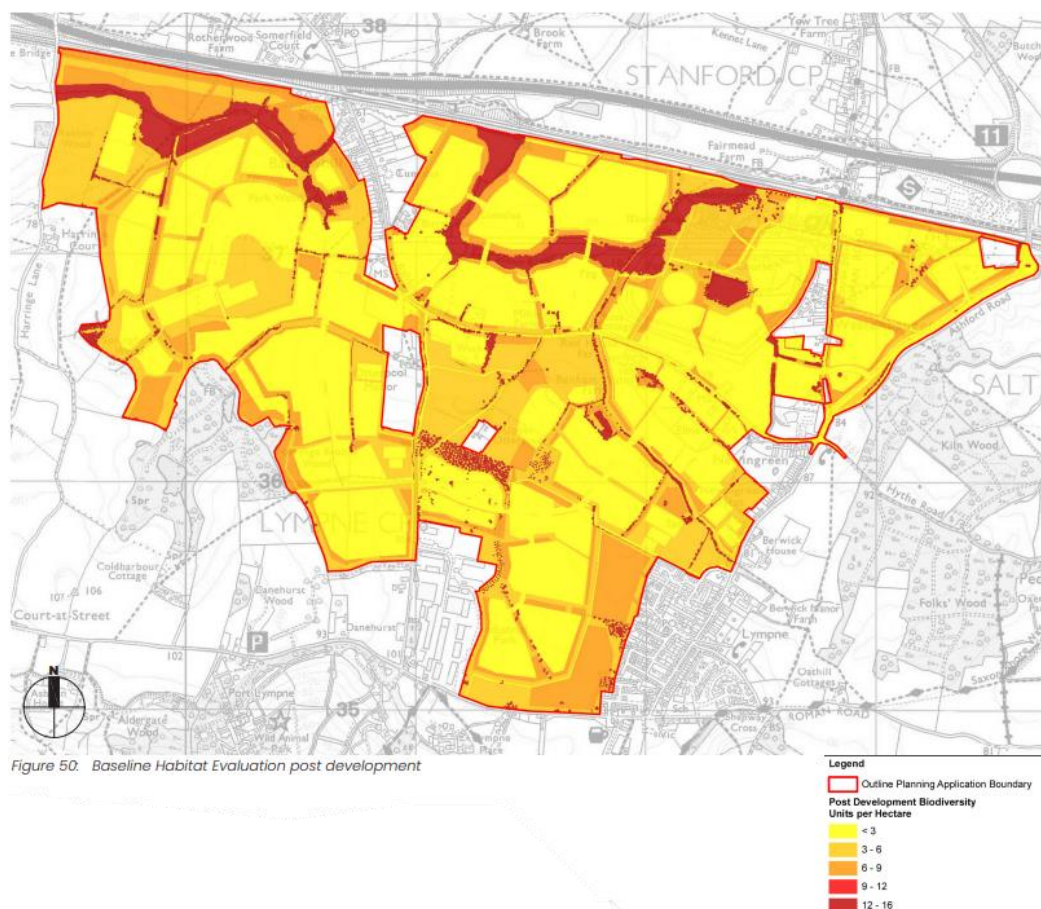


Figure 12 - Baseline Habitat Evaluation Post Development

7.456 The application sufficiently demonstrates there is the potential for the development to achieve a biodiversity unit (BU) valuation change from 2021.05 biodiversity unit to 2455.82 BU, an increase of 434.77 BU, or an approximately 22% increase overall. The development has the potential to deliver an uplift in the biodiversity unit attributable to hedgerows from 131.65 BU to 232.78 BU, or an approximate 75% increase. The development also has the potential to deliver an uplift in the biodiversity unit attributable to rivers from 73.69 BU to 85.19 BU, or an approximate 15.6% increase.

7.457 Once the phase boundaries are defined through the definition stage of Tier 2 it would be the responsibility of the applicant to confirm biodiversity net gain with this being monitored through the tiered approval process. A substantial amount of the biodiversity net gain is likely to be delivered through the public open spaces. It is expected to be the responsibility of the stewardship vehicle to ensure that these public open spaces deliver the necessary biodiversity units. It is expected the master developer(s) would be responsible for allocating unit delivery to any subsequent organisations or other developers involved in the project and the establishment of a long-term stewardship vehicle provides confidence this can be secured in perpetuity.

7.458 In sum, the net gain calculations presented confirm the development as secured in the Parameter Plans can comfortably achieve the policy requirement to secure clear net biodiversity gains over and above residual losses through the planting of native species and creation of green ecological corridors and therefore also comply with national requirements. Proposed planning conditions secure the target of 20% biodiversity net gain controlled through the tiered approval process. S.106 obligations include requirements for a delivery plan and long-term management together with long term monitoring provisions.

Recreation and biodiversity

7.459 The greenspaces and corridors of the new settlement proposal often serve multiple functions, including biodiversity habitat and accessible greenspaces and corridors. However, recreational access can sometimes lead to detrimental effects on biodiversity.

7.460 Recreation is acknowledged as being a pressure likely to be experienced on retained habitat and created habitat within the site. With regards to the concern expressed by some respondents that impact may result in commitments or conditions not being fulfilled this has been considered within the development and assessment. The delivery of biodiversity net gain goals relies upon the target condition being achieved at each location and for each habitat which is targeted. Where conditions have been targeted these have accounted for a level of likely pressure on these areas for example grasslands which are likely to experience higher level of amenity usage have a lower condition target than those where this is not expected. It is acknowledged that throughout the construction and operation period the delivery of the biodiversity net gain units, the achievement of the target conditions and the safeguarding of created habitats would need to be carefully monitored. The tiered approval process together with the Long-Term Stewardship Vehicle and employment of Green Infrastructure Rangers secured via the s106 legal agreement provides a strong framework for effective intervention and remediation, where necessary. These monitoring and enforcement arrangements are secured and controlled through proposed planning conditions and s106 obligations.

7.461 With regards to protected species the areas allocated for the mitigation are considered sufficiently large and located in areas where likely impacts from recreational pressure can be accommodated within the mitigation approach. As with the delivery of biodiversity net gain units the success of these areas would need to be monitored and remediation actions taken should they be needed. The widths of biodiversity corridors are considered to be sufficiently large to account for the risks inherent in designing biodiversity features within and around development areas.

7.462 The application recognises that recreation with dogs is likely to be high within the development and that there is the potential for spill over into surrounding areas. The applicant has provided a masterplan level plan indicating areas

where access by dogs would not be recommended based upon risk to disturbance of sensitive habitat areas. In relation to the provision of suitable spaces for dogs, it is evident that in some of the wider corridors there would be sufficient space for dogs to exercise freely and safely off lead. Where the corridors are narrower or have multiple functions, it may not be safe for dogs to be exercised off lead due to the proximity of roads, or it may impinge on the safety of other users, for example cyclists or horse riders, leading to conflicts.

7.463 Dog access to some types of green space would clearly not be recommended or should be prohibited, e.g., play areas, sports pitches or allotments. Off-lead dog exercising can also disturb wildlife, which would make this activity unsuitable in areas which, for example, are provided to mitigate for the loss of habitat for some legally protected species (e.g., ground-nesting birds and water voles) or as buffers specifically designed to prevent access by dogs or as areas which are recommended as not having public access in the Biodiversity Action Plan.

7.464 The development provides approximately 50% of its area as green space, considered sufficient to accommodate a range of recreational activities including dog walking. There would likely be some specific areas within these areas of green space, such as play areas, which may require additional protection from dogs of the lead. Details of this have been provided at this outline stage and further details are secured through planning conditions and would be controlled through the tiered approval process. This is considered to meet policy requirements of policies relating to recreational impacts at this outline stage.

Habitats Regulations Assessment (HRA)

7.465 Conservation of Habitats and Species Regulations 2017 (as amended) state that: “a competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that site’s conservation objectives... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”. Therefore, the Council exercising its function as LPA is under a legal duty to prepare or adopt (where prepared by the applicant) an Appropriate Assessment.

7.466 As identified in Table 7 eighteen sites were identified within 30km of the proposed development. Of these two were taken forward to Appropriate Assessment stage for recreation. A further appropriate assessment for the potential of nutrient loads within the East Stour River catchment to adversely impact upon the Stodmarsh SAC, SPA and Ramsar site is addressed in the Water Resources chapter. Two designated sites were taken forward to Appropriate Assessment stage in relation to recreational pressure, namely Wye and Crundale Downs SAC and Folkestone to Etchinghill Escarpment SAC.

7.467 The protection of designated sites in relation to the mitigation hierarchy has been applied in the application. Officers note from the updated Habitat Regulations Assessment version 3.0 submitted with the application that Folkestone to Etchinghill Escarpment SAC lies 4.2km from the Otterpool Park development and that the site, while generally well-managed and wardened, has had issues with some localised recreational trampling and orchid damage/removal. It is also noted that the new development will be designed to be recreationally self-sufficient including significant new areas of natural recreational greenspace such as:

- a variety of woodlands, wetlands, meadows, recreation areas all connected by green corridors with retained trees, hedgerows and water courses;
- a landscaped green open space to create a setting for Westenhanger Castle;
- creation of a Woodland Country Park on the upper slopes of the site between Harringe Brook Woods, Otterpool Manor and Upper Otterpool Farm;
- use of the East Stour River corridor to incorporate both formal and informal walking and cycling routes connecting areas of open space and leisure / sports provision; and
- creation of a landscape buffer between the proposed Development and the village of Lympne, with opportunities here for informal recreation, walking and horse-riding.

7.468 The HRA concludes no likely significant effect on the Folkestone to Etchinghill Escarpment SAC or Wye and Crundale Downs SAC during the early stages of the development and that proposals are not likely to have an adverse effect upon the integrity of Folkestone to Etchinghill Escarpment SAC and Wye and Crundale Downs SAC through recreational pressure. Officers concur with this assessment based on extensive reviews. Notwithstanding this conclusion, the Habitat Regulations Assessment offers further mitigation and monitoring stating good practice measures to monitor and thereby help manage the Folkestone to Etchinghill Escarpment SAC and Wye and Crundale Downs SAC. This will take the form of a site-wide Access Strategy for the proposed development prior to the occupation of any residential development which will be secured via planning condition. Further engagement with Natural England about the content of the Access Strategy will be required in accordance with its recommendation that the application revisits the potential for recreational impacts at the detailed design stage.

7.469 Natural England do not disagree with this conclusion provided all the mitigation identified above is delivered. Given the distance of the development from both European sites, the considerable potential for large areas of on-site recreational greenspace and associated natural recreational corridors, and the commitment to a site-wide Access Strategy for the proposed development which considers both potentially affected SACs. There is sufficient evidence to

support the conclusion the development can avoid an adverse effect on the integrity of either SAC through recreational pressure.

7.470 This approach will protect the European sites since it will prevent housing being occupied until phase-specific mitigation has been agreed, and there is considerable national precedent for designing and delivering recreational greenspace to minimise impacts on European sites. The most appropriate approach is for the conditions to include a requirement for a European Site Mitigation Plan to be submitted as part of each phase framework submission. This must show in detail the mitigation that will be delivered on site for that phase, with an accompanying justification to explain why it will be sufficient to serve the informal recreational needs of the residents of that phase, and thus avoid an adverse effect on the integrity of Folkestone to Etchinghill Escarpment SAC or Wye & Crundale Downs SAC.

7.471 The Habitat Regulations Assessment therefore determines that there would be no likely significant (detrimental) effect on internationally important biodiversity sites from recreational pressure. The conclusions have been informed both by baseline evidence, notably visitor surveys undertaken at these sites, together with an understanding of changing behaviours in relation to open space and the needs of the population. Officers have reviewed this information based on a further independent review undertaken by AECOM. This is consistent with the assessment, in Habitat Regulations Assessment terms, undertaken for the Council's Core Strategy Review that concluded no likely significant effect.

Other designated sites

7.472 In respect of designated and non-designated sites planning policies require no detrimental effects on protected biodiversity and geological sites, including Lympe Escarpment Site of Special Scientific Interest (SSSI). Negative impacts on all biodiversity sites are required to be assessed and avoided or mitigated or, as a last resort, compensated for, adhering to the mitigation hierarchy and commensurate with the level of protection of the site. The precautionary principle should be observed in respect of undesignated sites.

7.473 In respect of Otterpool Quarry (SSSI) illustrative proposals show a positive reinterpretation of the geology integrated into a wider Country Park with reference to historic woodland, views out to the wider landscape and strong green links to all other open spaces. A country park design brief and specification are secured via s.106 agreement at the point at which adjacent parcels come forward.

Non-designated sites

7.474 A requirement of previous Core Strategies is that a Sustainable Access and Recreation Management Strategy (SARMS) be produced to ensure sustainable management of the suite of designated coastal sites, referenced in

the Core Strategy 2022 Policy CSD4.²² The new settlement development will contribute the monitoring set out in the SARMS to ensure that the assumptions made about no spill over recreational visitation to the coast are correct. These contributions are proposed to be secured via legal agreement.

7.475 The outline planning application sets out to address the issue of local wildlife disturbance and damage to sensitive habitats through a range of measures including location of footpaths away from these areas, fencing and use of buffer areas, and dog exclusion areas.²³ Some of these ambitions would further reduce areas available for dog exercising, for example that ‘meadows’ should be fenced.²⁴ Further clarity would be required at detailed design stages on the precise quantum and location of areas where dogs would be excluded. Where any conflicts arise, these would need to be explained and justified through the tiered approval process.

7.476 The Lympne Green open space is highlighted as a location for ground-nesting birds: “*a large area of orchard, grassland and SuDS features are proposed to be created in the south east of the site, between Lympne and the proposed Development, which will be of value for foraging and breeding birds, particularly farmland species, including ground nesting species*”²⁵ It would not be possible to have unrestrained access by dogs here if this area is to attract ground-nesting bird species. The ES acknowledges that loss of habitat for ground nesting birds cannot be fully mitigated on site and that offsite mitigation is required – this is secured through s106 legal agreement.

Biodiversity offsets and corridors

7.477 The proposed development sets out a range of green and blue corridors which link across the site. These corridors are multi-functional, creating areas of habitat to deliver biodiversity net gain, provide habitat for and allow the movement of species (some legally protected), buffer sensitive areas, provide landscaping and tree planting, provide SuDS and, in some cases, create movement corridors for residents.

7.478 It is essential that these corridors fulfil the biodiversity function of habitat creation and it is that the widths and requirements are clear so that they are implemented for the next phase. A range of buffers and offsets are proposed in the application documents. Widths are included within the Development Specification where appropriate to secure these minimums at this outline stage.

7.479 Following officer feedback and review the following requirements are secured through a combination of controls in the ES parameters, Strategic Design Principles and Development Specification. These include:

²² Core Strategy Review (2022), page 135,

²³ OP5 Appendix 2.6 Commitments Register, page 20 row 13; page 21 row 12; page 22 row 2, page 23 row 17.

²⁴ OP5 ES Appendix 7.20: Biodiversity Action Plan (BAP) 2022 Update, page 23.

²⁵ OP5 ES: Appendix 7.1, page 36; also see ES (ES) Appendix 7.15: Breeding Bird and Barn Owl Survey Report – Update to include 2020 and 2021 Survey Data, page 71.

- 50m buffer from ancient woodland;
- 25m buffer from other woodland;
- 5m buffer from hedgerow;
- 25m buffer from the linear feature at centre of dark corridor.

Offsets to River Stour East and tributaries

7.480 Buffers to the River East Stour are required and, in the ES, 25m from each bank of the river is proposed. A number of clarifications of these distances were sought through the review process and acceptable responses received to secure greater consistency.

7.481 With regards to the buffers for the tributaries to the East Stour River, these do vary. The two main tributaries which run from Harringe Brooks Wood to the East Stour River and run northwest across the site from the south of the A20 are the tributaries which are referred to when setting the minimum buffer parameters. The applicant has confirmed that both of the tributaries to the East Stour River are dark corridor therefore a buffer distance of 25m either side is required. Other tributaries do have a wider buffer than the minimum in certain locations as in many instances these also form dark corridors and are parallel with hedges or other features which require a wider buffer.

Dark corridors

7.482 The dark corridors are important for wildlife but most importantly are included in the development as mitigation for bats, to provide commuting and foraging routes.²⁶

7.483 An indicative layout of dark corridors is shown in the Green Infrastructure Strategy,²⁷ along with principles to guide their development, which should include a detailed lighting strategy in the next stages.²⁸ The dark corridor is formed by retaining buffer areas each side of a linear feature, for example a river or tree belt. The application proposes an unlit buffer of 25m both sides of a dark corridor linear feature i.e., a total of 50m buffer plus (not including) the width of the linear feature.

7.484 The ES sets out that there should be no built development within the 25m buffer area. Within the dark corridors cycling routes and footpaths would be permitted. The start point for any design in this area must be that lighting should be avoided. However, it is acknowledged that with emerging lighting technologies there may be a solution for example bollard lighting, sensor-based lighting, red lighting etc. which may permit lighting of these footways. If this is required at a future date this would need to be assessed with the key parameter being the darkness as a commuting route for bats is retained. This would be agreed and

²⁶ OP5 ES: Appendix 7.18: Species Mitigation page 24. OP5 Appendix 2.6 Commitments Register, page 22 row 13.

²⁷ Pages 61 and 118.

²⁸ OP5 Appendix 2.6 Commitments Register, page 24 row 6.

secured through a combination of design code and Tier 2 Framework submissions for each phase. Overall, the dark corridors correspond with existing or proposed linear features.

7.485 The Framework Travel Plan and Design and Access Statement indicate that a town-wide strategic cycle and pedestrian route would pass through Riverside Park on the alignment of the proposed dark corridor²⁹ although this route is not included in the Parameter Plans. As a strategic route, it is more likely to require lighting as it would be used as a commuting route. The applicant has stated a commitment to ensuring that subsequent phases and applications at Tier 2 and Tier 3 would safeguard the habitat buffers and dark corridors and secure appropriate lighting designs and assessments demonstrating compliance with goals of the dark corridors and habitat buffers. The design of Riverside Park and the accommodation of access routes, particularly a strategic cycle route, would require further detailed design to ensure a functioning dark corridor is retained but there is no evidence to suggest this cannot be achieved. This is secured via conditions and controlled through the tiered approval process.

7.486 The proposed dark corridors have been assessed by overlaying them against the structural planting plan, which provides the most accurate indication of retained linear features. In some places the corridors are more constrained but most of these can be rectified through a small realignment. In other places, careful design may be required in these places with potential modification of the dark corridor route or width to fulfil the specification. This further attention to detailed design is secured via conditions requiring further details and would be controlled through the tiered approval process.

Functional corridor Harringe Lane boundary

7.487 The Green Infrastructure Strategy includes the ambition to create a woodland belt linking Harringe Brook Wood to the River East Stour Park. This would function as landscape screening and as a biodiversity corridor, particularly as a movement corridor and habitat for hazel dormouse.³⁰ This ambition is included in the Commitments Register which states that within the proposed development additional woodlands are to be included within the design of greenspaces including a woodland belt along the west of the site, linking Harringe Brooks Woods to the East Stour River Corridor specifically to achieve biodiversity net gain and provide habitat for dormouse.³¹ Sufficient width is shown on the Parameter Plans to achieve a corridor which will consist of a 30m wide tree belt with two additional coppice areas and is supported.

7.488 From outline plans some concern had been raised about the potential for a gap in this corridor which would make it unsuitable for hazel dormouse movement as they require connected, arboreal corridors. The existing plans show an

²⁹ OP5 Appendix 16.6 Otterpool Park Framework Travel Plan page 39 and Design and Access Statement page 50.

³⁰ OP5 Appendix 2.6 Commitments Register, page 23, row 6.

³¹ OP5 Appendix 2.6 Commitments Register, page 21, row 8.

existing hedge along the southern boundary. It is acknowledged that the drawing presented in the application is not a detailed planting plan but is intended to illustrate structural planting required for visual integration. There is no reason to conclude that planting and landscaping including the provision of an unbroken corridor for dormice cannot be achieved in this location and as part of the development of detailed design stages. This would include further layers of planting to enhance the existing hedgerow which provide a degree of connectivity for dormice in this area. This is secured via planning condition RM1(K).

Woodland, trees and planting species

- 7.489 There is an extensive and well-linked network of corridors proposed which have a range of habitats and features which would support biodiversity. These are generally well-connected allowing for the movement of species and a range of habitat types and include pollinator networks. There is no ancient woodland within the application site boundary but the application does however propose a minimum 50m buffer of built development (except SUDS) to ancient woodland adjacent to the site thereby recognising the value of long-established woodland and seeking to ensure protection of this habitat (see Harringe Brooks Woodland below). The ES considers impacts on trees, including ancient woodland.
- 7.490 The Forestry Commission welcomes the commitment to significant amounts of green infrastructure proposed by the development and states that 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. As also highlighted by the Commission, trees can be 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. The Forestry Commission and the applicant are keen to engage further as part future design stages to ensure the benefits of trees and woodland are captured.
- 7.491 The application proposes to expand and enhance ecological networks and trees would form an integral part. These networks are secured via parameter plans showing structural planting and Figure 106 which would be secured via condition T1(4). These show areas of planting for wet woodland, high canopy mixed native woodland, field corner planting, orchards and coppice. The application proposes to retain existing vegetation where possible and the Strategic Design Principles confirms the "conservation and reinforcement of key existing hedgerows and trees, plus the creation of further east-west tree belts". In accordance with paragraph 131 of the NPPF, the Strategic Design

Principles document seeks to ensure key new streets will be tree lined (pages 22, 33, 35, 39, 41) and planning conditions are proposed regarding the protection of trees and maintenance of planting (RM4, RM5, RM22).

7.492 Detailed tree surveys are proposed to be secured via planning conditions which require the submission of Green Infrastructure and Arboriculture Statements at Tiers 2 & 3.

7.493 Structural planting proposals include mainly native species. Further attention to the detailed species mixes would be required in the next detailed design stage and would be secured via condition. The proportion of 85%/15% deciduous/evergreen, for example, is desirable in screening terms but is not the structure of locally occurring woodlands; nearby sites and features are however protected by a range of buffers and offsets. If these function well, they would serve to protect more vulnerable areas.

7.494 Commitments are made in the structural planting principles to plant woodland areas using native species with a mix of 85%/15% deciduous to evergreen.³² Native woodland mixes in the locality do not generally have 15% evergreen species. The inclusion of conifer species would not necessarily be appropriate for a native woodland mix and Scot's pine (naturalised to the area and not a component of woodland classification typical for the area) should be used with care and ensure that it fits with the landscape character. It would not be possible to accurately recreate a National Vegetation Classification planting mix due to the need to reduce the content of ash, but these species mixes would be referred to. A guide to creating wildlife woodlands appropriate to Kent and East Sussex is referenced in the application.³³ This level of detail is beyond the requirements of policies at this outline stage but is nevertheless welcome. These measures are secured via approval of the relevant sections of the Green Infrastructure Strategy and Figure 106. In addition, planning condition T1(11) for Structure Planting (including landscape management) would secure further details and a programme for implementation as well as ensuring species selection that utilises native species of local provenance where possible.

Harringe Brooks woodland

7.495 Harringe Brooks woodland is a Local Wildlife Site and Ancient Woodland. There is a rich ground flora indicative of Ancient Woodland along with several 'rides' and ditches and three ponds. The woodland supports protected species including hazel dormouse, bats and great crested newt.

7.496 A 50m buffer around this woodland is proposed as described in the ES: Chapter 7 Ecology and Biodiversity: "*...buffer areas around this woodland will alleviate*

³² OP5 Appendix 2.6 Commitments Register, page 16 row 4, Development Specification and Green Infrastructure Strategy para. 6.4.1.

³³ David Blakesley. (2006), Woodland Creation for Wildlife: A Guide to Creating New Woodland for Wildlife in Kent and East Sussex. East Malling Research. ISBN 0-9553579-0-X

impacts associated with the intensive farming that currently surrounds this area up to the boundary of the Ancient Woodland. Public access to this area will be discouraged to limit trampling, impacts to fauna such as dormouse and disturbance. This woodland is private, has no public rights of way and is not within the boundary of the OPA.” This would be achieved through planting, topography and SuDS features, through a mix of semi-natural habitat of grassland, trees, ponds and other water features.

7.497 Fences are also proposed in the ES to deter entry by domestic animals with fences and signage to be used to safeguard this habitat and prevent dogs accessing this area. Topography would also assist in deterring access by dog walkers and water features (SuDS) would deter cats. Further details of this would be required through condition RM1.

7.498 The 50m minimum buffer is shown in the Green Infrastructure Strategy, with this section outlining measures required to buffer the woodland. This adequately shows the range of features as outlined in the ES. Strategically, it is possible that some additional protection (possibly fencing or other methods) may be required to prevent physical access to Harringe Brooks Wood. The details of this including precise alignments, fencing types and so on would also be secured through condition RM1.

7.499 The Development Specification has also been updated to reflect the requirements for enhanced buffers around Harringe Brooks Wood. The plans indicate the principle of green connections for wildlife, but not people. Accessibility to Harringe Brooks Wood for people is restricted to pathways along its boundary and any views into the wood from there. Harringe Brooks Wood would remain private.

Pollinator network

7.500 The entire network of corridors is indicated as being part of the site-wide pollinator network with a commitment to create year-round resources for pollinators proposed to be secured via planning conditions.³⁴

7.501 The Green Infrastructure Strategy includes guidance on providing habitats for a wide range of invertebrate species. Lympne Airfield is mentioned in the Green Infrastructure Strategy as a location for an active project to enhance habitats for invertebrates. Within Folkestone and Hythe there are several active bumblebee conservation projects³⁵ and the district is important in Kent for these rare and threatened species. This is detailed in the draft Folkestone and Hythe Green and Blue Infrastructure Strategy (2022) and conservation of these species is listed as a priority action. Further detail on how these locally

³⁴ Green Infrastructure Strategy page 71, 72; OP5 Appendix 2.6 Commitments Register, page 20 row 14.

³⁵ E.g. through the Bumblebee Conservation Trust <https://www.bumblebeeconservation.org/> and <https://fifthcontinent.org.uk/projects/restore/green-lanes-for-bumblebees/>

important species would be celebrated, accommodated and habitats improved through the development would be secured through detailed phase designs.

7.502 Representations have been received regarding the rare bumble bees recorded at the Lympne Airfield (September 2000). Habitat surveys within the ES and appropriate appendices also noted that the primary areas of interest for floral species were located around the periphery of the site and along the alignment of the former airfield runway. These areas are retained and accommodated within the masterplan. In addition, the Green Infrastructure Strategy outlines principles which would help provide year- round resource for pollinators and the Green Infrastructure and Arboricultural Statements secure details of this through the tiered approval process. This would allow the bumble bee populations to expand from their current location into areas which currently offer limited habitat due to the intensive farming of these areas.

Recreation, access and active travel

7.503 The Green Infrastructure Strategy, Access and Movement Strategy and masterplan proposals in the Design and Access Statement set out how this landscape-led development responds to Core Strategy Review policies SS6, SS7, SS7b.

7.504 Green Infrastructure is considered as fundamental to the proposed Development which includes the establishment of a target allocation of green open space that is 50% of the development area and the delivery of the function of open spaces as set out in the Green Infrastructure Strategy. Three destination parks are proposed including plans for a formal park at Westenhanger Castle within the first phase.

7.505 Green and ecological corridors link destination spaces with smaller and other local open space (Barrow Hill, Lympne Green, Hillhurst Green). Smaller, local spaces such as allotments, orchards and play areas are also planned. These are all consistent with the green infrastructure requirements of policies SS6 – 9. Some roads, pedestrian and cycle routes run very close/parallel to proposed dark corridors and sometimes cut across. These issues are capable of resolution through the detailed design process. Further detail would be required as part of Tier 2 detailed masterplans / Design Codes and details of the dark corridors are also required as part of the Tier 2 Framework and Green Infrastructure and Arboricultural Statement to ensure functionality as dark corridors. Where further conflicts arise at detailed design stage these would need to be explained and resolved through the Commitments and Reconciliation Statement.

7.506 The provision, type and accessibility of open space generally accords with the standards as set out in the FHDC 2017 Open Space Strategy. Typology provisions set out in the Green Infrastructure Strategy state that general amenity / strategic parks and mixed-use sustainable drainage areas amount to

a total of 61 hectares. The policy requirement of 2.89 ha per 1000 head of population, equates to 57.8 hectares for 20,000 residents. The masterplan arrangements reflect a strategic target to provide approximately 50% of the whole application site as green space. A combination of the open space shown on the parameter plans and an additional 10-15% in the Development Specification and the Strategic Design Principles secures this target. Detailed delivery will be monitored through the tiered approval process.

- 7.507 The illustrative masterplan also demonstrates the masterplan is capable of achieving a total of 72.16 hectares of green space, considered as accessible (OP5 Appendix 4.4 Illustrative Accommodation Schedule) including parks, sports fields and amenity areas, which exceeds the policy requirement.
- 7.508 Areas of habitat includes areas which are publicly accessible, areas where access is deterred and areas which are not accessible. As discussed earlier in this chapter, the key area where access is likely to be deterred is the area in the north-west where the wetlands would be. This area would deter access here the nature of the wetland land use would mean that access would generally be deterred. The total area here is 14 hectares maximum.
- 7.509 The Framework Travel Plan, the Movement Strategy, and Green Infrastructure Strategy all give details of the walkable neighbourhoods and the walking and cycling routes. They also set out the design criteria for walking and cycling, as well as distance standards. The movement strategy is well developed, and the mobility hubs are a welcome addition in support of the green infrastructure elements of the policy framework.
- 7.510 The Access and Movement Strategy has a well-developed plan for new cycling and walking networks, including connections to the public rights of way network. These are also connected to mobility hubs and should encourage walking and cycling between stations and facilities.
- 7.511 The provision of open space accords with the overarching standards. There are local deficiencies outside the site which the new settlement may be able to mitigate, good access to the site from these areas has been planned in the Green Infrastructure Strategy. Given the proximity to Brockhill Country Park KCC sought contributions towards improvements. Phased contributions are justified in this case to address any impacts in the Town Centre phase and for Parcels HF1 -HF3. The principles set out in the Green Infrastructure Strategy would assist in guiding future detailed design and are secured via planning conditions. Approval of the Tier 2 Framework would need to ensure that commitments in the Development Specification are complied with.
- 7.512 The proposals for the interface between destination parks is also well developed. The design code for each phase and detailed masterplans would need to further articulate the purpose and design of the green links across the A20. It is not clear whether these are for pedestrians and or wildlife.

7.513 In terms of playing pitches 12 hectares are proposed here which equates to 0.6 ha per 1,000 head of population.³⁶ No objections have been raised by Sports England on these grounds. A planning condition is proposed to require the submission of a site-wide Sports and Recreation Strategy (incorporating sports pitches) and with which subsequent phase and Tier 3 submissions will need to demonstrate compliance.

7.514 The Governance and Stewardship Strategy sets out to ensure that a permanent governance structure would be established to ensure that the landscape, open spaces and new facilities are maintained to a high standard and that both current and future residents are involved in their planning and management. This is important in ensuring the quality of the green spaces remain in perpetuity. It is assumed that the majority of strategic green and blue infrastructure would be maintained by this organisation, including greenways and pathways. It is recommended that there would be core environmental staff and that there would also be an overlap between environmental, recreational and community development activities. The s106 legal agreement would include a requirement for Green Infrastructure Rangers with job descriptions to be submitted for approval. The governance and stewardship arrangements are addressed later in this report but substantial green infrastructure and open space benefits flow from the commitment to long-term stewardship which are secured via planning condition and s106 legal agreement.

7.515 There is a deficit of accessible open space in and around Sellindge beyond the application boundary at present. Provisions for improved pedestrian access to and from the site from here is likely to occur in the early phase of development and would be agreed with the LPA through Tier 2 Framework Definition and Framework Submissions.

Public Rights of Way

7.516 As described in the sustainable access and movement chapter the overarching proposals for PROW confirm improvements to the key PROW networks in and around the application site. These are acceptable in principle. Precise details of links to and from the PROW in the east of the site (A20 Stone Street – HE 281, HE293, HE313, HE316) will be required as part of the Management Scheme secured via the s106 legal agreement. This will also support the protection of the AONB in this area. Well-designed surfaced and signposted routes will help to persuade people to keep to these.

7.517 The Green Infrastructure Strategy includes a commitment to “*improve connectivity between Otterpool Park and the wider network, as identified in the FHDC Walking and Cycling Study*”.³⁷ The creation of new legally recorded PROW will need to be under the agreement of Kent County Council, who would then take on liability for maintaining the route. Enhancements to these routes

³⁶ Based on household size of 2.4, 8,500 homes – 20,000 people.

³⁷ Access and Movement Strategy, page 6.

would be secured and agreed with KCC³⁸ through management schemes secured through the s106 legal agreement.

7.518 In relation to the requirement to linking to networks beyond the site boundary, existing PROWs from the new settlement have the potential to link to promotional routes such as the Saxon Shore Way, The Royal Military Canal and on to the coast and are in line with policy requirements.

7.519 Access routes (including pedestrian and cycle routes) run parallel and/or across proposed dark corridors in places. The Green Infrastructure Strategy states a minimum 25m buffer zone. As examined in the biodiversity section, careful detailed design will need to resolve any potential for conflict in terms of safety and wildlife mitigation needs at a micro scale. There is no evidence to conclude this cannot be suitably addressed with sufficient scale to be resolved through careful design and controlled through the tiered approval process.

Accessible open space

7.520 The definition of open space in planning terms can be broad. To ensure the appropriate allocation and apportionment of different types of open space as each phase comes forward the definition phase includes a requirement to submit details of the amount and type proposed, for approval by the LPA.

7.521 This progressive layering of detail would allow for increasing clarity on the amount of publicly accessible open space, i.e., those spaces which people can use freely for informal recreation. Further clarification be required as each phase comes forward and the precise areas of restricted access defined through design codes and delivery plans. In addition, each phase will be required to demonstrate how it meets the minimum standards in Policy C3 of the Places and Policies Local Plan. Delivery of open space is secured via s106.

7.522 The proposals support a landscape led approach which targets the provision of approximately 50% of the whole development area as green space. The masterplan incorporates a total of 72.16 hectares of green space, considered as accessible as set out in the Illustrative Masterplan Schedule. This includes parks, sports fields and amenity areas, exceeding policy requirements for accessible space.

7.523 In addition, a further 10-15% provision of open space (excluding private gardens) is required by the Strategic Design Principles as part of additional green space likely provided inside the development plot parcels, not detailed as part of the application masterplan. This would assist in physically and visually connecting green spaces whilst also ensuring sufficient smaller open spaces within development areas.

³⁸ Appendix 16.6 – OP Framework Travel Plan.

7.524 The outline planning application meets the open space quantity standard requirement as set out in the PPLP Policy C3. This requires access to be provided to typologies other than those which the application clearly commits to as accessible open space. This is acceptable as the PPLP standards include accessible semi-natural habitats. These details would be further clarified at detailed design stage to avoid conflicts with biodiversity as set out in previous sections, and to ensure that the spaces are accessible.

Households	8,500
Number of persons per household assumed	2.4
Total persons	20,000
Hectares required @ 2.89 hectares per 1,000 people	57.8 hectares
Design and Access Statement states - amenity, parks and greenspaces	60 hectares
Green Infrastructure Strategy states - general amenity and strategic parks	54 hectares

Table 26 - Open Space Requirements

Resilient open space

7.525 Barrow Hill Park, Lympne Green and in some figures Riverside Park, are named as resilient open spaces. Resilient spaces are intended as areas that can adapt to more than one function. In this case they contribute to natural drainage and water attenuation, as part of the wider water management strategy. These spaces have an enhanced role to protect features – biodiversity, landscape, noise, visual intrusion and other aspects. The precise way in which this resilience will be delivered, in terms of public access, species or in other ways, would be secured through detailed design stages in Tiers 2 and 3. Provision for these spaces is secured via the Open Space and Vegetation Parameter Plan.

Health and wellbeing

7.526 The ES sets out how the new settlement aims to have a significant positive effect on the physical and mental health of residents. The Community Development and Facilities Strategy states that the applicant would support the future community at the new settlement by appointing a community development team. The Green Infrastructure Strategy Figure 107 demonstrates how residents would be within a 10 minutes’ walk to allotments and community orchards.

7.527 The Creative and Cultural Strategy aims to learn from local and national models that have successfully used culture to drive and/or support regeneration, health and wellbeing, learning, empowerment and empathy. This includes involving residents in public art activities and cultural activities and bringing people together as a diverse, happy, healthy, inclusive and creative community.

7.528 Policy SS7 asks for details on planting and habitat creation to be used to provide distance buffers between the M20/High Speed transport corridor for noise and air quality mitigation purposes. Policy SS8 also asks for noise and air pollution mitigation measures such as distance buffers between the M20/High Speed 1 transport corridor and the development, incorporating landscaping within the buffers designed to integrate with the wider green infrastructure network

7.529 The Green Infrastructure Strategy states that there would be provision of a structural planting buffer between the M20/High Speed transport corridor and the settlements for noise and air quality mitigation purposes. This provision would be secured through Tier 2 Framework submissions. It also shows locations for productive landscapes such as allotments and orchards consistent with Policy SS6.

7.530 The Access and Movement Strategy and the Framework Travel Plan set out proposals for walking and cycling networks and also key design principles. The Access and Movement Strategy proposes 'mobility hubs' which would include docked / dock less shared cycling schemes. The Framework Travel Plan details how there would be improvements to the existing PROW which link to the wider countryside.³⁹

7.531 The Governance and Stewardship Strategy plans for community development staff that organise events, and should also plan for healthy walks, healthy eating and healthy lifestyle advice. *"The LLP is committed to actively supporting the future community of Otterpool Park, through a funded Community Development Manager (and other supporting staff if required) with a remit to engage with and invest in community activities and help to tackle challenges arising during build out, including potential construction impacts on new and existing residents"*.⁴⁰

7.532 The proposed Community Development Strategy⁴¹ will include a component to secure implementation of healthy living, active lifestyles and green social prescribing that is inclusive of all residents and promotes the facilities on offer, which is supported. This is complemented by the community mobility hubs including advice on active travel opportunities as well as community activities as stated in the Access and Movement Strategy.

Conclusions on green infrastructure and ecology

7.533 The application shows the new settlement is being developed on garden town principles informed by its landscape setting and historic elements, consistent with Policy SS7. There is a strong emphasis on networks of green and blue

³⁹ The Framework Travel Plan, page 31.

⁴⁰ The Community Development and Facilities Strategy, page 4.

⁴¹ The Community Development and Facilities Strategy, page 44.

spaces which are easily accessible, and a coherent movement strategy has been produced. These are well developed in the Green Infrastructure Strategy and Tier 1 specific commitments.

- 7.534 The open space proposals include provision for major new destination parks which would provide substantial new open space within the new settlement. The provision of open space meets the standards in the Places and Policies Local Plan which is likely to be formed of spaces which are habitat, SuDS or other spaces. There are local deficiencies outside the site which the new settlement would be able to mitigate, good access to the site from these areas has been planned in the Green Infrastructure Strategy. The Green Infrastructure Strategy and the Heritage Strategy proposals would ensure that the development has sufficient facilities to develop a unique sense of place.
- 7.535 The biodiversity net gain assessments included within the outline planning application confirm the development as secured in the Parameter Plans can comfortably achieve the policy requirement to secure clear net biodiversity gains over and above residual losses through the planting of native species and creation of green ecological corridors. A pollinator network is shown. Policies NE1 and NE2 have been addressed as covered in the points above.
- 7.536 There are extensive and well-linked networks of corridors proposed which have a range of habitats and features which would support biodiversity. These are generally well-connected allowing for the movement of species and a range of habitat types and include pollinator networks.
- 7.537 A range of buffers, dark corridors, functional corridors and offsets are proposed in the application and are appropriate to meet policy requirements. Improvements to existing Public Rights of Way would be secured via legal agreement in consultation with KCC.
- 7.538 The OPA demonstrates a green and blue infrastructure strategy that enhances existing assets in accordance with Policy CSD4 and secures the full range of Green Infrastructure typologies required by Policy SS7 and relevant Places and Policies Plan requirements.

j) Water resources

- 7.539 The NPPF sets out Government policy on development and flood risk. It aims to ensure that flood risk is taken into account at all stages of the planning process, to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk.
- 7.540 Where new development is exceptionally necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall. Where water quality has the potential to be a significant planning concern, the Framework also specifies that detailed assessment would be expected to demonstrate avoidance of harm to waterbodies and compliance with other regulatory requirements relating to the water environment. The NPPF also advocates early engagement with relevant water and sewerage companies, as appropriate, to establish whether particular water and wastewater issues need to be considered.
- 7.541 The assessment also considers those relevant policies of the Folkestone & Hythe Places and Policies Local Plan (2020) and Folkestone & Hythe District Council Core Strategy Review (2022), in addition to the Kent Areas of Outstanding Natural Beauty (AONB) Landscape Design Handbook (2006) and the Kent County Council drainage and planning policy statement.
- 7.542 Policy SS6(13) requires the new town to make appropriate arrangements for foul drainage and sewerage disposal together with provision and management of sustainable surface water drainage measures to reduce the risk of flooding. In general, sites of over 1ha size must be accompanied by specific Flood Risk Assessments appropriate to the scale and nature of the development and the risks involved, and which takes account of future climate change (Policy CC/9).
- 7.543 Policy CSD5 Water and Coastal Environmental Management of the adopted Core Strategy states that development would be permitted where a number of criteria are met including in relation to BREEAM, flood risk, surface water runoff and the quality of water. Most of the district's water supply comes from groundwater sources. Water resources are expected to be maintained, and proposed developments must not have a negative impact on public water supplies or their associated Source Protection Zones.
- 7.544 Specific requirements are stipulated regarding development impacts on water quality in the Stodmarsh European-designated sites through increased nutrient levels from wastewater discharges with evidence required of nutrient impacts through a nutrient budget approach at the point of submission of the planning application. This requirement applies to development within the Stour operational catchment, or within the catchment areas of wastewater treatment works discharging into the Stour operational catchment, as identified on the policies map.

7.545 It states that in assessing proposals, the council will have regard to Natural England's 'Advice on Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites' (November 2020, or subsequent updates) and applicants should follow this advice in developing their proposals. Nutrient Neutrality: A summary guide and frequently asked questions (NE776) was published by Natural England on 23 June 2022 and a letter to all Councils including further advice to LPAs was sent on 16 March 2022. This included revised methodologies for the calculation of nutrient budgets, discussed further below.

7.546 Natural England advises LPAs, as the Competent Authority under the Habitats Regulations, to carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.

Environmental Statement (ES)

7.547 Relevant legislation, planning policy and guidance has been reviewed as part of the ES with respect to water resources and flood risk. International, national and local legislation and policy has been reviewed in detail, including the Floods and Water (EU Exit) Regulations 2019, the Water Act, Flood Risk Regulations, NPPF and PPG from an international and national standpoint. It includes local policies in the form of the Core Strategy Review, Places and Policies Local Plan (2020), Surface Water Management Plan, SFRA and Kent County Council SuDS guidance.

7.548 The ES is supported by a Flood Risk Assessment, a Water Cycle Study and a Water Framework Directive (WFD) Screening Assessment. It is considered that the assessment of the residual effects and the results derived to be sound for the receptors and impacts assessed following the application of all mitigation measures.

Flood Risk Assessment

7.549 A Flood Risk Assessment (FRA) has been carried out for the proposed development as required by local and national policies. The baseline flood risk to the proposed development is summarised and the Environment Agency Flood Map for Planning of the supporting FRA, indicates that the vast majority of the site is located on land designated in Flood Zone 1 (land having less than 1 in 1,000 annual probability of flooding). There are limited areas of flood zone 2 (land having between a 1 in 100 and 1 in 1,000 annual probability of flooding) and flood Zone 3 (land having a 1 in 100 or greater annual probability of flooding). These areas follow the route and profile of the East Stour River valley which runs through the northern half of the site. Baseline fluvial flood risk has been verified through hydraulic modelling, as detailed in the FRA. The model also results indicate that in saturated catchment conditions, baseline modelled

1 in 100-year flood extents are in broad agreement with the Environment Agency mapping.

- 7.550 There are no recorded historical flood events having affected the site. However, the Environment Agency reports that downstream, the town of Ashford is susceptible to and has experienced past flooding. Data on existing surface water flood risk have been gathered from the Environment Agency long term flood risk map, as provided in the supporting FRA. This indicates limited areas of localised flooding within the area of study, mostly associated with valley features representing drainage routes/flow paths; and the channels of the watercourses within the site, such as the East Stour meanders. The site is therefore subject to varying degrees of flood risk from surface water sources.
- 7.551 The Stage 2 FHDC Strategic Flood Risk Assessment reports on flood risk from groundwater sources and is informed by data compiled by the British Geological Survey. The datasets and related mapping indicate that the whole of the Folkestone and Hythe District is generally located within a low-risk area in terms of groundwater flooding. The risk of flooding from groundwater sources to the site is therefore considered to be low.
- 7.552 The Environment Agency has confirmed that as the site is to be sequentially developed such that the most vulnerable forms of land use would be located in the areas at lowest risk from flooding and only water compatible and essential development would be constructed in the areas depicted to be at risk from flooding. Further consultation on the detailed design of these elements would be required as part of the tiered approval process as recommended by the Environment Agency.
- 7.553 The Environment Agency has confirmed in its response that having reviewed the submitted report it is content with the approach and methodology proposed to inform the Flood Risk Assessment (FRA) and is satisfied with its conclusions and recommendations.

Sustainable water drainage and flood risk

- 7.554 There are several existing drainage features within the existing site boundary; these include the East Stour River and its tributary streams, ponds and ditches. As the site is mostly greenfield, the surface water is drained naturally. Rainfall runoff patterns are governed by topography, soil type and the nature of the overlying surfaces. The existing streams and ditches all convey the surface water to the East Stour River, which flows through the northern section of the site from east to west, and then continue towards Ashford where the East Stour River converges with the Great Stour River.
- 7.555 The new settlement is generally at low risk of flooding, but the primary flood risk is from the East Stour River, which has a relatively shallow and wide floodplain. Limited flooding risk also exists along the drainage valleys from the small tributary streams and drainage ditches.

- 7.556 New built development would be located on land with a low risk of flooding and the sustainable drainage system would store runoff and ensure existing runoff rates are not exceeded. There are areas of medium or high risk of river flooding within a narrow corridor adjacent to the East Stour.
- 7.557 New bridge crossings of the East Stour would be designed to ensure there are no blockages to the rivers flow regime and compensation would be provided by any losses of floodplain storage due to bridge construction. These measures are built into the Development Specification submitted for approval at this stage.

Surface water drainage

- 7.558 As confirmed in the submitted Surface Water Drainage Strategy and Addendum the agreed discharge rates with the LLFA is a mixture of 3.00l/s/ha (1 in 100 greenfield rate) and 2.00l/s/ha (1 in 30 greenfield rate) depending on expected ground infiltration rates. ES Chapter 15 and the accompanying Flood Risk Assessment (and Addendums) demonstrate that proposed surface water attenuation at the site would accommodate the 1 in 100 annual probability storm events plus an allowance for 40% climate change increase in rainfall intensity. These have been agreed with the Environment Agency and Local Lead Flooding Authority and these principles and parameters are proposed to be secured via planning condition and controlled through the tiered approval process.
- 7.559 The Parameter Plans (and illustrative masterplan) have allocated sufficient space to accommodate the required total long-term SuDS attenuation storage which has been confirmed by Kent County Council as Lead Local Flooding Authority. Extra attenuation storage would be provided within certain drainage zones where required to accommodate a much tighter allowable outfall discharge rate for the 1 in 100 annual chance event where higher infiltration rates are prevalent. Sufficient overall baseflow has been maintained in the receiving watercourse system as per the existing natural condition to avoid any ecological damage and enhance water quality and ecological benefits where possible.
- 7.560 Officers recognise the concerns raised in representations made by local residents in respect of localised flooding. The Environment Agency has welcomed the intention stated in the application to further investigate on-site opportunities for providing long-term betterment in terms of flood risk from the site to the wider area. Whilst not required to support compliance with local and national policy requirements officers support continued future joint working between local residents and the applicant to further explore opportunities for betterment in terms of local drainage – the tiered approval process allows for further detailed design discussions to take place as detailed submissions are worked up at a phase and then plot or parcel level.

- 7.561 The proposed SuDS, wetlands and onsite WwTW dry weather flow would enhance current baseflows/ecology and there are no changes proposed to reduce greenfield rates for 1 in 1 and a 1 in 30 annual chance events either. The final outfall discharge rate would be subject to confirmation that the ground infiltration capacity is favourable and 50% drain-down times are not excessively long thus rendering the storage areas redundant for managing follow-on, smaller storm events. Extra long-term storage will be provided where ground infiltration rates are poor and 50% drain-down times are not achievable. Adequate treatment has been applied to runoff from the different land uses through the application of the SuDS management train to ensure that the water quality of receiving surface waters and groundwater is protected.
- 7.562 A concept site wide surface water drainage strategy has been developed which is comprised of interconnected strategic SuDS storage providing storage, water quality improvements, habitats and amenity functions which are commensurate with SuDS principles. The strategy aims to maximise infiltration-based SuDS and ensure that the proposed development discharges all surface water runoff generated within it at the agreed greenfield rates for each drainage zone for events up to and including a 1 in 100 annual chance inclusive of a 40% allowance in rainfall intensity for climate change. The exceedance flows for the events higher than this event would be safely managed within the development by providing some additional capacity within the SuDS system, incorporating suitable overflow arrangements, identifying key exceedance flow paths to safely convey any flood water into the less vulnerable areas (e.g., public open space, wider blue green corridors) and ultimately the receiving watercourses, avoiding flooding to any buildings. This would be developed further at the detailed design stage, in conjunction with the proposed earth-works strategy development. The strategy would include additional storm water wetlands, as part of the overall nutrient neutrality mitigation strategy, to protect any adverse impacts on the downstream Stodmarsh Lakes SAC.
- 7.563 These principles and parameters amount to a well-developed and comprehensive approach to surface water drainage consistent with the requirement of Policy SS7 to produce an integrated water management solution. Mitigation measures are secured via a range of planning conditions and the principles and parameters of a more holistic approach to water management are carried through into a range of other design-led solutions embedded in the Green Infrastructure Strategy and Strategic Design Principles. In combination with the flood risk assessment discussed these address the policy requirement to maximise landscape and biodiversity value and to avoid any increase in, where possible, downstream flooding of the East Stour River stipulated in Policy SS7. Specific measures are discussed further below.

Surface Water Drainage and Green Infrastructure

- 7.564 Strategic long-term SuDS storage are proposed to provide multi-functional benefits, such as increased biodiversity and higher amenity value, while opportunities for multi-functional blue-green infrastructure space (whilst optimising SuDS spatial requirements) will be further explored during the preparation of the design code for each phase. The surface water management strategy would comprise of chains of linked SuDS components which complement one another, such as rain gardens, green roofs, swales, and permeable paving.
- 7.565 Wetlands and blue-green corridors are proposed in areas that require a buffer from flood sensitive zones, this includes up to minimum 25m wide buffer either side of the River East Stour, throughout the length of the development and in areas where a permanent watercourse is located near to housing parcels, such as the west border of the proposed Development.
- 7.566 The Green Infrastructure Strategy states that floodplain and open space offsets have been allocated in areas of high and medium flood risk, mainly along the River East Stour and tributary streams. These areas would promote ecology but allow open grassland and landscape areas to flood during periods of heavy rainfall.
- 7.567 The Green Infrastructure Strategy states that the widespread use of linear Sustainable Drainage Systems (SuDS) along streets, greenways, parks and buffer areas would provide storm water management and maximise available water resource from rainfall for reuse. This SuDS management hierarchy would be used to remove any polluted runoff from diffuse sources, such as roads, providing effective natural treatment at source prior to discharge into local watercourses.
- 7.568 The principles contained within the Strategic Design Principles provide additional confidence that multifunctional SuDS proposed along, streets, greenways, woodland buffers, linear semi natural spaces parks and open spaces can, with careful management and maintenance remain operational and attractive. The design code and tiered approval process will play a further role in securing the SuDS management hierarchy ensuring these needs are secured, particularly in wildlife areas, where the risk of polluted runoff needs careful management.
- 7.569 The repositioning of the racecourse pond as the centrepiece of a new town centre in a more naturalistic setting so that water courses cross thresholds into built development and bring together the town centre and the park into an integrated whole is particularly welcome in placemaking terms.
- 7.570 These important elements respond positively to the policy requirements outlined in SS7 and CSD5. Tier 1 commitments and parameters are secured

through a combination of the Development Specification and Strategic Design Principles. In addition, planning conditions require the submission of Drainage and Nutrient Neutrality Supplements through the tiered approval process.

- 7.571 The approach to long term management and maintenance of SuDS discussed as part of the stewardship vehicle provides additional confidence these issues are capable of being addressed successfully as part of a creative and integrated response within parks, greenways and dark corridors.

Potable Water

- 7.572 The study area is known to have limited surface and groundwater resources and is considered to be a water stressed area. Low average annual rainfall in the catchment makes it one of the driest areas in the country. The Environment Agency currently class surface water and groundwater resources within the District as over-licensed or over-abstracted and the Stour Abstraction Licensing Strategy indicates that no further consumptive licences would be granted for surface water abstraction.

- 7.573 Potable water is supplied to the district by Affinity Water and the district lies completely within Water Resource Zone (WRZ) 7 in the Southeast region. This WRZ is supplied via a number of groundwater abstractions from the underlying chalk aquifer and the import of treated water from neighbouring water companies, namely South East Water (SEW) and Southern Water (SW).

- 7.574 The incumbent water utility provider for the area is Affinity Water. A new potable water supply would be required from Affinity Water to serve the new development. Affinity Water has confirmed that it is possible to supply the first 1,500 units from the existing network based on circa 400 litres per household/day; or 110 l/person/day. This minimum standard is secured via planning condition and supported by the implementation water saving measures so that the development seeks to improve on this baseline figure.

- 7.575 The remaining 7,000 units of the development would require upgrades to the sizing of the existing offsite and onsite mains to ensure sufficient water pressure is achieved and maintained between the reservoir and the development and neighbouring settlements. Affinity Water has confirmed that, a dedicated 560mm diameter water main would be required between the development and Paddlesworth Reservoir, over a length of approximately 11Km.

- 7.576 The water main would follow the same alignment as the existing water main, which would serve the first 1,500 units. The route of this new water main would need to cross both the HS1 rail and the M20 road infrastructure. The indicative implementation programme from the start of planning through to construction completion is 4-5 years to allow for the two crossings of strategic infrastructure. This scheme has been scoped into the ES at the request of the officers and is

reviewed in the ecology section and found to be acceptable. This would be the subject of a further detailed application by the statutory undertaker at the time it is required. In addition, planning condition T1(13) secures the delivery of potable water upgrades prior to the approval of the 1500th dwelling.

7.577 As the new settlement is located in a water-stressed area, further water efficiency measures will be required to manage the amount of extra drinkable water consumed by each new household to 110 litres of water per person, per day to accord with CSR Policy SS8. This target can be achieved using the water efficient fittings described in the Water Cycle Study and secured via planning conditions. However, it is recommended further detailed assessment is undertaken as part of the development planning process to monitor the effectiveness of such measures, including whether rainwater harvesting can be implemented at targeted locations to exceed the current PCC target of 110 l/p/d, where this is practical and viable. This is secured via planning conditions with a reassessment of rainwater harvesting required at each phase.

7.578 In combination, these measures satisfy the requirements around water efficiency and demand management measures and maximise the recycling and reuse of water resources across the settlement utilising integrated water management solutions as well as providing necessary water services infrastructure and their delivery having regard to Policy SS7 and CSD5. These proposals have been accepted by the Environment Agency and statutory water infrastructure providers.

Waste Water

7.579 Wastewater in the district is collected and treated by Southern Water. There are currently two treatment facilities nearby, the Sellindge Wastewater Treatment Works (WwTW) located approximately 1km to the west and the West Hythe WwTW in the adjoining catchment approximately 7km to the southeast. Sellindge discharges to the East Stour River via Horton Priory Dyke and West Hythe WwTW discharges to the English Channel via a long sea outfall.

7.580 Following revisions since 2019 including the response to nutrient neutrality guidance issues by Natural England an on-site WwTW is proposed in the northwest corner of the site with treated discharge into the adjacent watercourse (River East Stour). Albion Water and Severn Trent have been approached as a potential NAV provider to provide preliminary proposals for this option. The application states that Severn Trent Connect has now been formally appointed by the applicant to progress the Otterpool WwTW feasibility studies, enhanced outline design and Environment Agency discharge permit application.

Nutrient Neutrality

- 7.581 Nutrient neutrality has become an issue in many areas of the country, such as the Solent, Somerset Levels, the Wye catchment in Herefordshire and the Stour catchment in Kent. It ultimately stems from the ruling of the European Court of Justice (ECJ) in combined cases C-293/17 and C-294/17 (the Dutch Nitrogen case). That judgment was about nitrogen from atmosphere but in the process of making their ruling the judgment refined the definition of plans and projects to include operations such as agriculture, confirming that agricultural inputs of nutrients (either from atmosphere or runoff) need to be covered in the 'in combination' requirements of the HRA process. In addition, the ruling reaffirmed that if a European protected nature conservation site is in a deteriorating condition (such as due to excess nutrient levels that may also be forecast to increase) there are very limited circumstances under which further discharges of nutrients to a site can legally be permitted.
- 7.582 As a result, in the absence of any empirically derived threshold by which additional aquatic inputs of nitrogen and phosphorus can be deemed nugatory or de minimis, it must be concluded that new development within the Stour catchment could increase nitrogen and phosphate deposition into the protected sites above consented levels and thus interfere with the ability of the site to achieve its conservation objectives and thus the integrity of the European protected nature conservation site. This is relevant because under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) a local planning authority (competent authority) cannot legally consent a plan or project that would have an adverse effect on the integrity of any European protected nature conservation site.
- 7.583 The potential impact of Local Plans or individual site allocations is determined using nutrient neutrality calculations. A calculation methodology covering both nitrogen and phosphorus has been developed by Natural England, using the most up-to-date scientific evidence base at the time of publication. This has been published as an 'Advice Note on Nutrient Neutrality for New Development in the Stour Valley Catchment in Relation to Stodmarsh' (latest version November 2020).
- 7.584 Additional advice was provided to the affected local authorities by Natural England in a letter dated 28 June 2021. This provided further detail with regard to applicants who intend to implement water efficiency improvements as nutrient mitigation, use of package treatment plants (PTPs) as mitigation, provision of new mains wastewater treatment works (WwTW) (of relevance to large developments of over 400 homes only), and wetland creation and sustainable drainage systems (SuDS) as mitigation.
- 7.585 While acting as competent authority the local planning authority is not obliged to follow Natural England's advice, as set out in the court ruling in R (Hart District Council) v Secretary of State for Communities and Local Government

[2008], but it is expected to give ‘considerable weight’ to Natural England’s opinion on HRA matters. There have been extensive discussions between the key stakeholders since the emergence of the issue including through the Local Plan examination, including Environment Agency, water infrastructure providers and Natural England as the statutory advisor on HRA matters.

Habitats Regulations Assessment – Stodmarsh SAC, SPA, SSI and Ramsar

- 7.586 Increased inputs of nutrients into the Stour catchment from the proposed development has the potential to lead to degradation of the wetland habitats upon which the qualifying features rely. This means high levels of nitrogen (N) and phosphorus (P) entering the Stour catchment leading to eutrophication within the Stodmarsh site. Habitats associated with Stodmarsh Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar Site and at national level as a Site of Special Scientific Interest (SSSI) and as a National Nature Reserve (NNR) in parts comprise open water bodies (standing water and running water), reedbeds, grazing marsh and alder carr.
- 7.587 The River Stour feeds into the Stodmarsh designated sites. The river is vulnerable to receipt of increased nutrients via direct input from wastewater treatment works and drainage/surface runoff. With regard to the proposed development, wastewater from new development is considered to be the primary issue of concern.
- 7.588 Habitat of note in relation to the qualifying feature of Stodmarsh SAC (Desmoulin’s whorl snail) comprise ditches within pasture on the floodplain of the River Stour. Degradation of water quality associated with the river has potential to enter the ditch system and alter the hydrological (calcareous) conditions of the habitat upon which this snail is highly dependent upon.
- 7.589 The qualifying features of the SPA and Ramsar designations comprise important bird species and assemblages, and uncommon invertebrates and plants associated with wetland 12 habitats. Again, degradation of water quality and supporting habitat for these species, has the potential for significant effects to occur.
- 7.590 Nutrient budget calculations have been undertaken for the proposed development to determine the requirement for mitigation with regards to nutrient neutrality, in accordance with Natural England’s Nutrient Neutrality Methodology Guidance Note (November 2020) at a number of stages of the project. Independent review of the Appropriate Assessment, provided by AECOM to officers, has been carried out. These include the following stages of iteration to reflect updates to guidance and a comprehensive review on behalf of the LPA:
- Core Strategy Review nutrient budgets and HRA review undertaken by Urban Edge Environmental Consulting Ltd and submitted for

examination by the local planning authority as evidence to support the local plan;

- Various workshops and consultation between LPA, EA, NE and the applicant to inform the development of the nutrient budget and mitigation;
- Nutrient Neutrality letter submitted by Arcadis on 4th November 2020 and reviewed by AECOM on behalf of the LPA;
- Clarifications response from Arcadis dated 17th December 2021;
- In response to updated Natural England guidance, Arcadis Consulting (UK) Ltd submitted an updated Nutrient Neutrality Assessment in August 2022 as part of the OPA submission;
- Arcadis Consulting (UK) Ltd submitted a response to AECOM comments with further clarifications in October 2022.

Proposed mitigation

7.591 As on-site mitigation is required, in line with CJEU C-323/17 People Over Wind and Peter Sweetman vs Coillte Teoranta, this impact to the Stodmarsh SAC SPA and Ramsar Site is carried forward to HRA Stage 2 – Appropriate Assessment.

7.592 The precautionary calculation has determined that in order for nutrient neutrality to be achieved for the proposed Otterpool Park Framework Masterplan (the OPA area and additional development within the wider Otterpool Framework Masterplan area), and Sellindge Phase 2 Sites (CSD9A and CSD9B – two sites located adjacent to Sellindge) mitigation is required in the form of new wetland habitat and new woodland to offset the projected nutrient burden, in conjunction with a new state of art onsite Wastewater Treatment Works (WwTW).

7.593 The applicant proposes that wetland mitigation would be implemented within the development site to mitigate the nutrient budget of the development. An assumed wetland TN removal rate of 93 g/m²/yr and wetland TP removal rate of 1.2 g/m²/yr has been used, which is based upon a median removal rate stated in Natural England Advice on Nutrient Neutrality from 2019. The removal data used by the applicant is from a study into wetland removal rates by Land et al (2013). Given the absence of any additional sources of data for wetland removal in updated guidance from Natural England this is deemed to be an acceptable value.

7.594 The applicant has identified that there is space within the OPA boundary to accommodate 22 wetlands, some of which are interlinked, and with one very large wetland of 9.75ha in size to treat wastewater discharges (see wetland designs in Figures 13 and 14).

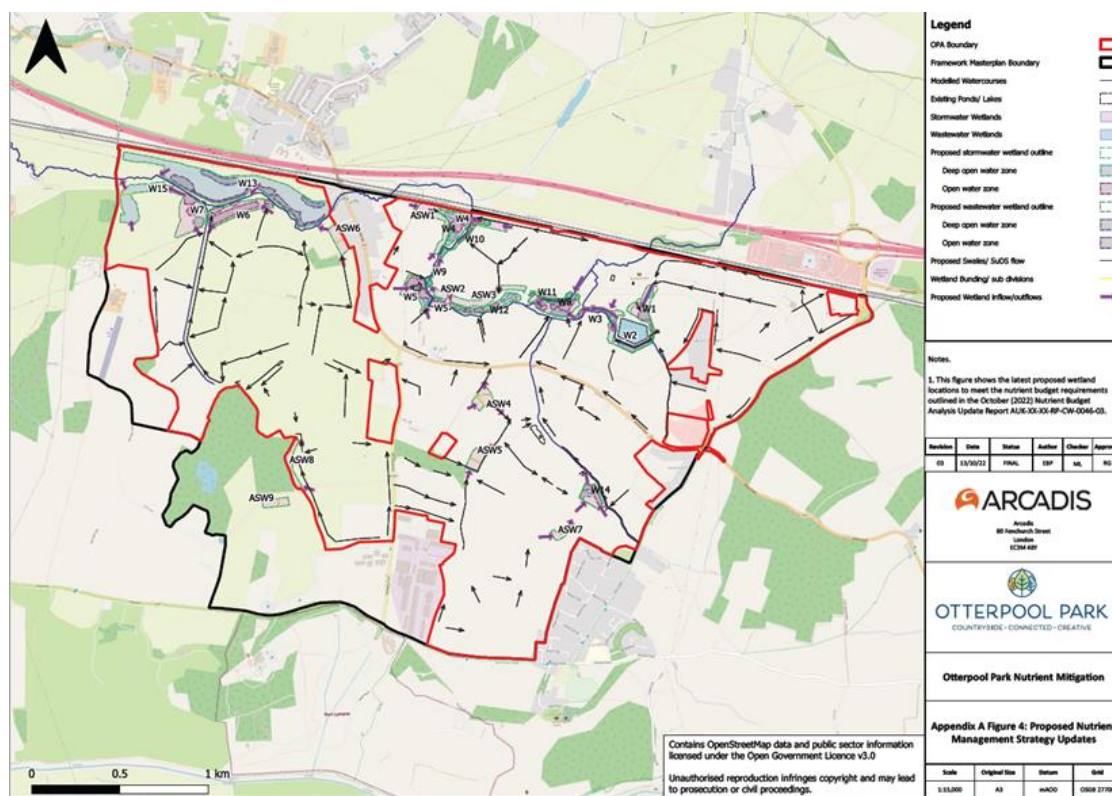


Figure 13 - Overview of Nutrient Mitigation

- 7.595 In the initial nutrient reports submitted with the application the applicant proposed two potential solutions comprising option 1 - on-site treatment system and option 2 - served by the existing Sellindge WwTW with its revised 2025 permit levels. Due to changes in Natural England guidance in 2022 there was previously a shortfall in the proposed wetland area required to deliver nutrient neutrality under all options. To address this shortfall for option 1, the applicant has since extended some of the previous wetland areas, as well as reconfiguring suitable SuDS areas into stormwater wetlands/bioretention areas to maximise nutrient removal (e.g., stormwater wetlands designed to hold up to 200mm depth of permanent shallow water).
- 7.596 The reconfigured wetland areas now provide sufficient mitigation land for both scenarios (35.68 ha of wetland to meet 35.65 ha required for water consumption scenario 1 for Class C2 or 34.7ha required for water consumption scenario 2 Class C2). The framework masterplan area also has space for further wetlands if required at a later stage beyond that indicated by the OPA calculations. These wetland areas are shown in Figure 13.
- 7.597 Consideration is given in the Water Cycle Study to temporary treatment or tankering of flows up to the point of minimum conditions are met to operate the plant unless a smaller initial treatment plan is constructed which also treats a small number of nearby residential homes to maintain sufficient amount of initial flow. These options include hiring temporary treatment plants to provide for the first portion of the flows required or the construction of the NUTREM plant to facilitate the use of the aerated sludge storage tank for provision of temporary

treatment. For any of the above options it would be necessary to obtain a temporary discharge permit from the Environment Agency. Planning condition T1(15) would secure the details of any temporary measures.

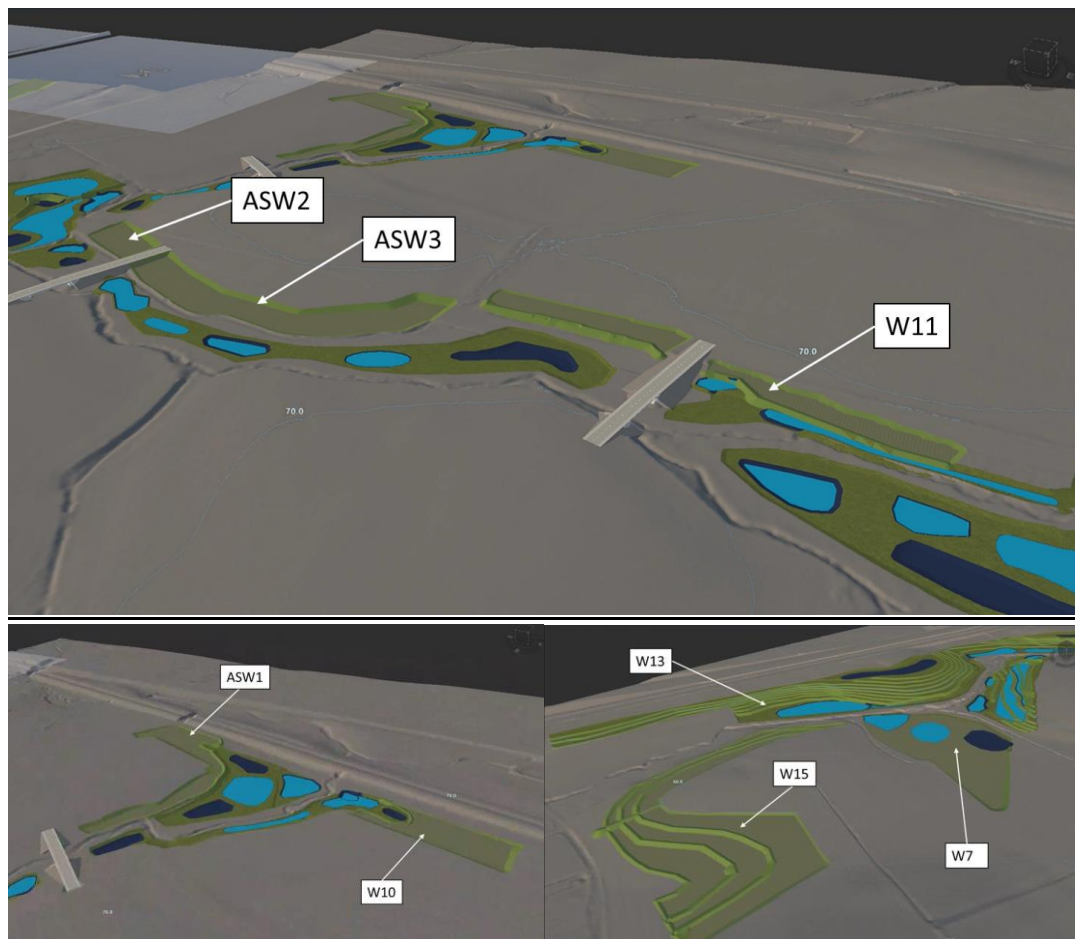


Figure 14 - Detailed modelling showing proposed wetland mitigation

7.598 The applicant has confirmed that as a result of these revised assessments this is not its preferred approach to the OPA. Sellindge WwTW has been now discounted for the proposed development but could be revisited for the later development should availability of potential future catchment-wide solutions and nutrient credits become available. On this basis, no further clarification is currently needed to reach a recommendation. Planning condition T1(15) secures details of the on-site waste water treatment works and its implementation in accordance with these findings.

HRA findings

7.599 There is clear evidence to support option 1 (on site WwTW). The above mitigation would be implemented, as per an agreed and phased implementation plan for the onsite treatment works with Natural England, Environment Agency and the local planning authority. Drainage and Nutrient Supplements are required at Tiers 2 and 3 via planning condition. A further

Nutrient Management Plan for wetlands is secured via s106. This is sufficient to demonstrate that the proposed development, within the current OPA, would have no likely significant effect on Stodmarsh designated sites and thereby can meet the required tests of the Appropriate Assessment under the Habitats Regulation Assessment in respect to the potential nutrients impact. Proposals outlined here as a component of the proposed development have been agreed in principle with Natural England and the Environment Agency and would ensure that the site can achieve nutrient neutrality.

7.600 Based on expert technical advice from Natural England and its advisors, the nutrient analysis is sufficiently robust to enable the local planning authority to discharge its duties under Regulation 63 and 64 of the Conservation of Habitats and Species Regulations 2017. The Appropriate Assessment is comprehensive and does not contain gaps or lacunae and the conclusions are sufficiently 'certain' (which earlier case law has clarified to mean that 'no reasonable scientific doubt remains'). It should be noted that 'certainty' within the context of the Habitats Regulations does not mean 'absolute certainty' as the courts recognise that this is effectively impossible to achieve. It does, however, indicate a high standard of evidence and confidence, a threshold which in our judgement has been reached.

Summary of water resources

7.601 At early stages officers highlighted the unique opportunity at the new settlement for a step change in the provision of water supply, wastewater treatment and water infrastructure. Water issues in general have consistently been a common theme in consultee responses. The proposals are the result of extensive pre- and post-application discussions with a wide range of partners involved in the design, delivery and management of water.

7.602 The site is to be sequentially developed such that the most vulnerable forms of land use would be located in the areas at lowest risk from flooding and only water compatible and essential development would be constructed in the areas depicted to be at risk from flooding. Further consultation on the detailed design of these elements would be required as part of the tiered approval process as recommended by the Environment Agency. The FRA satisfies local and national planning policies

7.603 Water infrastructure delivery, including for potable water supplies, has been agreed with the relevant statutory providers and is secured via planning conditions. Water demand management and efficiency measures are in accordance with policy and secured via planning conditions. The proposals demonstrate how the integrity of water quality would be maintained and complies with the Water Framework Directive.

7.604 The principles and parameters of the proposals amount to a well-developed and comprehensive approach to surface water drainage consistent with the requirement of Policy SS7 to produce an integrated water management

solution. Mitigation measures are secured via a range of planning conditions and the principles and parameters of a more holistic approach to water management are carried through into a range of other design-led solutions embedded in the Green Infrastructure Strategy and Strategic Design Principles. Sustainable Drainage Systems are proposed and surface water management measures have been discussed and agreed with the Environment Agency and KCC as Local Lead Flood Authority. These are proposed to be secured via planning conditions.

- 7.605 The masterplan and Parameter Plans have been amended to address concerns raised during the consideration of the application including the need for additional land for on-site wastewater treatment works. The Parameter Plans now integrate water into the landscape in a more meaningful way and these satisfy the need to maximise landscape and biodiversity value and to avoid any increase in, and where possible reduce, downstream flooding of the East Stour River. In this context, the Green Infrastructure and ecological requirements of Policies SS6-9 are comfortably met.
- 7.606 A detailed Drainage and Nutrient Supplement would be required as part of the tiered approval process and a nutrient wetlands management plan is proposed to be secured via s106. The proposal accords with the water services requirements of Policy SS8 and related provisions in Part D of CSD5.
- 7.607 With the effective integration of water into the landscape, including wetlands, the new settlement is capable of becoming one of the country's leading examples of integrated water management, responding directly and positively to the requirement to achieve nutrient neutrality and wider consultation comments regarding water management from a range of stakeholders. The design and delivery of a new onsite wastewater treatment works and associated wetlands accords with the requirements of CSD5 as well as providing wider ecological and placemaking benefits.

k) Air quality, noise and other environmental impacts

Geology, hydrogeology and land quality

- 7.608 The scope of the geology, hydrogeology and land quality chapter of the ES is comprehensive and reports the environmental impact of construction and operation of the proposed development with respect to geology, hydrogeology, and land quality. The assessment incorporates relevant design and other mitigation measures that are expected to be employed during construction of the proposed development.
- 7.609 With reference to this chapter, the applicant's consultations since 2019 have addressed local planning authority officers and key consultee comments to the previously submitted OPA and comments made by Idom Meerbrook (on behalf of F&HDC) on its review of the ES. In response to the Scoping Opinion issued by F&HDC in July 2020, the following matters were satisfactorily addressed:
- consideration of adjacent land, and construction workers, as key environmental receptors;
 - the potential for cumulative effects to be assessed;
 - the operational effects of historic ground and groundwater contamination following the construction phase.
- 7.610 Standard mitigation and enhancement measures have been proposed for the development during the construction and operation phases to minimise risks to the environment and human health of future residents and visitors to the development. These are considered appropriate and key receptors identified are to be protected (during the construction phase) by means of a Code of Construction Practice (CoCP) which is proposed to be secured via planning condition.
- 7.611 In sum, the submitted evidence demonstrates the development of the site can be undertaken without detrimental significant effects on geology, hydrogeology, and land quality receptors. This would be achieved by implementation of best construction practice and appropriate design. With regards to the geological SSSI, it is likely that the proposed development will provide a beneficial effect as the feature would be enhanced and made more accessible.

Land contamination

- 7.612 The local planning authority appointed IDOM Merebrook Ltd (IDOM) to undertake an independent review of the ES to assess land contamination in the context of public protection (human health). This review has been considered in conjunction with the Environment Agency's consultation response which covers land contamination in the context of the protection of controlled waters. No objections were received from the Environment Agency on land contamination grounds.

7.613 The reports include the findings of two phases of intrusive investigation. The intrusive investigation comprised the excavation of approximately 70 exploratory holes over the 589-hectare site and as such the investigation density is considered to be very low but did include targeting potential areas of concern identified by the desk study. The application is at outline stage and it is recognised that requirements for additional investigations will be secured via planning conditions as matters progress to the detailed stage. Given the findings of the desk study, officers concur that the investigation density is sufficient to support an outline planning application. Notwithstanding the potential for additional contamination the application's conclusion that land quality is unlikely to impose significant constraints on the development opinion is considered to be a reasonable one.

7.614 Contamination testing included on-site screening for volatile contaminants and laboratory testing for an appropriate potential contaminant suite. Planning conditions are proposed to ensure that additional site investigations are undertaken at Tiers 2 and 3 with appropriate contamination testing and ground investigation.

Unexploded ordnance (UXO)

7.615 A subset of the site has been identified as having significantly elevated risk from unexploded ordnance. UXO clearance measures would be required prior to development in these areas. The applicant has confirmed that appropriate UXO clearance measures would need to be undertaken prior to development, as set out in paragraph 6.7.17 of the Code of Construction Practice. A site wide condition to secure UXO investigations is also secured via a proposed planning condition.

7.616 The ES uses the desk study and site investigation data to establish the baseline conditions at the site. The definitions presented for sensitivity and impact magnitude with regard to land quality are considered by the LPA's technical advisors to be appropriate and the limitations of the study have been correctly identified. The design and mitigation sections present appropriate responses to potential contamination which ensure that environmental management controls are in place during construction and that any required remedial measures are identified so that they can be incorporated into the design of the proposed development. Residual effects on the topic of land quality are considered to be slight adverse but not significant during the construction phase and contamination impacts have been scoped out during the operation phase of the development (as the necessary controls and remediation would have been implemented during construction). This conclusion is considered to be reasonable. A planning condition is proposed which is split into five parts for implementation in a phased manner.

Air quality

- 7.617 The importance of improving air quality has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade, with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 7.618 The National Planning Policy Framework states that the planning system should actively manage patterns of growth and should focus on development in locations that can be made sustainable and help with the reduction of congestion, and emission and improve air quality and public health (paragraph 105). Folkestone and Hythe District Council area does not itself contain designated Air Quality Management Zones (AQMA) but additional traffic from the new settlement using the M20 could continue to travel into the Maidstone AQMA or A20 AQMA (Dover) considering the general absence of regular junctions and nature of trunk roads.
- 7.619 The Planning Practice Guidance on Air Quality states that *“Whether air quality is relevant to a planning decision would depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the proposed development would be particularly sensitive to poor air quality in its vicinity...”*
- 7.620 In respect of the Air Quality ES the overall scope (qualitative construction dust assessment, vehicle emissions assessment effects on human and ecological receptors using dispersion modelling) is accepted. Some clarifications as set out below were required as part of the review process.
- 7.621 Whilst not all roads have been included in the dispersion modelling assessment where the potential for air quality effects exists the applicant has clarified that the increase in traffic entering the Maidstone and Dover AQMAs would range between 100 - 200 AADT, with 100 AADT representing an acceptable threshold for 2024 against which effects can be screened out (according to prevailing IAQM development control guidance). A robust argument to show that the current section of the Maidstone AQMA near the motorway is expected to be revoked in the coming years and the applicant has also demonstrated that annual mean NO₂ concentrations in the AQMA are also expected to be lower than the AQO at the monitoring locations within the vicinity of the AQMA (the maximum monitored concentration at a roadside location in the AQMA was 35µg/m³ at DDC monitoring locations within the AQMA). It is thus agreed to be unlikely that the proposed development would contribute materially to pollutant

concentrations within either AQMA particularly when considered in combination with other local schemes.

7.622 The other clarifications regarding the use of national bias adjustment factor for model verification, roadside and background adjustment factors and other methodological matters are also acceptable. As part of its review of the ES Temple Group recommended the preparation of a low emissions strategy (inclusive of damage costs) to describe how residual air quality effects from road transport and combustion plant attributable to the proposed development to ensure mitigation is implemented. This is secured via planning condition T1(37).

Habitat Regulations Assessment (Air Quality)

7.623 The applicant has provided an air quality assessment for designated sites as part of the HRA information and there has been extensive discussions with Natural England and the Council's advisors. It is acknowledged that ammonia from road emissions is an emerging area of concern and that it is appropriate to provide an assessment at this stage. Officers with support from our independent advisors (AECOM), have reviewed the proposed approach to assessing the impact of road sources of ammonia, and the impact upon designated sites within 200m of the road. The Habitats Regulations Assessment, including appendices, together with advice from Natural England which has informed the review by AECOM.

7.624 The HRA concludes that these impacts would not result in an adverse effect on the Folkestone and Etchinghill SAC is supported by consideration of future trends in nitrogen deposition. These indicates that it is likely nitrogen deposition levels would reduce from the road at the SAC in question over the assessment period between the existing baseline and the future with and without the proposed new settlement. This is due to projected changes in the road traffic fleet and as a result of committed national policies which serve to reduce NOx concentrations over time. The rationale for this is presented in the HRA assessment and is agreed.

7.625 In its January 2023 response to the application Natural England advised that the HRA assessment should nevertheless progress to Appropriate Assessment, due to the potential for this to exceed 1% of the critical level / load during the assessment period which would normally indicate Appropriate Assessment is required. For completeness, this has been provided and reviewed by officers and its advisors.

7.626 The initial use of the air quality screening thresholds indicates that nitrogen deposition (from NOx alone) will only exceed 1% at the verges at the edge of the SAC to a marginal extent, being 1.4% of the critical load, and will only do so at 2044 (rather than at any earlier year or stage of build-out). Moreover, the evidence shows the affected areas as isolated patches, and the analysis

explains that the affected habitat is not the habitat for which the SAC is designated. Therefore, it is reasonable to conclude, when considering NOx alone, that no adverse effect on the integrity of the SAC will arise from the project in isolation.

7.627 Table 9 of the Appropriate Assessment shows total (i.e., in combination) nitrogen deposition is forecast to improve significantly between the base year and 2044, notwithstanding total forecast traffic growth on the network, due to expected improvements in vehicle NOx emissions (in other words, 1,000 vehicles in 2044 can reasonably be expected to emit significantly less NOx than 1,000 vehicles in the base year). Therefore, based on consideration of NOx alone, it can be concluded that the conservation objectives of the Folkestone to Etchinghill SAC will not be compromised, and a conclusion of no adverse effect on integrity can be drawn, because:

- The scheme alone will only exceed the '1% of the critical load' threshold for defining imperceptible emissions to a small extent (maximum 1.4% of the critical load), and will only do so at full build-out (2044) rather than in earlier phases;
- The areas affected by this small exceedance are themselves small and isolated and do not constitute and do not constitute the nitrogen sensitive feature for which the SAC is declared for;
- The SAC has a 'maintain' objective for air quality and the modelling indicates total 'in combination' nitrogen deposition rates will be lower in 2044 than in the base year, such that nitrogen deposition situation at the SAC is improved as compared to the existing baseline.

7.628 Natural England in its most recent response also recognises that at present, there is not an endorsed national standard for the assessment of ammonia from road traffic. An air quality assessment has been included and assessed at this outline stage as part of the ES and HRA. Natural England accept that supplementary detailed assessment which includes ammonia can follow at Tier 2. The monitoring provisions secured to this effect are discussed below.

7.629 Officers concur with this assessment and these further stages will be secured via s106 legal agreement and conducted prior to any traffic in question being on the network. Moreover, given that the SAC has a 'maintain' objective for air quality, and there is a reasonable likelihood future total nitrogen deposition will not be worse than current total nitrogen deposition at the Folkestone and Etchinghill SAC even when vehicle emissions of ammonia are taken into account, it is considered that there is sufficient evidence of no adverse effect on site integrity at this outline stage to grant consent.

7.630 In the light of these conclusions and as the approach to include road sources of ammonia in future tiered approvals has been agreed with Natural England as being appropriate, it is not necessary to further progress the HRA at this stage. At subsequent stages, the screening of impacts will be undertaken in

line with Natural England guidance in order to confirm whether impacts alone and in-combination are expected to exceed 1% of the critical level / load.

7.631 This is in line with other aspects of air quality assessment within the submission, including the air quality damage cost assessments to be completed on a phase-by-phase basis rather than for the entire outline application owing to the uncertainty of predicting so far into the future within the confines of the damage cost methodology and air quality modelling. This is partly due to DEFRA's Emission Factor Toolkit (EFT) and associated tools being periodically re-released to better reflect contemporary fleet projections/policy. As each phase is assessed the newest toolkit can be used taking into account the updated modelling. This stepped approach is in line with Natural England's recommendations for Competent Authorities on the assessment of road traffic emissions⁴².

7.632 The legal agreement would therefore require the air quality assessment of the SAC to be updated prior to the submission of any reserved matters applications, taking account of nitrogen deposition impacts alone and in combination including from road traffic ammonia, and thus prior to occupation of any net new dwellings. It would be required to be in accordance with Natural England guidance in force at the time of submission. This would ensure that the SAC is protected from adverse effects on integrity. The applicant has committed to measures promoting sustainable methods of transport by integrating cycle paths and pedestrian walkways as well as including electrical vehicle charging points and public transport systems thereby showing commitment to reducing traffic emissions resulting from the development.

Noise and vibration

7.633 The submitted ES adequately assesses the likely significant impacts in relation to noise and vibration. The assessments are based on worst-case assumptions and use appropriate methodologies where data is not available. Clarifications were sought on the surrounding sensitive receptors. Initial assessments of construction noise and vibration impacts may have underrepresented, and clarifications were put forward to understand whether this is the case. Noise limits in terms of industrial noise from the proposed development based on measured survey data and guidance in BS4142 were also requested.

7.634 The policies, guidance, legislation and standards used for the noise and vibration assessment in the ES are considered appropriate. The assessment methodology and significance criteria presented are considered appropriate. The study areas proposed for each assessment are sufficient. The applicant has provided an acceptable construction assessment in line with ABC criteria. Construction noise is predicted to be not significant with best practice measures and mitigation in place. Construction noise would be appropriately managed

⁴² NE Internal Guidance – Approach to Advising Competent Authorities on Road Traffic Emissions and HRAs V1.4 Final - June 2018

through the Code of Construction Practice, which is secured via planning condition.

7.635 The applicant's responses to consultation and scoping have also been reviewed by the Council's environmental health officer and appropriately cover the issues raised. In respect of specific locations of the masterplan containing areas of potential noise sources these include existing highway and rail infrastructure and existing industrial noise sources at Link Park Industrial Estate, in addition to the permitted waste facility discussed elsewhere in this report. The environmental health officer has advised the imposition of planning conditions relevant to these specific areas of the masterplan. Planning conditions are proposed as part of Tier 3 Plot Specification requirements in the related parcels to secure appropriate noise impact assessments.

Odour

7.636 For the wastewater treatment works, the source odour potential has been assessed as a maximum of 'medium' following the implementation of mitigation, on the basis that facilities would embed Best Available Technology (BAT) into detailed design. It is accepted that the facility can be designed to incorporate BAT at detailed design stage. The applicant was asked to clarify the BAT which is expected to be used and to describe how effective it is known to be to reduce odour concentrations. These clarifications were provided to add weight to the qualitative odour assessment, meaning that quantitative assessment could be undertaken further at detailed design stage. This is judged to be sufficient at this stage to satisfy the local and national policy requirements and planning condition T1(15) requires a quantitative odour assessment and management plan.

Permitted waste facility

7.637 The application includes Parameters Plans which retain the permitted waste facility in situ. This extant and implemented permission includes provision for an anaerobic digestion facility. It is therefore necessary to consider the environmental effects of this based on the 'agent of change' principle described in the NPPF - the principle by which a person or business introducing a new land use is responsible for managing the impact of that change.

7.638 The applicant has confirmed through the EIA review process that there are no high or medium sensitivity receptors proposed within 250m of the consented anaerobic digester. The applicant also provided a robust description that the odour assessment for the digester would not have significant odour effects at the closest existing receptors. Due to the buffer zone and planning conditions attached to the waste site which are designed to regulate odour from this the buffer distance is considered reasonable.

7.639 It is noted that the anaerobic digestion facility is required to consider stack height optimisation in the planning condition granted although due to the Agent of Change principle in the NPPF. It is not considered that this assessment should have to account for effects on developments which were not in place at the time of its consent and therefore the applicant was asked to further justify why the future site users would not be affected by the anaerobic digestion facility. The applicant has confirmed that there are no high or medium sensitivity receptors proposed within 250m of the consented anaerobic digester. It has also provided a robust description that the odour assessment for the digester would not have significant odour effects at the closest existing receptors.

7.640 Bearing in mind planning conditions attached to the waste site which are designed to regulate odour from this facility, the buffer distance is considered reasonable. In the event the permitted waste facility is fully implemented the tiered approval process requires further details of the spatial arrangement in and around the permitted waste facility together with further details of noise, vibration and other potential impacts to also accord with local and national policies to protect residential amenity. A planning condition is recommended which will provide a mechanism by which Series 4 or 5 Parameter Plans are to be adopted. This will ensure that when the relevant parcel containing the permitted waste facility comes forward confirmation is provided of its availability to be developed in accordance with this permission and a description of any consequential spatial changes is provided.

Conclusions

7.641 The ES presents a thorough and robust assessment of air quality impacts over the delivery of the development, culminating in the assessed 'worst-case' scenario in 2044 when full development build out is anticipated. A planning condition is proposed to secure a Low Emissions Strategy which shall describe how residual air quality effects from road transport and combustion plant attributable to the development will be mitigated, inclusive of control mechanisms, to ensure mitigation is implemented.

7.642 In the light of these conclusions and as the approach to include road sources of ammonia in future tiered approvals has been agreed with Natural England as being appropriate, it is not necessary to further progress the HRA at this stage. At subsequent stages, the screening of impacts will be undertaken in line with Natural England guidance in order to confirm whether impacts alone and in-combination are expected to exceed 1% of the critical level / load. In officers' judgment, based on expert technical advice from Natural England and its advisors, the analysis is sufficiently robust to enable the local planning authority to discharge its duties under Regulation 63 and 64 of the Conservation of Habitats and Species Regulations 2017.

7.643 With the proposed mitigation and the monitoring regimes secured through the legal agreement and planning conditions, the proposals are also considered to be acceptable in respect of noise, air quality, vibration and odour.

l) Social and community infrastructure

7.644 The planning policy framework sets an expectation that the new settlement should be self-sufficient in terms of providing its own schools, health centres, community facilities and integrated transport systems and community facilities, except where it is beneficial, in line with the strategic priorities of the relevant authorities, to provide these facilities (or part of these facilities) off-site. Policy SS9 allows for the expansion and improvement of nearby facilities such as secondary education where necessary. Critical and necessary infrastructure is expected to be provided in accordance with the indicative infrastructure delivery schedule with relevant infrastructure being readily available to service the quantum of development proposed.

7.645 Early phases of development are expected to be planned in a way that would not disadvantage early residents in terms of access to essential facilities, or place pressure on existing local facilities and infrastructure while ensuring new facilities are viable and deliverable. Community facilities should be provided at each phase of development in accordance with the neighbourhood principles in Policy SS7(3). Requirements include a primary school, pre-school nursery, food (convenience), shopping, open space, recreational and community facilities in the first phase of its development.

7.646 The ES also includes a socio-economic chapter which assesses these aspects. The policy overview included in the chapter is robust and includes major legislation and guidance at the national, regional and local levels. It outlines both the relevance of included policies and how these policies would be addressed through the proposed development. The chapter as a whole is consistent with the Scoping Opinion and Scoping Opinion Addendum and how issues have been addressed. Overall, the chapter provides a clear and robust assessment of the potential socio-economic effects of the Proposed Development. It is rooted in a strong understanding of various levels of relevant policy, consultation with appropriate authorities has been incorporated, and the methodology follows best practice. In respect of future monitoring the Temple Review recommended a review of appropriate methods to monitor changes to socio-economic indicators at Reserved Matters stage. This is included as a proposed planning condition.

7.647 The Human Health chapter has also been assessed and clarifications or further information provided in relation to:

- further clarification required regarding why vulnerable groups are identified as having the same overall health effect as the general population;
- further clarification required regarding low-income group sensitivity;
- further clarification required regarding household demand for healthcare facilities;
- further clarification required regarding healthcare facilities proposed within cumulative schemes.

7.648 All the above information has been provided in response to earlier requests and are considered to be acceptable. A Health Impact Assessment (HIA) has also been submitted in support of the outline planning application. This is a means of assessing the health impacts of policies, plans and projects using quantitative, qualitative and participatory techniques. It aims to produce an evidence base to inform decision-making to maximise the positive health impacts and minimise the negative health impacts of proposed policies, plans or projects. It assumes that policies, programs and projects have the potential to change the determinants of health, which in turn influence health outcomes of individuals and communities. The main objective of the HIA is to ensure that where possible, the detailed proposals for the new settlement actively promote health and wellbeing in the local population, reduce health inequalities and do not actively damage health and wellbeing.

Health and community infrastructure

7.649 From the inception of the project the joint vision is for the new settlement to include a state-of-the-art medical centre that provides a 'one-stop shop' for outpatients including a cluster of GPs and a wide range of diagnostic services. These aspirations are rooted in the Otterpool Park Charter and now flow through to the requirements in Policies SS6-9. A health centre is required by policy in early phases of development with the centre being designed to deliver an integrated service for patients - including a cluster of general practitioners, a wide range of diagnostic services and primary care treatment. Wider policies also require facilities such as the medical centre to be located on an accessible site close to other community services.

7.650 Government proposals set out in a White Paper in February 2021 saw further changes from April 2022. Clinical Commissioning Groups transitioned to statutory organisations known as Integrated Care Boards from April 2022. In Kent and Medway, there is now one organisation covering the same boundaries as the previous CCG. The ICB is a partnership of all parts of the NHS working together with councils and other partners. Within the system there are four "place-based partnerships" drawing together all provider NHS organisations in a given area and working more closely with social care. Based on how people use hospital services there are four place-based partnerships in Kent and Medway: Dartford, Gravesham and Swanley; East Kent; Medway and Swale and West Kent.

7.651 A wide range of consultee comments from the general public and other organisations underscored the importance of healthcare provision and the nationwide, and local, shortage of GPs. The importance of these issues to both current and future residents is fully recognised.

7.652 As primary care service delivery is evolving, a multi-professional team is able to support GPs and increase service capacity within the system. The growth

in new models of care has meant that since September 2017, there have been positive changes in trends across primary care workforce data which include an increase of Advanced Nurse Practitioners and other additional roles that also provide direct patient contact. These include Paramedics, Clinical Pharmacists, Social Prescribers, Health Care Assistants and Physiotherapists. Work is also underway to ensure that the public are notified of the variety of new roles that are available to them.

- 7.653 It is acknowledged that no single development can address the wider issues associated with GP recruitment and retention. This work is being led by the Primary Care Workforce Implementation Group who work in collaboration with the three locality Training Hubs, NHS England and Health Education England to implement various initiatives. There is no doubt the new garden settlement presents an opportunity to attract GPs to FHDC. The new homes would provide a wide range of possible options for GPs and other health and care staff to rent, part own or own their homes. The setting of a new settlement holds the potential to provide a high-quality environment to attract skilled workers, including healthcare professionals. The employment space that would be delivered on-site, as well as the good transport connections, could help to ensure partners and families would also have employment opportunities.
- 7.654 There are currently five GP practices within 5km however only three of these have contractual boundaries which cover (or partially cover) the boundaries of the outline planning application Area. The specification for the facility would depend on the needs and strategic plans of the NHS and Clinical Commissioning Group (CCG) at the time of delivery.
- 7.655 The ICB as commissioner, would determine clinically appropriate healthcare provision for the site informed by where this would benefit patients in terms of access and outcomes. For primary care medical (general practice) services an informed commissioning decision would consider if this would be through expansion of one or more existing practices or a procurement of a new provider. The Health Facilities Plan described below would provide the legal mechanism for this decision.
- 7.656 Based on 10,000 homes it is estimated circa 1,500-1,750 sqm GIA would be required for general practice services providing for a registered list of up to 24,500 patients. The NHS Kent and Medway ICB has suggested that an additional space would be required to provide wider community-based health services which could for example include specialist clinics, testing services and physiotherapy. The parameters and plans also allow sufficient space for the delivery of these services within the town centre and early thought is being given the most suitable location within the town centre.
- 7.657 The precise format for service provision is flexible but is likely to include one building for primary medical care (general practice) services, which would be located in the town centre. In order to retain flexibility, three other smaller sites

have been allocated for potential community floorspace, which could include healthcare.

- 7.658 A large amount of flexible floorspace has been allowed for health and community services. This is expected to meet the essential requirements of the NHS and the county and district councils to provide essential services such as primary healthcare and youth services, but also provide a significant amount of flexibility for other types of community use, to be decided at Tiers 2 and 3 of the planning process, when future operators and, later, the new community can be engaged on what the best use of this floorspace would be.
- 7.659 The s106 legal agreement would include covenants to provide the dedicated Health Care Facilities in accordance with a Healthcare Facilities Plan submitted to, and approved by, the LPA. It is the intention of all parties and the Integrated Care Board that primary care treatment should be provided as early as practical in the development programme. This early phase of provision may be on-site in new facilities with the detail of the facilities, location and terms of transfer to be determined through the submitted plan via joint working between the applicant, LPA, the NHS/ICB and local stakeholders.
- 7.660 To realise the commitments outlined the applicant will be required to submit for approval and then implement a Health Care Facilities Plan to be produced in consultation with NHS England and the ICB consisting of:
- the proposed location, timing, outline specification and delivery of any temporary GP facility;
 - the proposed location of the health care facility within the early phase;
 - the proposed size of the facilities.
- 7.661 Health facilities would be phased and secured through the s106. It is anticipated that the first premises would also provide some space for community use, to support the sustainability of the building for the first phases and it could be scoped to be capable of accommodating other public health facilities. The health facility could either be modular in construction to enable expansion as and when the patient population requires or is built out in its entirety from the outset but with flexibility on use of the premises to avoid space being left vacant. Phasing options and temporary or interim provision would be further determined through the plan.
- 7.662 It is also expected that the healthcare offer, whatever the precise model, would also include dentists, opticians and pharmacies which would come forward in a mixture of private and NHS settings according to the NHS licencing programme for these facilities (which includes an up-to-date need assessment).
- 7.663 The delivery of other community facilities would also be secured via s.106 legal agreement with a Community Facilities Plan submitted to, and approved by, the LPA. The Community Facilities aspects of the Strategy will be required

to explain the approach to the bringing forward of community space of size function and specification in order that the needs of the development can be met at all times but in a way which provides flexibility to respond to needs going forward. The strategy shall address the provision of early/temporary community space.

7.664 As a baseline provision, and as a result of ongoing discussions with KCC, the Strategy will make provision for the following through either direct delivery or as a fallback payment and land in lieu:

- Library facility
- Early help
- Community learning
- Social care employment and community space
- Public Health integration

7.665 The Strategy will for community facilities include the proposed timing for construction and approach to triggers (expressed in terms of dwelling occupations for facilities, (including design stage) or as the case may be land and/or funds if direct delivery is not proposed and will address future flexibility of facilities. These provisions are in accordance with the requirements of SS6 and SS7.

Social care and public health

7.666 The need to provide social care services and specialist housing to allow people with long-term limiting illness or age-related disabilities to live healthily and independently is recognised. Good provision of social care support reduces hospitalisation, reducing costs and improving health outcomes for people with long term conditions. It has been emphasised further in the most recent draft amendments to the NPPF currently out to consultation (December 2022).

7.667 The new settlement is expected to deliver up to 10% specialist homes for older people (in the 8,500-home scheme) including a one x 60 bed care home. The extended services at the new health centre are also expected to include care services for older people. Further exploration of precise delivery options for social care, extra care specialist housing and integrated care pathways through partnerships within the local authority (and county) departments, the NHS and with specialist housing and service providers will be secured through the s106 agreement.

Education

7.668 A summary of the education land requirements is detailed in table 21 below. Up to 67,000sqm GEA of education and community facilities floorspace is proposed. This floorspace includes schools (primary, secondary and 6th

form), nurseries and crèches, health centres, places of worship and other non-residential institutions such as libraries and community centres (use class E and F). Up to seven primary schools, each with up to 2 or 3 forms of entry (FE), each with an integrated nursery/early years facility, would be delivered in a phased manner to keep pace with education need across the development. The monitoring and triggers process would be defined in the s106 agreement.

7.669 In spatial terms the primary schools are generally located adjacent or within proposed local centres with each able to demonstrate compliance with the minimum policy requirement to be within 800 metres/10 minutes from every home and many being more likely within the aspirational 400 metre or 5 minutes walking distance.

7.670 Secondary provision (use class F) would consist of one school up to 10FE (including 6th form), which may be delivered in one or more phases. Safeguarding of land for a further 6FE is also proposed. Special Educational Need and Disability provision (SEN) (use class F) would be delivered (likely to be up to 80 spaces). This would either be as part of a primary or secondary school, or standalone. The school year starts in September, so a school would first become operational, and all subsequent phases would become operational, in the September immediately after the trigger point. The trigger points would be agreed in the section 106 legal agreement.

Delivery of education facilities

7.671 There are two main ways that the schools at the new settlement could be delivered. The first is for the future applicant to transfer the school land to KCC who would deliver the schools, including running a competition for an academy operator themselves. The second option is for the future applicant to deliver the schools themselves. This could be in direct partnership with a school operator or in partnership with both KCC and a school operator. KCC and the applicant have not yet decided which option would be used at the new settlement – and the approach may differ from school to school. The current preferred option is that the applicant would build the schools directly, but the legal agreements would retain flexibility to take account of any change in requirements over time.

7.672 There has been some debate about the timing and delivery of the first primary school with the applicant stating a willingness to offer deficit funding to address any DfE funding limitations of the early opening of the first primary school. The Local Education Authority, on the other hand, appreciates the applicant's commitment but cautions that this must provide the Academy with the revenue funding required to offset the initial costs of opening a new school with a limited number of pupils pending the growth in the local population.

- 7.673 School commissioning and school funding is subject to legal and funding agreements between the Department for Education and the Academy Trust and is therefore subject to a needs assessment which may show that a school is not required this early in the development, and that school place needs can be met in existing schools for a reasonable period of time. KCC, the applicant and other stakeholders can support and influence this process but the ultimate decision on the school opening date would lie with the DfE. These are detailed delivery issues and under current legislation and through the route of self-delivery, it would be the Secretary of State who makes the final decision on the opening of a new school. KCC concludes that the proposal would be mitigating the needs of the development and therefore it is not anticipated that additional land or capital funding would be required for off-site provision.
- 7.674 In planning policy terms, the application would meet the education policy requirements to meet its own projected needs in accordance with forecast requirements with the safeguarding of suitable land to allow for the future expansion in accordance with forecast needs. The aspiration to deliver the first primary school earlier than might normally be the case is strongly welcomed and remains consistent with the overarching policy objective in Policy SS9 to deliver relevant infrastructure in advance of proposed development.
- 7.675 Secondary school provision and size is another important area. The applicant and education authority all acknowledge that even though the parameters allow for up to 10 forms of entry for the secondary school this is not the preferred option. The s106 legal agreement would therefore allow for the appropriate size to be determined early in the development programme to ensure an appropriate size consistent with wider educational and placemaking objectives. In addition, the applicant has stated a commitment to a second secondary school (with a minimum 6.4ha of usable land) subject to demand in line with KCC's requirements. This minimum level of provision has been accepted by KCC and would allow additional flexibility in determining the most appropriate approach to secondary school provision in the most suitable location.
- 7.676 In all likelihood at least 2-3 forms of entry of secondary provision would also be required off-site as either temporary or permanent expansion, as the minimum viability size for a secondary school is usually 4 forms of entry. It is accepted that contributions towards secondary provision off-site may be necessary and it is expected that off-site provision would be within the existing selective school sector with contributions used to expand the schools on their current sites. KCC has therefore recommended the outline permission does not seek to tie down the extent of off-site provision at this stage. Rather, KCC suggest that the agreed number of secondary school places are funded at the agreed rate, and that these contributions can be applied to the solution agreed at the time. This will be secured through the s106 legal agreement.

Monitor and manage

- 7.677 Officers agree with KCC that it is important to adopt a monitor and manage approach to education provision. The land requirements set out in this report would be suitably safeguarded using s106 obligations. The heads of terms identify the requirements proposed to be secured via s.106 legal agreement. The parameters and Development Specification allow for this level of provision.
- 7.678 A proposed Education Review Group (ERG) as agreed between the applicant and KCC, will be secured in the section 106 legal agreement. This would include the applicant and KCC as a minimum but may also include academy operators, FHDC and other interested parties as required. This approach would ensure that the new settlement would deliver enough school places to meet the needs of children on-site as the community grows. Where it can be demonstrated through the monitoring procedures that no further school places are needed, delivery of further school sites or floorspace would not be triggered. This is to minimise the delivery of surplus school capacity (which can have operational and cost challenges) and to reduce the potential for children unnecessarily to travel to these schools from beyond the new settlement. The ERG would play an important role in agreeing what monitoring information is required to help with accurate forecasting of school place demand and would be responsible agreeing triggers for new schools or safeguarded land to be triggered or those options released. In sum, the above approaches are appropriate to secure the educational needs of the new settlement.

Sixth Form, Special Educational Needs provision and further education

- 7.679 During the consideration of the application a number of queries have been raised concerning the amount of sixth form places. Provision is expected to be made in line with a retention rate of 75-80%, meaning up to 360 places in an 8 forms of entry school, up to 270 places in a 6 forms of entry school and up to 450 places in a 10 forms of entry school. Proposed provision would meet the sixth form needs identified by KCC for 8,500 homes and is acceptable.
- 7.680 The new settlement is expected to generate demand for 75 additional special educational needs school places. The SEND provision proposed on site is for up to 80 places to meet the full demand arising from the development. It is accepted that suitable and proportionate land and capital funding to deliver the SEND school would be secured within the s106 Agreement.

Blue light services

- 7.681 During the Examination in Public of the Core Strategy Review representations were received from the South East Coast Ambulance Service which identified the need for further dialogue to define the specific

requirements arising from the new garden settlement in the context of a service that has a relatively broad geographical coverage.

- 7.682 The Ambulance Service has made further representations through the application process and stated that Folkestone and Hythe fall under the area served by the existing Ashford 'Make Ready Centre' (MRC). The new garden settlement proposal is unlikely of itself to require an additional MRC, though this and other new settlements across the South East may put pressure on existing MRC capacity, meaning that further strategically located MRCs may well be required in the future. In the medium-term the Service states that the existing Hastings MRC, which is relatively small being a conversion from a former ambulance station, is likely to need to be replaced with a larger facility. In order for a financial contribution to be justified against the relevant legal tests a case would need to be made that explains what impact arises from this development (bearing in mind that the residents of the new settlement may well be living locally already). There is currently insufficient evidence to indicate a direct localised impact due to the distances involved here and the fact that the Ashford MRC is more likely to be directly impacted and has been upgraded in the last ten years.
- 7.683 Notwithstanding the above conclusions on these requests for the MRC, officers accept the potential need for additional strategically located Ambulance Community Response Posts (ACRPs) as the development progresses and heads of terms are proposed to safeguard the likely need for land to be made available for this within the application area. This will be secured through the s106 agreement.
- 7.684 Kent Police has indicated that no new property accommodation would be required on site for the necessary additional personnel given the site's proximity to existing accommodation within Folkestone. Therefore, no new funding is requested. The crime prevention officer has also provided comments and advice to the applicant. These design measures are detailed matters for future design and would be considered through the requirements set out for design codes for each phase and controlled through the tiered approval process.
- 7.685 In relation to Kent Fire and Rescue Service has not provided any comments on the application, but during the Core Strategy Review examination it advised that it is currently reviewing its frontline emergency response provision and has not identified any locational changes for its fire stations in the Folkestone and Hythe area. The service does take into account new developments and infrastructure and is aware of the proposed new garden settlement which, after an initial evaluation, did not present any opportunities to improve its response in the area.

Community development

7.686 Given the nature of the proposal, there has been a need to secure tangible commitments to community development within the OPA, particularly in the earliest stages of development. A range of measures are being explored to foster greater community development and a community development programme and community development officer is proposed to be secured via the s106 agreement. The other elements being considered as part of the programme include:

- future 'discovery or community days' such as open days for the castle – allowing existing and prospective residents to fully explore the area, community archaeology and other historic assets to generate interest and ownership, hosting sporting events or running events;
- support for community-led efforts to encourage and look after local wildlife and habitats of the new settlement, particularly through use of educational interpretation and guides, setting up of local environmental groups, and residents' information packages.

7.687 Officers support the proposals to actively support the existing and future community in and around the new settlement. A dedicated community development manager (and other supporting staff if required) with a remit to engage with and invest in community activities and help to tackle challenges arising during build out, including potential construction impacts on new and existing residents will assist in achieving this. This is important in the earliest phases, while residents get to know each other and before there are enough people to create the critical mass to spontaneously generate sports and social groups. The job description for the community development manager (and any supporting staff agreed to be necessary) will be required for submission to the local planning authority for its written approval. The role may also form part of the wider long-term stewardship and governance structures discussed in chapter (p) and as part of a programme of workshops and engagement with key stakeholders. These provisions, particularly the securing of a community development manager and other commitments accord with Policy SS9 and national policy requirements.

Summary of social and community infrastructure

7.688 The development of a new settlement must go beyond the management of green space, spaces and buildings; putting local people at the heart of this process can generate increased local support, creativity and entrepreneurialism. Provision for a vibrant social life is one of the leading characteristics of historic garden city/town developments. The package of social infrastructure presented in the application would help to ensure the new settlement is also characterised by its own social and cultural vibrancy. The changes to the application, together with proposed conditions and s106 legal obligations, secure firm and tangible commitments to community

development within the application, particularly in the early stages of development. This is critical in ensuring that early 'pioneers' at the new settlement feel a genuine affinity to the place and its long-term success and weighs in favour of the application.

- 7.689 The broad approach to the amount and type of facilities, as presented in this strategy, has been discussed and agreed in principle between the relevant planning, education and community services stakeholders at KCC, the health authorities and the LPA over a number of years. The land to meet this need together with further precise delivery details will be secured through the s106 legal agreement and the tiered approval process. Significant changes have been made to the application to reflect stakeholder feedback with the most significant change being the addition of two safeguarded school sites, which could be used to deliver a primary school, secondary school or special school or a mixture of provision, if required in the later phases of development to meet the education needs of The new settlement residents. The overall quantum and delivery mechanisms proposed for health and education accord with Policy SS6 and also support the vision for a healthy new town outlined in Policy SS7. The wider proposals for community facilities and community development support local and national policies in enabling the settlement to become self-sufficient and for critical and necessary infrastructure to be provided in a timely manner to service the quantum of development proposed.
- 7.690 Key infrastructure would be provided consistent with the overarching aim to provide relevant infrastructure in advance of the proposed development. The stakeholders will continue to work together across a range of community and social infrastructure through long-term monitoring arrangements to be secured through s106 legal agreement including engagement with stakeholders on the detailed design and delivery of individual facilities for early phases.

m) Construction, utilities and infrastructure delivery

- 7.691 The creation of the new settlement is a long-term initiative, indicatively lasting 20 to 30 years and delivered through a phased approach. The Core Strategy Review recognises that initial development would focus on new housing in and around a town centre (Policy SS7(2)) and additional village neighbourhoods would grow around this core. The creation of a new settlement generates economies of scale that can be used to deliver critical and necessary infrastructure at the earliest opportunity and throughout the town's development.
- 7.692 Policy SS9 establishes the need for the settlement to be self-sufficient with critical and necessary infrastructure being provided in advance of the proposed development or alternative provision being secured and agreed with the relevant provider to meet requirements.
- 7.693 Policies for the new garden settlement are supported by the infrastructure delivery schedule set out in Appendix 5 of the Core Strategy Review and the proposed heads of terms and draft planning conditions (Appendix A and B) secure these items. This is intended to give adequate certainty to guide a development of this scale, given that it would be built out over several decades with some development beyond the plan period, while recognising that it is not possible to fix every element of the scheme before the development commences. Some elements of infrastructure provision would be affected by new technologies, for example, or wider changes in society such as the ability to work from home, that cannot be predicted with certainty looking several decades ahead.
- 7.694 With this timeframe in mind, provision of utilities and wastewater treatment would follow a phased approach which would assist the delivery and integration of the new settlement into its surroundings ensuring that there is sufficient supply to meet the development needs and seeking opportunities for improvement to supply and connectivity for existing local communities.
- 7.695 The delivery of infrastructure is specifically addressed in the Off-Site Infrastructure Assessment and the Utilities Strategy. The approach to construction and demolition is also described in the ES and assessed below.

Pre-commencement and enabling works

- 7.696 The following pre-commencement and enabling works activities would be carried out (as required) prior to the commencement of each phase of the construction works:

- preparation of a Code of Construction Practice (CoCP) using the principles set out in the Outline CoCP submitted with this application, and approval by F&HDC;
- securing of construction site boundaries via the use of hoardings;
- set-up of contractor welfare and site accommodation;
- implementation of site investigation works and any required remediation works;
- archaeological geophysical surveys, evaluations and building record surveys;
- protection of existing trees, hedgerows and ecologically sensitive areas to be retained within and adjacent to the proposed areas of development via the implementation of appropriate fenced off Root Protection Zones (RPZs) in accordance with the requirements of BS5837:2012 'Trees in Relation to Design, Demolition and Construction';
- prepare and implement an off-site compensation strategy for wintering woodlark;
- appropriately timed tree and vegetation clearance;
- implementation of any necessary service infrastructure works, such as re-routing existing utility works. Construction Vehicle Access Routing and access of construction vehicles and haul roads has not yet been determined. This would be determined on a phase-by-phase basis during Tier 2 and Tier 3. For the purpose of the assessments, it has been assumed that any of the public highways up to 500m from the proposed development could be used for construction access.
- a Construction Traffic Management Plan (CTMP) would be provided for each phase of work to identify appropriate routing for Heavy Goods Vehicles via the M20 and A20, avoiding existing settlements where possible and minimising noise and air quality impacts.

7.697 These measures are secured via conditions requiring a Code of Construction Practice and a range of other requirements relating to archaeology, hours of use and tree protection measures. Prescribed enabling works are included as a defined term in the proposed planning conditions.

Site preparation and construction works

7.698 Given the outline nature of the development proposals, the level of detail of proposed construction techniques to be used are necessarily broad at this stage. Conservative assumptions of construction methods have been used to determine likely construction impacts. These have been reviewed and are found to be reasonable.

7.699 Detailed Construction Method Statements for individual plots and buildings would be required to be submitted for approval at Tier 3 (Reserved Matters).

Demolition works

7.700 The proposed development would require the demolition, or potential demolition, of a number of properties as indicated on plan OPM(P)1018_YY – Existing Buildings to be Demolished and Retained. At this outline stage it is anticipated that groundworks would include creation of development platforms, and groundworks associated with access and utilities, drainage infrastructure and landscaping. Therefore, the application assumes that over the proposed development a cut fill balance can be achieved. Further details of any land profiling and detailed topographical studies together with a soil resources plan would all be required as part of Tier 2 and 3 planning conditions.

Construction works

7.701 Below ground construction works would include foundation construction and the installation of utilities and services. Due to the type and nature of the proposed development, it is unlikely that basements would be included. The above ground development is anticipated to comprise a variety of materials including brick, concrete, timber and steel. At this outline stage, the exact mix or quantities of materials cannot be determined but a number of assumptions have been made based on the use classes and floor spaces provided to complete the assessments provided in this ES. These assumptions are set out in Chapter 8 of the ES and are acceptable for this stage of the development.

Construction hours and workforce

7.702 The application includes assumptions regarding the normal working hours as set out below.

- 08:00-18:00 Monday to Friday;
- 08:00-13:00 Saturdays; and
- No working on Sundays, Bank Holidays or other public holidays.

7.703 Under special circumstances it may be necessary to work outside of these hours. In such cases, the scope of works and durations of activities would need to be agreed with the LPA via conditions.

7.704 Adverse impacts can arise from day-to-day construction activities or from individual instances resulting from poor operation practices or management. However, most potentially adverse impacts can be reduced or offset through the implementation of effective management controls. An overview of those management controls proposed to be implemented in respect of the proposed development to minimise its potential environmental impact during the demolition and construction phases is set out below.

7.705 Detailed assessments of the likely significant effects during the demolition and construction phase are set out in the respective technical chapters of the ES. All construction activities as described above would be governed by a Code of

Construction Practice (CoCP) secured via planning conditions at Tier 2 and Tier 3 stage. The outline planning application sets out the principles of demolition and construction phase mitigation with which future submissions would need to comply.

- 7.706 For each reserved matters application at a plot level and within a specific phase, a detailed CoCP would need to be prepared by the principal contractor. The detailed CoCP would be required to elaborate on the principles set out in the outline CoCP tailored for the phase coming forward and cognisant of any additional information which has come forward over the intervening time period. The detailed CoCP would also take into account any legislation, guidance or best practice which has come forward over the intervening time period from this outline CoCP. The application states that this would be imposed by contract or other legal agreement with those parties. Nonetheless, it would be secured via planning condition and enforceable by the local planning authority.
- 7.707 The purpose of the CoCP is to identify potential adverse environmental issues, to specify measurable limits and targets, and to detail the mitigation measures to be undertaken and the management tools and procedures required. The CoCP would therefore provide an operational manual detailing the management, monitoring, auditing and training procedures to be followed during the works to ensure compliance with relevant legislation. It would also set out the specific roles and responsibilities of the contractors and wider project team personnel.
- 7.708 All proposed mitigation measures relating to the demolition and construction phases, suitable for inclusion in the CoCP, and identified in the technical chapters of this ES have been included within the Outline CoCP. Such CoCP measures are therefore assumed to be in place prior to the assessment of construction impacts for each topic assessment.
- 7.709 The construction related aspects of the ES have been reviewed throughout the evolution of the application and sufficient information on construction timescales and activities is provided for the Proposed Development in Chapter 4.
- 7.710 As part of the review of individual topic areas the officers have undertaken a full review of construction impacts and where necessary requested further information or clarifications, such as in the case of construction noise where the applicant has provided an acceptable construction assessment in line with recognised industry criteria. Construction noise is predicted to be not significant with BPM and mitigation in place.
- 7.711 A full assessment has been undertaken of the outline application using available information and parameters. For later phases an assessment of effects on newly introduced residents of earlier phases would be undertaken as further detailed design is developed and once the phasing has been agreed with the LPA. These submissions would therefore have to demonstrate that

there are no new material changes or significant effects on newly introduced receptors from construction activity or traffic noise.

Offsite works

7.712 An assessment has been undertaken of the potential environmental effects of the off-site infrastructure works based upon the best understanding of the likely nature and location of the works where possible. The works screened for assessment included:

- sewage discharge off-site to Sellindge WwTW;
- connection with Sellindge grid substation;
- sewage outfall to the East Stour River from the onsite WwTW;
- water main reinforcement to Paddlesworth Reservoir

7.713 The purpose of the Off-Site Infrastructure Assessment is to provide an assessment of the environmental effects associated with off-site infrastructure works required to serve the development. Given that these off-site infrastructure works are likely required to construct and operate the proposed development, the potential for significant environmental effects of the works has been considered, in line with the EIA Regulations. This assessment provides an appropriate desk based environmental assessment of these off-site infrastructure works, identifies likely potential significant effects and mitigation where possible. It is noted also that, when the consent applications (if required) for the off-site infrastructure works are brought forward, they would be undertaken by third parties e.g. the Highways Authority or the relevant statutory undertaker, which would be responsible for carrying out a separate environmental assessment of the detailed offsite infrastructure works proposals when submitted for approval (if required) from the determining authority, or in accordance with the statutory undertaker's governance processes.

7.714 These off-site works have been reviewed and officers agree that the likely significant effects of the proposed development in combination with the off-site infrastructure works would be the same as the proposed development in isolation. In previous iterations of the ES the exception to this is the effect on ecology, where the water main reinforcement to Paddlesworth Reservoir passes through designated sites. Further information has been supplied during the application's consideration which provides a considered evaluation of the potential impacts on the proposed development in combination with the Paddlesworth Reservoir works. This accounts for reasonable worst-case scenarios in the absence of detailed design or assessment of the Paddlesworth Reservoir scheme and is acceptable.

Potable water

7.715 There is a sufficient potable water supply for the early phases of the new settlement (up to 1500 homes) and the surrounding catchment and this has

been confirmed by Affinity Water. Following the delivery of the first 1,500 homes an approximately 11km long new water main would be constructed between the development and Paddlesworth Reservoir (which is located to the northeast of the Site). The water main would follow the same alignment as an existing water main, rather than upsizing the existing main. The new water main would be delivered by a statutory undertaker but has been assessed within the EIA submitted as part of this OPA. To ensure this position is not compromised as the scheme is delivered a planning condition is proposed to ensure sufficient capacity is made available beyond existing water supply capacity.

- 7.716 As discussed in the Water Resources chapter water consumption would be limited to 110 litres/person/day with the inclusion of water efficient fittings and the adoption of recycling initiatives to ensure that this resource is managed effectively. This complies with Policy SS8 (b) is also secured via planning condition.

Electricity

- 7.717 An upgrade at Sellindge Grid Substation is assumed to be delivered to serve the new settlement, supplying electricity via a new primary substation, to be built on the site. The substation would be provided on land adjacent to the Otterpool Lane/A20 road junction. Minor off-site reinforcement works would be undertaken by UKPN at Sellindge Grid substation with upgrades to the existing circuitry. This upgrade would facilitate connections from Sellindge to the new on-site primary sub-station. Depending on connection options for the new primary substation, modifications to two pylons located within the new settlement site may be required. Package substations would be provided in various locations throughout the development. The actual number would be dependent on power demand as the build-out progresses and as such, would be delivered in a sequential, phased approach.
- 7.718 These upgrades would also need to allow for electric vehicle charging in readiness for 2030 when the sale of new petrol and diesel cars is anticipated to end. All residential properties would use electricity only for heat and power with solar panels and air source heat pumps fitted from the start of the development as discussed in the energy chapter.

Gas

- 7.719 There is very limited existing gas infrastructure in the immediate surrounding area of the proposed new settlement. The applicant has stated its commitment to no gas for residential properties from the start of the development. It is possible that other uses on the site such as commercial may require a gas supply. However, in the light of the environmental sustainability issues discussed elsewhere in this report it is recommended a planning condition to secure approval in exceptional circumstances for the use of low-pressure gas to commercial uses as the development evolves which would also allow time

for further opportunities to avoid the use of gas within the non-residential elements to be explored.

Wastewater

- 7.720 As discussed in detail in the Water Resources Chapter the application states the preferred option for wastewater treatment is to dispose of wastewater by a new purpose built onsite WwTW in the northwest corner of the site itself (in Development Area HT.5 shown on the Development Areas and Movement Corridor parameter plan), which could then be operated by a New Appointment and Variation company rather than incumbent Southern Water. There are currently no nutrient loading parameters for the WwTW, however the process selected would achieve the Environment Agency's discharge parameters, through consultation with the Environment Agency these have been indicatively provided as Biological Oxygen Demand (BOD) (5mg/l), Ammonia (0.5 mg/l) and Phosphorus (0.1 mg/l) for the worst case upstream onsite discharge outfall.
- 7.721 A total of 35.68 ha of wetland would be provided across the site in order to meet these discharge rates (indicative areas are shown on the Surface Water Drainage Strategy Overview Drawing in Appendix E of the Water Cycle Study. The WwTW would be subject to the environmental permitting regime.
- 7.722 It is therefore proposed to treat the new settlement's wastewater on-site generating a high-quality output which is discharged to the River Stour East. Further treatment by filtering through wetlands will ensure that the discharge meets the Natural England criteria for a nutrient neutral solution. A phased approach to delivery of this facility ensures that the new settlement retains the ability to introduce the latest technology keeping it at the forefront of wastewater treatment innovation throughout the delivery of the new settlement.
- 7.723 The application has also assessed the possible disposal of the wastewater off-site to the Southern Water's existing Sellindge Wastewater Treatment Works (WwTW), located approximately 1 km northwest of the site, which could come forward after the initial development phase of the WwTW, following resolution of nutrient neutrality issues. However, this solution would involve upgrading Sellindge WwTW and be dependent on the outcome of current investigations by Natural England and Environment Agency to understand the potential negative impacts on the downstream Stodmarsh lakes European designated sites. The applicant has stated that the preferred option is to implement an on-site treatment works and therefore planning conditions are proposed to secure details of the phasing and implementation of the facility under condition T1(14).

Telecommunications

- 7.724 There is a commitment to ensuring that all properties benefit from high-speed fibre broadband connectivity. This ensures that future residents and businesses at the new settlement benefit from access to the latest technology and assists

in the creation of a development that can support the high technology business community of the future, whilst also supporting home-working and media access to the home. As the development progresses, robust broadband provision has the potential to assist with healthcare initiatives and assist in the overall sustainability of the new settlement. The application states that consultation with relevant providers has confirmed there is no barrier to maximum broadband speeds that could be achieved. A planning condition is proposed to secure installation of fixed telecommunication infrastructure and minimal speeds of 100MB with connections to multi point destinations and all buildings including residential, commercial and community.

n) Waste and minerals resources

7.725 The current adopted Minerals and Waste Local Plan is the Kent Minerals and Waste Local Plan 2013-30 (KMWLP) as amended by the early partial review in September 2020, and the Mineral Sites Plan 2020.

Minerals Assessment

7.726 The KMWLP includes a series of maps showing the Mineral Safeguarding Areas (MSAa) for each district within the county. The Shepway MSA map is presented at page 167 of the KMWLP and identifies MSAs for the following deposits in the area of the site:

- Sub-alluvial River Terrace
- Sandstone (Sandgate Formation)
- Limestone (Kentish Ragstone – Hythe Formation)
- Silica Sand / Construction Sand – (Folkestone Formation)

7.727 MSAs are defined simply on the basis of geological mapping and do not in this case consider existing constraints and sterilisation of deposits, mineral quality, thickness of deposit and viability of extraction.

7.728 A Minerals Resource Assessment (SLR, March 2022) has been carried out using data sources obtained from the public domain and to produce a geological model for the area. The MA considers the potential economic importance, or basic viability of all the identified safeguarded minerals coincident with the proposed development.

7.729 With regard to the landwon mineral safeguarding assessments, the application identifies those minerals that can be exempted from further safeguarding consideration on lack of economic viability grounds. The minerals that are considered to be of little/ marginal or no economic value include the superficial Sub-Alluvial River Terrace sands and gravels and the Sandgate Formation. The Sub-Alluvial River Terrace are of limited occurrence and have a significant degree of silt (clay) content at 29% and therefore officers agree with the KCC assessment that exemption criterion 1 of Policy DM7: Safeguarding Mineral Resources is engaged. Similarly, the Sandgate Formation is more characterised as a clay material in the Otterpool Location. There is no modern mineral industry utilising the Sandgate Formation in Kent and therefore it is also reasonable to conclude that the deposit is of no economic value and that exemption criterion 1 of Policy DM7: Safeguarding Mineral Resources applies.

Safeguarding Minerals Resources

7.730 In respect of the two remaining minerals Hythe Formation (Ragstone) and Folkestone Formation (Soft Sand) KCC in its role as the Waste and Minerals Authority raised concerns regarding the way in which the exemption had been

applied and in particular the potential for prior extraction of soft sand. KCC accepts that it is likely the ragstone material is not sufficiently economically attractive and therefore a policy exemption could be made.

7.731 The KWMLP (2020) recognises the process of Local Plan formulation, including consultation, independent examination and subsequent adoption provides the opportunity to take account of, and address, the need for the safeguarding of mineral resources. It is therefore material to note that during the earliest stages of plan production the geo-environmental considerations included an assessment of the productivity of land in making a clear judgement about where land is allocated in a Local Plan for surface development, such as housing. Notwithstanding the need for a further policy assessment at planning application stage, the presence of a mineral resource, and the need for its safeguarding, has been factored into the consideration of whether the allocation for the new settlement is appropriate.

Application of Policy DM7

7.732 KMWLP (July 2020) Policy DM7 sets out the circumstances where non-minerals development of an MSA may be acceptable. The aim of minerals safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs. Proposals located in MSAs would need to be accompanied by a 'Minerals Assessment.'

7.733 Extraction of aggregate can be a high-cost exercise, requiring significant up-front investment from an operator. Given the high capital costs for extraction and processing plant, prior extraction could be viable if the mineral could be transported to an existing or similar quarry for processing. However, the distance to existing sites (predominantly near to Maidstone) of around 35 miles is such that this is unlikely to be cost effective. This factor weighs in favour of the exemption being applied on the grounds of extraction not being viable or practicable (KMWLP Policy DM7 Criterion 2).

7.734 Moreover, extraction and processing are often market-led, in that the material is generally extracted and processed to order. In the absence of a defined market beyond the local open market for aggregates which is served by existing operations, it would be difficult to extract and stockpile the volume of mineral available without substantially prejudicing the ability to implement the new settlement scheme thereby affecting the deliverability of the development (KMWLP Policy DM7 point 3).

7.735 However, the officers also agreed with a number of specific deficiencies identified by KCC in the original assessment and a further note was requested. An addendum to the minerals assessment has been provided addressing these points which elaborate on the specific circumstances:

- the location of the Hythe formation being limited to the triangle of land which forms part of the locally designated Special Landscape Area;
- the need for this same triangle of land to deliver a competing policy requirement to deliver a wide range of employment types and tenures in order to meet the Council's district-wide employment needs as well as ensuring a sustainable development pattern in which employment and residential development is delivered in step;
- a corresponding strategic and urgent need for a waste transfer facility identified by KCC operational waste team – the application for prior extraction could potentially delay the delivery of this new facility for an extended length of time leading to highly unsustainable cross-boundary waste movements and poor waste self-sufficiency;
- the ambition to deliver a relocated rail station facility in this location which could deliver a step change in public transport accessibility – a requirement for prior extraction in these circumstances is likely to frustrate these objectives;
- the recent scheduling of a large barrow group to the west of Barrow which particularly impacts on a significant portion of the Folkestone Formation – any works within or within the setting of the Scheduled Area would require close liaison with Historic England as well as requiring, in some instances, Scheduled Monument Consent;
- the recent requirement to deliver a new on-site Waste Water Treatment Works with associated wetlands to meet Nutrient Neutrality requirements of Natural England and the Habitats Regulations further diminishes the area currently indicated to be form of the Folkestone formation.

7.736 Under criterion 3 it would need to be demonstrated that the mineral can be extracted satisfactorily prior to the non-minerals' development taking place without adversely affecting the viability or deliverability of the non-minerals development. The tiered approval process required by the Core Strategy Review (2022) and employed in the outline planning application is specifically designed to respond to the specific requirements of delivering a new settlement. This requires a degree of flexibility to phasing that would not be compatible with minerals production which are industrial in nature.

7.737 The approach to phasing is also central to achieving the housing trajectory outlined in the Core Strategy Review such that the imposition of prior extraction, even for a temporary period, is likely to impact negatively the delivery rates agreed through the examination and adoption of the Core Strategy Review. As identified by the Inspectors there would be few other sites delivery housing in the district and none on a large scale from the middle to the end of the plan period and therefore new housing is likely to be focussed on the new settlement. At the same time, the need to retain the ability for overlapping phases also means ensuring the delivery of homes that are accessible to as many people as possible by offering a broader range of housing types and tenures than many smaller developments could deliver. A

development of this scale has the ability to keep delivering though a number of economic cycles, in line with the Letwin Review, but a requirement for prior extraction would adversely affect the ability of the project to deliver the scale, type and tenure of homes that underpins the site allocation.

7.738 The assessment submitted with the application states that prior extraction at the site would result in the restored landform being at a lower level than the surrounding topography and the creation of a void would result in long term negative visual impacts on the landscape in direct conflict with the landscape-led policy objectives discussed elsewhere within this report. Balanced against this, KCC states that for soft sand this would not necessarily entail deep excavation which would reduce the potential negative impacts on developable land. Nevertheless, retention of a quarry void could, depending on the depth of the excavation and the elevation of the water table, result in the creation of an open water body. These factors add moderate weight to an exemption justification under criterion 3.

7.739 Were prior extraction to take place residents living close to mineral workings may be exposed to a number of significant environmental effects that would need to be considered cumulatively. Criterion 3 further refers to Policy DM9 which states that planning permission would be granted for developments if the proposal would not cause unacceptable adverse impacts to the environment or communities. It is therefore material to consider whether or not adequate protection to nearby residents is practicable including requirements for landscaping works such as bunds, screening, and planting. Any such facility would also potentially need to co-exist with: the permitted waste facility at Otterpool Quarry; the proposed on-site Waste Water Treatment Works together with associated wetlands to address Nutrient Neutrality; the designation of heritage assets including the Barrow Group which is of National Significance; landscape impacts on the Special Landscape Area (SLA) and adjacent setting of the AONB; together with new or replacement waste facilities within the site allocation required by KCC. When overlaying these spatial requirements onto the two outstanding minerals it remains highly unlikely mineral extraction could be achieved in spatial terms or without causing unacceptable adverse impacts to the environment or communities contrary to Policy DM9.

7.740 Taking all these factors together officers are of the view extraction would not be either viable or practicable (Criterion 2) or that extraction could be achieved satisfactorily without adversely affecting the viability or deliverability of the non-minerals' development (Criterion 3). For the above reasons, the application adequately demonstrates an exemption from the presumption to safeguard for the identified minerals to satisfy national and local mineral safeguarding. Notwithstanding this assessment, to respond to the specific opportunities related to opportunistic extraction of soft sand within the site area planning conditions are proposed to secure the exploration of these opportunities.

7.741 Notwithstanding the above assessment, the use of materials derived through incidental extraction during the development could still be considered, subject to confirmation of their properties to reduce the demand for importation of construction aggregates from off-site sources. Further ground investigation would be required to assess the potential for incidental use and could be considered during the detailed design stages of the proposed development where excavations for civil engineering purposes may be required. Officers are in agreement with KCC that this presents significant opportunities to exploit incidental opportunities during the construction period to meet the development's own demands for construction materials from a sustainable source that would reduce transport movements. Planning condition T2(9) will secure this.

Waste assessment

7.742 KMWLP (July 2020) Policy CSW3 seeks new development to minimise “the production of construction, demolition and excavation waste” and manage waste in accordance with the Waste Hierarchy⁴³ (Policy CSW 2). KMWLP Policy CSW4 states new development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste would be stored, collected, and managed.

7.743 Policy SS8 of the adopted Core Strategy Review requires the submission of a Waste Strategy and Outline Site Waste Management Plan. Policy SS9 of the adopted Core Strategy states that the settlement should be self-sufficient regarding education, health, community, transport, and other infrastructure, where necessary allowing for the expansion and improvement of nearby facilities such as secondary education and waste.

Environmental Statement (ES)

7.744 The ES sets out an assessment of waste and the impacts that might be experienced during construction and on completion of the development. The chapter considers the impacts on the environment because of the generation of construction, demolition, and excavation (CD&E) waste, as well as operational waste, and includes measures to mitigate these impacts. The ES Chapter has also been prepared alongside and informed by the Waste Strategy (ES Appendix 17.1) and the Outline Site Waste Management Plan (SWMP) (ES Appendix 17.3). Concerns were raised by KCC as Waste Planning Authority that the ES does adequately reflect the most up to date picture of strategic waste capacity. To address this concern an update to the Waste Strategy is proposed to be secured via planning condition T1(6).

⁴³ A concept devised by EUWFD (2008/98/EC) conveying waste management options in order of preference; waste prevention (most preferred) followed by reduction, recycling, recovery, and disposal (least preferred).

- 7.745 At the time of the submission of amendments (April 2022) additional operation phase mitigation was proposed in the form of a financial contribution to KCC for additional waste transfer station capacity to address the deficiency. The ES chapter assumed this would comprise a short-term solution based on existing sites with a long-term solution based on finding a suitable site for an alternative WTS within Folkestone and Hythe. KCC however disputes there is sufficient waste transfer capacity across existing sites. Clarification was sought on the effect of this in the absence of an alternative WTS site which was confirmed to be significant. The cumulative assessment noted a major adverse effect on waste management prior to the alternative WTS being operational.
- 7.746 Since the submission of the updated outline planning application (April 2022) collaborative working between KCC and F&HDC has progressed work to identify an alternative site nearby, as envisaged in Policy SS9. This is being pursued to serve existing and projected demand for additional waste transfer facilities given existing facilities in Ashford are at capacity. It is important to note a new site would be designed and planned to provide district-wide capacity as well as to deal with the site's waste arisings.
- 7.747 There have been extensive discussions between the parties but there continues to be a difference of view between the applicant and KCC as Minerals and Waste Planning Authority as to how the acknowledged requirement for mitigation to meet the site's waste arising should be met. The ES refers to the County Council's statutory duties to provide waste transfer facilities whilst KCC suggest the application should also be required to provide land for a new waste transfer facility in the event an off-site solution is not available. In order to overcome its objection KCC has suggested draft wording for the Heads of Terms that would safeguard land for a new district-wide waste transfer facility unless and until a site is secured.
- 7.748 Officers have carefully considered the representations made by both KCC and the applicant on this subject. There are a number of reasons why officers are unable to recommend KCC's preferred approach in this particular instance. Officers agree that whilst a development opportunity of this scale should reasonably be expected to consider the need for strategic infrastructure requirements, the specific circumstances of waste transfer station capacity is distinct to that of other requirements, such as education. Firstly, there is no requirement in the Core Strategy Review for a new district-wide waste transfer facility to be located within the site allocation. Whilst there is mention of a requirement to meet the needs of the development in general terms no specific requirement for a new waste site can be identified. SS9 makes specific reference to allowing for the expansion and improvement of *nearby* facilities. Appendix 5 (Indicative Infrastructure Delivery, Phasing and Management) makes no specific reference to such a requirement and Planning Practice Guidance is clear that plans should set out the contributions expected from development towards infrastructure⁴⁴ so that policy requirements can be

⁴⁴ Paragraph: 010 Reference ID: 23b-010-20190315

accurately accounted for in the price paid for land. There was no apparent request or discussion regarding an on-site facility during the examination in public into the Core Strategy Review.

7.749 Secondly, planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. The third of the tests set out in Regulation 122 is whether it is fairly and reasonably related in scale and kind to the development. KCC acknowledges in its response the need for proportionate contributions. However, officers do not regard the suggested request for safeguarding and contribution to be CIL-compliant as it would result in the applicant being required to bear additional cost and meet the cost of disposing of waste arising from other developments or sites. For these reasons, officers are unable to recommend this option.

7.750 KCC does, however, suggest alternative wording in the event the local planning authority is minded to take a different view. This would maintain the requirements to establish a Waste Review Group to secure ongoing joint working on the detailed design and delivery of this facility. A contribution towards waste capacity to meet the site's waste needs would also be secured via s106 legal agreement. This has been calculated in accordance with the draft Kent Developer's Guide which underwent consultation between 8 December 2022 and 2 February 2023 and is currently under review. The form of contribution would be agreed before the s106 is finalised. This would require the owner(s) to meet the cost of disposing of waste arisings from the development but not being required to bear any additional cost in that regard and is therefore considered to be CIL-compliant. The Waste Review Group will formalise joint working between the parties to work towards securing an off-site waste transfer facility capable of accommodating the waste arisings from the development. KCC highlights the existing close collaboration to bring forward a new WTS. Thus, there is a reasonable prospect of a site coming forward to meet the site's waste arisings.

7.751 In combination, officers are satisfied these provisions, secured via proposed Heads of Terms and a planning condition requiring updates and reviews of the Waste Strategy over time, meet the need for mitigation as well as addressing local waste planning policies. Officers are of the view these measures respond appropriately to the KCC waste objection while being CIL compliant. The assessment of residual long-term effect (minor adverse) with the alternative WTS in operation is therefore agreed. In this context, the local planning authority agrees with the overall conclusions of the ES in respect of construction phase effects, operational waste, and cumulative effects.

Waste targets

7.752 Six targets have been set for the proposed development to achieve from 2025. Targets have been set for Commercial & Industrial (C&I) waste, Household waste and Construction & Demolition (C&D) waste.

TYPE	TARGETS
C&I TARGET 1:	Minimum 65%* of C&I waste sent for reuse, recycling, or composting (*75% by 2035)
C&I TARGET 2:	Maximum 5% of C&I waste sent to landfill (*75% by 2035)
HOUSEHOLD TARGET 1:	Minimum 65%* of household waste sent for reuse, recycling, or composting (*75% by 2035)
HOUSEHOLD TARGET 2:	Year on year decrease in residual waste per household. Aspirational target of 350kg of residual waste per household
HOUSEHOLD TARGET 3:	Maximum 1% of household waste sent to landfill
C&D TARGET:	Minimum 85%* of C&D waste to be reused or recycled, with 100% diversion from landfill (*90% by 2035)

Table 27 - Waste Targets

7.753 The above targets support the objectives of Policy CSW2, accord with the waste hierarchy⁴⁵ and would be secured via legal agreement with a requirement for a review of the Waste Strategy and Tier 2 and 3 submissions required to demonstrate progress against the targets.

Waste Hierarchy

7.754 The Waste Strategy explains the contribution that improving the management of waste can have in helping to tackle climate change and other environmental impacts. It also promotes a circular economy approach, seeking opportunities to design out waste, design for longevity and flexibility, design for resource efficiency, reuse items of value, and keep them in circulation longer. It comprises a number of proposals to be worked up in detail as the development progresses which would form part of the activity of the proposed Waste Review Group secured via the s106 legal agreement and monitored through the tiered approval process:

- incorporate proposals for 'bring' sites with management secured through the Long-Term Stewardship Vehicle;
- a community closed-loop composting initiative;
- fully segregated waste streams across all building categories with floorspace allocation for waste storage for each building type to factor into detailed design;
- in relation to achieving the commercial waste target a Businesses Awareness Campaign;

⁴⁵ A concept devised by EUWFD (2008/98/EC) conveying waste management options in order of preference; waste prevention (most preferred) followed by reduction, recycling, recovery, and disposal (least preferred).

- other public incentives scheme such as a scheme to incentivise participation in recycling including performance-based charging schemes.

7.755 The application seeks to achieve a step change in commercial waste services in reaching the strategy's objectives and targets. KCC as Minerals and Waste Authority welcomes further discussion of these initiatives and their practical implementation through the next stages of the development to ensure integration with the current Waste Collection Authority (WCA) and WDA Infrastructure. This is secured through planning conditions at Tiers 2 and 3, the update to the site-wide Waste Strategy and joint working with KCC through the Waste Review Group established via the s106 legal agreement. Waste Management Statements required via condition at Tiers 2 and 3 include a requirement to support implementation of the circular economy approach advocated in the submitted Waste Strategy.

Outline Site Waste Management Plan

7.756 An Outline Site Waste Management Plan has been submitted in accordance with the WRAP's⁴⁶ template. Although SWMPs are no longer a statutory requirement a SWMP has been submitted to facilitate good industry practice and record duty of care information. This demonstrates the project has given consideration to the potential impacts that construction, demolition, and excavation (CD&E) waste arisings may have on the environment and where possible minimise waste and where this isn't possible, to have in place systems which maximise the beneficial use and recycling of materials.

7.757 This provides a consistent framework for managing and documenting material resources used and waste arisings during the CD&E phases, meeting regulatory control, reducing waste disposal costs, and recording decisions that demonstrate good and best practice in materials use and waste minimisation and management. To secure these measures appropriate planning conditions are necessary to secure implementation at a phase and plot level and these have been included at Tier 2 and Tier 3 level.

7.758 Overall, subject to a planning condition requiring regular reviews, the Waste Strategy is underpinned by local, regional, and national waste legislation & policy requirements, Waste Management Plan for England 2021, and the Environment Act 2021. It accords with development plan waste policies.

Permitted Waste Facility

7.759 The OPA, as submitted, shows built development in the location of a permitted waste facility at Otterpool Quarry, Ashford Road. Kent County Council granted planning consent for the permitted waste facility in March 2011 (application

⁴⁶ Waste and Resources Action Programme.

reference no. SH/08/124). Specifically, the planning application sought construction and operation of a materials recycling facility, anaerobic digestion plant and associated office and parking facilities.

7.760 KCC has confirmed that works to the permitted access arrangements have been undertaken. Following the receipt of legal advice, KCC has confirmed that the extent of these access works is sufficient to constitute commencement of the consented development. On this basis, it is considered that the permitted waste facility planning permission has been implemented. However, the permitted waste facility development has not been completed and has therefore never been operational.

7.761 Policy DM8 of the KMWLP confirms that planning permission would only be granted for development that is incompatible with the permitted waste facility at Otterpool Quarry where it can be demonstrated that one of seven criteria can be met. The applicant has submitted an Infrastructure Assessment that seeks to confirm the requirements of KMWLP Policy DM8 as amended by the Early Partial Review. The assessment submitted by the applicant focusses on criterion 6. Only one of the seven criteria needs to be appropriately demonstrated for KMWLP Policy DM8 to be satisfied.

7.762 On this basis the permitted waste facility is recognised in the development plan as an ‘existing facility.’ The KMWLP (as amended by Early Partial Review) confirms that ‘existing facilities’ are facilities which have permanent planning permission for minerals and waste uses and therefore the safeguarding policies (including Policy DM8) are engaged.

Assessment against DM8

7.763 As stated earlier, the outline planning application includes two alternative sets of Parameter Plans. Series 5 shows the retention of the permitted waste facility in situ and Series 4 shows the development without that facility.

DM8 Policy Criteria	Assessment
<p>1. It constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions;</p>	<p>This criterion does not apply.</p>
<p>2. It constitutes development on the site that has been allocated in the adopted development plan where</p>	<p>The KWMLP (2020) recognises the process of Local Plan formulation, including consultation, independent examination and subsequent adoption</p>

<p>consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully or considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable;</p>	<p>provides the opportunity to take account of, and address, the need for the safeguarding of mineral resources. It is therefore material to note that the during the earliest stages of plan production the Strategic Growth Study (AECOM) did consider a full range of environmental considerations and constraints. No policy objections on these grounds were raised by KCC during the Regulation 18 and 19 stages of plan preparation. Nevertheless, officer assessment is that the threshold is not crossed for specific discussion during examination and therefore this criterion is not engaged.</p>
<p>3. Replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing;</p>	<p>Since submission of the updated OPA KCC and F&HDC has worked to bring forward a new waste site. This could potentially be of at least equivalent or better than that offered by the permitted facility - see further assessment below.</p>
<p>4. It is for a temporary period and would not compromise its potential in the future for minerals transportation;</p>	<p>These circumstances do not apply and therefore this criterion does not apply.</p>
<p>5. The facility is not viable or capable of being made viable;</p>	<p>These circumstances do not apply and therefore this criterion does not apply.</p>
<p>6. Material considerations indicate that the need for development overrides the presumption for safeguarding;</p>	<p>The Infrastructure Assessment puts forward a justification to depart by invoking criterion 6. A number of material considerations do exist that could potentially justify an exemption including the loss of a significant portion of housing central to the delivery of CSR with its wider environmental impact on placemaking objectives due to the site's central position in the masterplan. The precise impact in masterplanning and housing terms is less clear but would undoubtedly be significant. Consequently, consideration would need to be given to re-providing the primary and secondary school</p>

	currently illustrated north of the A20 elsewhere within the OPA area. There are potentially significant material considerations that indicate overriding circumstances.
7. It has been demonstrated that the capacity of the facility to be lost is not required.	This justification is not put forward by the applicant in the Infrastructure Assessment and officers agree this criterion does not apply.

Table 28 - DM8 Assessment

Replacement capacity

- 7.764 Policy DM8 goes on to say that where replacement capacity is being pursued it must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste (and materials/residues resulting from waste management processes) and minerals.
- 7.765 Since the submission of the updated OPA the County Council as Minerals and Waste Planning Authority has worked in close collaboration to bring forward a new waste transfer station in the vicinity. This joint working is ongoing. Alternative options have not been put forward as direct replacement capacity by the applicant but nevertheless progress has been made and there is a reasonable prospect of new waste capacity coming forward. Were an alternative waste site to come forward it might be possible to achieve improved accessibility that avoids movements through the existing constrained Newingreen Junction. Alternative waste capacity to provide a waste transfer facility would not be at the exact same level of the waste hierarchy to that permitted at Otterpool Quarry but only a similar type is required. Any alternative site would not therefore replace permitted AD or MRF facilities but KCC has confirmed in its representations that the Materials Recovery Facility (MRF) and Anaerobic Digestion elements of the permitted waste facility are not required.
- 7.766 Taking all these factors together two criteria under DM8 are engaged to justify the loss of a permitted waste facility (criteria 3 & 6). There is a reasonable prospect of new waste facilities being provided off site and commitments to ongoing collaborative working to secure a new waste transfer station are proposed through the Waste Review Group. Combined with the material considerations related to the central location of the existing permitted facility discussed earlier the threshold to justify the loss of a permitted waste facility set out in DM8 is passed. Only one criterion needs to be engaged to satisfy the policy.
- 7.767 A planning condition is recommended which will provide a mechanism by which Series 4 or 5 Parameter Plans are to be adopted. This will ensure that when the relevant parcel containing the permitted waste facility comes forward confirmation is provided of its availability to be developed in accordance with

this permission and a description of any consequential spatial changes is provided. The proposals are in alignment with development plan waste policies.

o) Climate change and environmental sustainability

The Climate and Ecological Emergency

7.768 In paragraph 7 of the NPPF (July 2021) the purpose of the planning system is aligned to the United Nations 17 Global Goals for Sustainable Development in the period to 2030, which includes ‘climate action’. Section 14 of the National Planning Policy Framework (NPPF) deals with climate change and how the planning should support the transition to a low carbon future in a changing climate. The NPPF also underlines the importance of mitigating and adapting to climate change as a function of sustainable development, emphasising that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions.

7.769 The NPPF states that local plans should take a proactive approach to mitigating and adapting to climate change, including providing a positive strategy to increase the use and supply of renewable and low carbon energy and heat. Additionally, new developments should be built in ways that both reduce vulnerability to the impacts of climate change and help reduce greenhouse gas emissions. Paragraph 153 requires local planning authorities to take a proactive approach to mitigating and adapting to climate change and refers to the provisions and objectives of the Climate Change Act 2008. In determining planning applications (paragraph 157), local planning authorities should expect new development to:

- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- b) take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

7.770 The NPPF recognises that well-designed open spaces can help efforts to address climate change. Policies CC1 to CC6 of the Places and Policies Local Plan address reducing carbon emissions, sustainable design and construction and sustainable drainage systems (SuDS).

7.771 The following application documents are of direct relevance:

- Sustainability Statement
- ES Chapter 8 – Climate Change
- Energy Strategy
- Strategic Design Principles
- Commitments Register
- Green Infrastructure Strategy

7.772 Folkestone & Hythe District Council declared a climate emergency along with many other councils in 2019. The scale and urgency of the climate change

emergency is such that tackling climate change is a material consideration to which significant weight should be attached. This also means that the need to ensure buildings become greener and more energy efficient has become more urgent as has the need to move away from fossil fuels and ensure the development of land contributes towards the adaptation to climate change. These matters are dealt with in the following sections.

Energy Policy Framework

- 7.773 The Places and Policies Local Plan sets out the energy hierarchy as a sequence for reducing carbon emissions, starting with reducing the need for energy by making changes to the design and fabric of a building ('fabric first'), then using energy more efficiently within the building, before using energy from renewable or low carbon technologies and finally ensuring that any fossil fuels that are required are used as efficiently as possible. All developments should already be implementing a 'fabric first' approach to reducing carbon emissions as Building Regulations relating to the energy efficiency of new buildings are generally achieved through the design and fabric of the building.
- 7.774 Policy CC1 states that *"Planning applications for all major new build housing developments and new non-residential buildings of 1,000sqm or more gross floorspace will be required to reduce carbon emissions by a minimum of 10 per cent above the Target Emission Rate, as defined in the Building Regulations for England approved document L1A: Conservation of Fuel and Power in Dwellings"*.
- 7.775 The Interim Future Homes Standard as translated into (Building Regulations 2022) seeks to achieve a 31% carbon reduction on 2013 Building Regulations. The Future Homes Standard expected in 2025 outlines a potential 75-80% reduction in carbon emissions on 2013 requirements. The Energy Strategy in commits to 45% carbon emissions reduction against current Building Regulation Standards (2013) for new homes.
- 7.776 This aspiration is supported by the Core Strategy which aims to minimise carbon emissions by reducing the emissions from new buildings. Policy SS3: Place-Shaping and Sustainable Settlements Strategy states that proposals should be designed to contribute to local place-shaping and sustainable development *"through appropriate sustainable construction measures, including water efficiency and a proportion of energy from renewable/low carbon sources on new-build development"* (paragraph (e)(ii)).

Environmental Statement

- 7.777 The ES climate change chapter considers both the effects on future climate arising from whole life Greenhouse House Gas emissions from construction and operation of the Development, and the vulnerability of the proposed development to climate change and impacts relevant to adaptation and resilience resulting from a changing climate. Further clarifications were

sought as part of the Review of the ES. Officers are satisfied with the responses received.

7.778 With respect to climate change resilience/adaptation, the ES sets out construction phase measures to mitigate these impacts. It provides a good level of detail of how the operational proposals would be resilient and adapt to future climate change, including reference to the Strategic Design Principles, Flood Risk Assessment and Green Infrastructure Strategy. This is acceptable. Production and implementation of measures set out within an Outline Climate Change Adaptation Plan would be undertaken at the next tier to ensure that appropriate measures are embedded into the design. This would be secured by Tier 2 planning condition which requires compliance with the Strategic Design Principles. A further specific requirement to consider opportunities to increase biogenic carbon sequestration is proposed to be added to the s106 legal agreement.

7.779 It is noted that a standalone biogenic carbon assessment has not been undertaken. However, the applicant has identified the outputs of the Environmental Benefits of Nature Tool (EBNT) that displays changes in ecosystem services over an up to 30-year period. This tool is underpinned by changes in habitats/land use data. The results show no material change in biogenic carbon sequestration, and it would therefore not change the outcomes of the assessment. This provides a useful initial assessment and further updates using EBNT would be secured via s106 legal agreement.

Energy

7.780 A range of energy efficiency and low carbon and renewable energy supply options have been appraised against the energy strategy targets for a number of typical housing typologies that are representative of the range of densities and forms that are likely to be accommodated at the new settlement. The energy and carbon savings have also been aggregated for an illustrative mix of homes at full build out and the strategy is supported by an assessment of heat network feasibility. The overall approach to the energy hierarchy is in accordance with CC1.

Be Lean

7.781 A building's operational carbon emissions are a direct result of its energy use. In order to reduce greenhouse gas emissions and ultimately achieve the Council's carbon reduction targets, a development would therefore first and foremost need to minimise energy use through energy efficiency, as reflected in the Council's Energy Hierarchy and 'fabric first' approach. Low carbon heating solutions (such as heat pumps) tend to operate most effectively at low temperatures. The transition to low carbon heat, which is required to deliver long term carbon savings, is contingent on achieving higher levels of energy efficiency. In addition, as we move from gas to electricity to heat our buildings,

energy use needs to be minimised to reduce the demand for energy generation and peak loads on the national grid.

- 7.782 It is proposed to set a target of 45% carbon emissions reduction against current Building Regulations (2013) for new homes. This is an increase on the original target of 5% beyond current regulations contained in the 2019 application. This exceeds the 31% carbon reduction target outlined in the Interim Future Homes Standards for new homes. This meets the current policy requirement as defined in CC1 of the Places and Policies Local Plan that requires all major new build housing developments and non-residential buildings of 1000sq.m. or more of gross floorspace would be required to reduce carbon emissions by a minimum of 10% above Target Emissions Rate (TER), as defined in Part L1A.
- 7.783 It is accepted that there can be a significant performance gap between predicted and actual performance using the Part L methodology. These limitations are acknowledged in the OPA Energy Strategy (see p.21). Reasons for this include, but are not limited to, the following: Part L does not address emissions associated with unregulated equipment; the relative improvement approach against a notional building used in Part L does not always reward more efficient building forms which ultimately provide more energy and carbon savings; and delays in incorporating up-to-date carbon factors in Part L can lead to perverse modelling outcomes.
- 7.784 In the light of the Council's declared climate change emergency, PPLP energy hierarchy, fabric first approach and changes to the NPPF all development would need to demonstrate that on-site savings have been maximised at all stages of the energy hierarchy whether the minimum on-site target has already been met or not. These requirements and design standards are built into the tiered approval process which requires Energy Statements to be submitted at Tiers 2 and 3.
- 7.785 In the light of this assessment, the long-term nature of the project and the need to reflect 'real life' performance, officers have sought to agree additional provisions relating to energy use intensity and monitoring. These monitoring arrangements will be required to be reflected in future phase framework submissions and reserved matters applications as they come forward over time. As part of the planning conditions and s106 legal agreement monitoring arrangements will be put in place for all development (domestic and non-domestic):
- the use of an assured performance method during detailed design, construction and commissioning in order to ensure that the buildings' operational energy performance achieves the performance targeted at planning;
 - a commitment for all plot developers to disclose and minimise the anticipated energy use intensity;

- to monitor and report on total energy use for 5 years post-occupancy in line with revised methodologies.

Be Clean

- 7.786 The Government has announced a Future Homes Standard which would ensure that new UK homes would be built without fossil fuel heating from 2025. This underlines the need for the strategy to be ready for no fossil fuel inputs and following changes to the application since 2019 this direction of travel is clearly set out at this outline stage for homes. The application includes provision for a low-pressure gas supply through a point of connection near Berwick Farm, immediately to the east of the site, to deliver sufficient gas for non-residential uses the equivalent of that required for 1,000 homes. A planning condition is proposed to prohibit gas for residential properties and restrict low-pressure gas supply subject to express written consent of the local planning authority in limited circumstances.
- 7.787 This sets a long term, site-wide framework for the development whilst ensuring flexibility for the deployment of a range of appropriate technologies to be deployed at each phase. Officers support and welcome exploration of the potential to exploit waste heat from the sewer mains – a planning condition is proposed requiring the submission of a Feasibility Study prior to the submission of details for the on-site WwTW.
- 7.788 It is clear from the analysis of heat network options submitted (AECOM District Heat Network Report 2019) that it would be hard to finance the required heat network infrastructure to support a decentralised heat network as any carbon savings from any initially installed gas CHP engines are likely to fall rapidly, and alternative heat generation plant is relatively expensive and risky. Comparison with dwelling-based solutions suggests that packages of measures combining high fabric energy efficiency standards and renewable energy technologies offer equivalent carbon savings that are more robust in the medium to long term, and at lower up-front capital costs than a solution based on district heating. This approach accords with the energy hierarchy and officers concur with the general conclusions.
- 7.789 However, a district network continues to be a potential option for the denser parts of the proposed new town centre where network losses generally associated with district systems may be more likely to be offset by gains. Officers think this is worthy of further exploration as technology continues to advance and innovative models should be kept under review. This is pertinent to specific town centre parcels and therefore a planning condition is proposed requiring a review of the option of a town centre heat and power network prior to those parcels coming forward.

Be Green

- 7.790 The projected reduction in grid electricity emission factors underlines the need to maintain flexibility to allow each phase of development to adopt the most effective package of technologies at the time it comes forward. In the early phases, good fabric energy efficiency standards, air sourced heat pumps, PV and solar water heating could represent a cost-effective approach to meeting the proposed carbon targets.
- 7.791 If the grid decarbonises as projected, an excellent standard of fabric energy efficiency along with air source heat pumps become an increasingly attractive solution. To accommodate this scenario, design principles in the Strategic Design Principles allow for these considerations and to ensure that there is space for heat rejection equipment to be fitted outside the treated dwelling space and in locations that avoid visual impacts on the public realm. Further details will be secured through phase level design codes. The SAP (10.2) emission factor for supplied grid electricity is currently 0.19338 kgCO₂e/kWh; grid carbon intensity is projected to fall to ~0.114 kgCO₂/kWh by around 2030. Savings from applying PV will fall as the electricity grid decarbonises, but there is scope to offset this by scaling up PV installation, i.e., using more of the available roof area up to the established practical limits. Savings from heat pumps are expected to rise markedly, and carbon savings from cheaper air source heat pumps start to outstrip those of gas CHP when grid carbon intensity drops. The summary shows that the application of ASHP technology could meet the energy strategy targets proposed for the new settlement: 45% reduction in against Building Regulations (2013) on a site-wide basis and an aspiration towards zero carbon (regulated energy).
- 7.792 The Strategic Design Principles requires the incorporation of renewable energy generation into the design of all buildings, using technologies such as high efficiency air source heat pumps and photovoltaic panels. This will be secured via energy statements as part of the tiered approval process.
- 7.793 The proposals for a new settlement have taken account of emerging proposals on adjacent land within the Borough of Ashford for solar farms. These proposals could provide additional off-site connections to a decentralised system which would support wider objectives for reducing reliance on the grid as well as making a major contribution towards renewable energy targets. A specific provision for this is recommended as part of the planning conditions as each phase comes forward and to ensure these connections are revisited and proposals future proofed to facilitate future connections.
- 7.794 Policy SS6 of the Core Strategy Review requires that all community buildings shall seek to meet zero carbon standards as exemplars, with an aspiration for the development to achieve carbon neutrality. A planning condition is proposed to secure net zero standards for all community use buildings in accordance with the UK Green Building Council (2019) Framework definition excluding non-regulated energy and embodied carbon. This is in alignment with Policy SS6.

7.795 In addition, as part of long-term stewardship arrangements the potential to explore options relating to the establishment of an Energy Services Company (ESCO) has become apparent. If such a company were set up this would be with the purpose of managing the renewable and low carbon energy infrastructure and energy supplies to individual households and non-domestic users to support the net zero aspiration. The s106 legal agreement would include a requirement to submit a Feasibility Study as part of wider proposals to establish a Long-Term Stewardship Vehicle. These proposals support local and national energy policies which promote the use of decentralised energy systems.

Monitoring and review of the Energy Strategy

7.796 Alongside the above-mentioned targets and commitments and to reflect the speed of technological change a review of the Energy Strategy would be required as part of wider updates and reviews to site-wide strategies secured via planning condition T1(6).

Climate adaptation and resilient, healthy communities

7.797 Policy CC2 Sustainable Design and Construction is intended to address specific requirements in support of the transition to a low carbon future in a changing climate.

7.798 The NPPF also underlines the importance of mitigating and adapting to climate change as a function of sustainable development, emphasising that the planning system should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions. This means building to address the anticipated impact of the changes in climate to protect the residents and buildings from the expected increase in average temperature, summer droughts and winter storms requires adapting homes and the very local environment is needed.

7.799 These principles are embedded in the Strategic Design Principles which includes the need to adopt climate adaptation measures in the immediate vicinity of homes and in public spaces including natural shading, storm water management and landscape resilience.

7.800 In order to further secure climate adaptation measures being incorporated into the design of the individual buildings planning conditions for detailed energy assessments would also require demonstration a design-led approach to mitigate the risk of overheating and the passive design principles following the Good Homes Alliance Overheating in New Homes Tool and Guidance (or any such equivalent national measure of sustainable building which replaces that scheme. As part of commitments made during the review of the ES it has been agreed an Outline Climate Change Adaptation Plan will also be required to be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first reserved matters applications.

7.801 It is widely accepted that economically resilient, attractive, healthy, and low carbon communities derive from walkable neighbourhoods. Revisions to the OPA support the development of a local community through the design of a low carbon and active travel approach, demonstrating the design-in and provision of safe, well-lit, and connected community routes that link homes with centres where daily needs are served within a 20-minute walk to reduce local car journeys and support the zero carbon aspirations. The Strategic Design Principles includes a requirement to ensure the majority of homes are within 400m of a bus stop.

BREEAM

7.802 Proposed planning conditions include requirements to take all reasonable steps to achieve a minimum BREEAM rating of Excellent for non-domestic buildings for buildings in excess of 500sqm. A post construction review would also be required.

Other Sustainability Measures

7.803 The Strategic Design Principles includes measures to ensure that masterplans and design codes for each phase of development set out clear energy, water and sustainability statements that set aspirational targets based on the latest technologies available.

7.804 It is proposed to secure details of green roofs and walls through a combination of principles within the Strategic Design Principles and a separate planning condition to ensure increased habitat and effective implementation under condition RM6. The provision of green roofs will be monitored across each phased through Phase Frameworks submitted under condition T2(2).

7.805 The application includes a suggestion to undertake whole life carbon assessments for non-domestic buildings. This is proposed to be secured by planning condition requiring a post-construction Whole Life-Cycle Carbon Assessment prior to the occupation of the development.

p) Long term management and stewardship

Policy and legal framework

7.806 A central plank of the garden towns legacy is the creation of an asset base that supports initiatives, activities and facilities that the community governs.

7.807 Policy SS9 requires the submission of a strategy for the long-term stewardship of the settlement. It goes on to say this shall include the creation of a Community Trust or new elected body. The infrastructure that would need to be managed and maintained by the trust or elected body may include:

- strategic and local open spaces;
- sports pitches; Leisure facilities;
- community buildings;
- public squares and spaces including public art and street furniture;
- sustainable drainage systems (SuDS);
- allotments, community orchards and woodlands; and
- heritage facility, such as a museum or archive storage.

7.808 It also includes requirements to ensure the quality of all open space and physical assets on handover to the appropriate body would be set out in a s106 legal agreement.

7.809 Paragraph 73 of the NPPF also makes reference to setting clear expectations for the quality of places to be created and how this can be maintained such as by following Garden City principles. This approach follows the 'Garden City Principles' produced by the Town and Country Planning Association (<https://www.tcpa.org.uk/garden-city-principles>) which have been widely adopted in planning policy relating to garden towns and villages, new settlements and urban extensions. It brings together two of the principles:

- land value capture for the benefit of the community; and
- community ownership of land and long-term stewardship of assets.

Evolution of proposals since 2017

7.810 The principle of long-term stewardship of public space and community assets is a founding objective of the new settlement within its guiding principles and vision. A core element for the vision for the site is that there would be a long-term mechanism in place to ensure that the landscape, open spaces and new facilities are maintained to a high standard and that both current and future residents are involved in their planning and management as the new town grows and develops.

7.811 Reports from 2017 included lessons learnt from elsewhere and an analysis of a range of case studies. This informed a set of high-level principles for

stewardship that was agreed by the Council and has formed the basis of the work since. In addition, the Council's Charter for the new settlement contains a section on establishing a suitable legal entity for long term stewardship and is now embedded in Core Strategy Review policies.

- 7.812 The outline planning application for the new settlement includes an updated Long-Term Management and Governance Strategy which identifies the principles and approach to be taken. It groups all of the assets listed in Policy SS9, and the potential approach to assets including what would be provided, how and who might be responsible for each asset and how they might be funded.
- 7.813 The applicant held workshops with local groups and parishes, and with county and district officers. KCC's interests includes ecological habitat management; public rights of way; highways adoption; and the running of community services from buildings owned or managed by the trust such as education, libraries and social services. KCC is also responsible for public health.
- 7.814 The design of the vehicle and its responsibilities has also been influenced by discussions with each of the five parish councils within which the new settlement sits. This extends in some cases to some wishing to take ownership of land in the immediate vicinity of their community such as in the case of Stanford Parish Council and the proposed buffer land to the west of Stone Street. Parishes may therefore have a role in the early years in managing assets on behalf of the new community. If assets were transferred to Parish Councils through agreement it is possible that precepts could be used to fund, in part or whole, long-term stewardship of those assets. The proposed model allows for this range of roles and responsibilities to flex in this way with provisions for the list of assets proposed to be transferred into the vehicle agreed by the LPA at Tier 2 stage.
- 7.815 The model also allows for the issue of parish boundaries and any future community governance review of parish boundaries to be worked through as the population grows and the community is established.

2022 Long Term Stewardship and Governance Strategy

- 7.816 The Governance and Stewardship Strategy provides a means of securing the long-term stewardship of open space, public realm (other than highways) and non-commercial community buildings. The strategy has been produced in consultation with the various service delivery departments of the county council and district council and representatives of local bodies. These meetings have informed the considerations of the options for stewardship of assets and the approach to governance vehicles. The strategy has also been informed by a review of best practice in other urban extensions and new settlements.

7.817 The strategy sets out the strategic principles that have been previously agreed by the Council acting as landowner and owner of the LLP. These include:

- the long-term stewardship of open space, public realm (other than highways) and non-commercial community buildings would be the responsibility of the new body, i.e., not FHDC;
- the responsible body would form part of an approach to land value capture for the new settlement. Its income is likely to come from a range of sources including income generating sources being reinvested in the new community would need to be balanced against income generation to FHDC for investment in facilities and services across the whole district;
- while a trust or similar structure is likely to be the most suitable vehicle initially, potential future transition to a Town Council should be allowed for;
- FHDC should retain representation on the body;
- the body would be community-led (as distinct from a privately-run management company). It should also allow for future residents and businesses to shape the objectives and governance of the organisation, and to influence the design of new community facilities and spaces;
- high quality management and maintenance over the long-term is of fundamental importance when setting out the objectives of the stewardship body.

7.818 The applicant intends the strategy to be converted into a business plan which would include an asset register and identifies the capital and operational costs of each of the asset types grouped under the following headings:

- I. Schools
- II. Health
- III. Community (including Community Buildings and Nursery)
- IV. Heritage Assets
- V. Sport
- VI. Green Infrastructure, including non-adopted public realm
- VII. Other Infrastructure, including utilities

7.819 The top two items (schools and health) both have statutory provider routes and revenue funding sources.

7.820 Items (iii) to (vi) are likely to be incorporated into the stewardship vehicle although there are different options for their management and delivery, for example sport and open space could be owned and managed by a specialist trust, similarly there could be a focussed body for heritage. To address this the applicant proposes to develop a Business Plan that incorporates lifecycle and operational cost benchmarks for each item based on other strategic developments with the precise legal and operational structure to be agreed as

part of the legal agreement. These matters are proposed to be secured via s.106.

7.821 For those assets to be transferred to the vehicle new dedicated funding streams would be required. This is likely to include an endowment (of land and financial contribution). It may also include ongoing income from fees and charges, contributions from Energy or Multi Service Utilities Companies, or from additional assets (commercial or housing). Such contributions would be secured through Section 106 planning obligations. Such costs and income have been benchmarked against other strategic development sites to ensure deliverability and are considered reasonable. The proposed s106 obligations include a provision to submit a feasibility study for a potential Energy Services Company (ESCO) with the purpose of managing the renewable and low carbon energy infrastructure and energy supplies as part of the overall stewardship proposal.

Other assets

7.822 Some of the above-mentioned assets may ultimately be taken on by others, for example a sports facility could be run on a long lease by an existing sports trust. Strategies for ongoing management and maintenance of SUDS would need formal agreement with Kent County Council, the Environment Agency and the water and sewerage undertaker. The long-term management of the wetlands that have a strategic role in managing nutrient levels of phosphates and nitrates would also need to form part of these arrangements to satisfy Natural England that the strategic function of the wetlands is retained and legally secured.

7.823 For various reasons a number of other assets would however need to sit outside the current list. These include:

- *Highways* – these would be adopted by KCC except in exceptional circumstances e.g. where designs don't confirm to Kent Highways basic standard materials and products, such as important public realm.
- *Energy services* – the stewardship vehicle may wish to take on energy generation, or form partnerships with providers, but for now this has been excluded.
- *Town centre* - the town centre may remain in the ownership of the Council or the applicant. Retaining control of land would ensure the town centre is responsive to future needs and trends, and future investment and regeneration can be done comprehensively without dealing with multiple landowners.
- *Westenhanger Castle* - a long-term sustainable future for the castle is important and it has a key community role in the town. Until further work has been done on the business plan for the castle it's too early to say what the best approach would be to its long-term stewardship, and it is proposed that it should remain in the ownership of the Council

for now. A separate trust may be set up for the castle for example that can make funding bids and run community projects. Transfer of the castle to the SV at some future point is not ruled out but estimating costs and income at this stage would skew its financial planning.

- 7.824 In addition to these financial/deliverability considerations the strategy also deals with community involvement and accountability and has been developed in consultation with elected members of Folkestone and Hythe District Council and the Local Parishes. Governance structures would ensure that current and future residents of the area would be represented on the trust/management body which would be responsible for the stewardship of the assets. The options would allow the body to evolve into a Town Council, at the appropriate point in time, and once a critical mass of population exists.
- 7.825 This strategy demonstrates how a governance structure for the new settlement would evolve over time. In the first instance it is important that arrangements are put in place in a timely way to ensure that the governance body is ready to take on its role and can work with the applicant to craft the early phases of development and undertake early community development activities.
- 7.826 A significant amount of legal, operational and financial work has been undertaken since 2019 to evolve the proposals for long term management and governance resulting in a highly developed proposal at this outline stage. The proposals are consistent with requirements of SS9 and national policies.
- 7.827 The LPA would secure the implementation of the stewardship vehicle through s106 legal agreement. This will require further details of the proposed legal status, draft memorandum and articles of association, the Business Plan, funding arrangements and governance structure prior to commencement of development other than enabling works. A further control in relation to service charges and how any future increases would be managed would be secured via s106 legal agreement.
- 7.828 As discussed in the social infrastructure chapter the development of a new garden town settlement at the new settlement must go beyond the management of green space, spaces and buildings; putting local people at the heart of this process can generate increased local support, creativity and entrepreneurialism. Officers have been concerned to secure firm and tangible commitments to community development within the application, particularly in the early stages of development. Policy SS7 (viii) refers to the need for long-term management of the Green Infrastructure Estate which ensures community involvement and custodianship.
- 7.829 Whilst governance and stewardship arrangements are vital in maintaining the quality and attractiveness of a development, they are also fundamental in enabling and nurturing new communities. The need for community

development activity is not explicit in the above principles but is set out in the Charter and echoed in the Core Strategy Review. Community development would therefore form a key part of the delivery of stewardship.

7.830 The Core Strategy Review identifies a key objective being to develop a network of local volunteers; including development of a community development programme that allows for governance arrangements to change as the town grows and the creation of a post of community development worker in establishing and reinforcing a sense of community. This has been discussed with the applicant and these measures would be secured via s106 legal agreement. These measures are supported particularly as a means of ensuring that early 'pioneers' at the new settlement feel a genuine affinity to the place and its long-term success.

7.831 The Community Engagement Strategy thoroughly documents historic community engagement activity. The applicant's commitment to community engagement over a number of years is supported. To ensure this commitment is carried through into delivery and embedded in the long-term stewardship vehicle planning obligations are proposed to secure the appointment of a community development manager and submission of a programme.

7.832 A range of measures are secured via the s106 agreement to foster greater community development. The elements to be included:

- The delivery of the Green Infrastructure package would necessitate the employment of full-time rangers to manage and maintain the green infrastructure at the new settlement would need to engage with residents as properties are occupied and the new community develops;
- A community development programme which would include a programme of 'Discovery or Community Days' – allowing existing and prospective residents to fully explore the area and to include educational opportunities;
- Community archaeology and other historic assets to generate interest and ownership – this is secured through the Heritage Strategy and s106 heritage commitments.

7.833 In combination, this provides a comprehensive package of community development measures which are consistent with the legacy of garden towns, local and national policies.

q) Planning obligations

- 7.834 In this case, the s106 legal agreement together with other highway agreements such as s.278 agreements are important mechanisms for securing critical and necessary infrastructure. The Core Strategy Review envisages development proposals would be required to be supported by planning obligations that provide for the payment of proportionate contributions towards the carrying out and/or implementation of strategic and other necessary highway mitigation works and improvements, or by direct delivery of the works and improvements, where monitoring identifies the need for such works at any stage during the lifetime of the development and which cannot otherwise be managed. These mechanisms are more suitable to a long term and complex scheme of this nature where the timing and triggers of development need to work in combination with other planning conditions and to secure the timely delivery of commitments secured through the application process.
- 7.835 Appendix A and B provide a summary of the proposed Heads of Terms and planning conditions. These are the result of extensive discussions with a wide range of stakeholders, particularly organisations with a direct interest in infrastructure delivery such as KCC and National Highways. These mechanisms provide the framework for securing the timely delivery of infrastructure as outlined in the Core Strategy Review and other commitments made during the determination of the planning application.
- 7.836 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms. The proposed heads of terms are considered to be in accordance with the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 7.837 These tests are set out as statutory tests in regulation 122 (as amended by the 2011 and 2019 Regulations) and as policy tests in the National Planning Policy Framework. These tests apply whether or not there is a levy charging schedule for the area.
- 7.838 The s106 legal agreement will set out in detail the legal requirements and mechanisms to be followed to secure the delivery of these items. As the s106 legal agreement and planning conditions are interlinked delegated authority is sought to refine both and the ability to exchange between the two to secure the most suitable mechanism for each individual item.

8. Local Finance Considerations

- 8.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that would, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or would or could receive, in payment of the Community Infrastructure Levy.
- 8.2 Public consultation on our Draft CIL Charging Schedule and its associated evidence documents was carried out between 22 August and 3 October 2022, in accordance with Regulation 16 of the Community Infrastructure Levy Regulations 2010 as amended.
- 8.3 At its meeting of 20th July 2022, the Cabinet approved publication of the Draft Charging Schedule and associated documents for consultation. Public consultation took place between 22 August and 3 October 2022 and the Council submitted the DCS and associated documents to the appointed external Examiner for independent examination in accordance with the CIL Regulations 2010 (as amended). The DCS was submitted for external Examination in November 2022, and the Examiner's report was received in February 2023.
- 8.4 The Examiner's report concluded that the revised FHDC CIL Charging Schedule provides an appropriate basis for the continued collection of the levy in the district. Further to this the Examiner concluded that the Council had sufficient evidence to support the Charging Schedule.
- 8.5 The Council will now proceed to formal adoption of its revised CIL Charging Schedule, and supporting policies on CIL payments by instalments, and discretionary payments in kind, which mirror the CIL Charging Schedule adopted in August 2016. The CIL regulations require CIL to be adopted by Council. Therefore, subject to Cabinet consideration, the revised CIL Charging Schedule will proceed to Council for adoption.
- 8.6 The Charging Schedule sets out that the CIL rate for the North Downs Garden Settlement strategic site as demarcated in Appendices A and F of the Charging Schedule is £0/sqm for both residential and retail.

9. Scheme of Delegation/Council ownership

- 9.1 The Council has made arrangements for the determination of planning applications and applications for the approval of details required by conditions on planning permissions. These are contained in the Council's Constitution. The Chief Planning Officer generally has delegated authority to determine

- applications for the approval of details under conditions on planning permissions, and applications for the approval of reserved matters: see paragraphs 10.3 and 10.3.2 iii.
- 9.2 Applications for approval of details under planning conditions cannot be determined by officers under the constitution's delegation if the council has a substantial interest in the application unless they are for small-scale proposals. However, the Planning and Licensing Committee can specifically authorise officers to determine applications for the approval of details where the Council does have a substantial interest: see Part 5.1, para 1.2 which allows the committee to delegate further powers to officers.
- 9.3 In general, it is understandable that planning applications for Council development go to committee for decision for open scrutiny. However, the new settlement is unusual in its scale and complexity. The number of associated planning conditions is of a scale different to any other scheme the Council is likely to deal with. Many of these matters, particularly relating to planning conditions, would be minor or technical. There are also considerable benefits in being able determine more technical matters efficiently in terms of scheme delivery, rather than being locked into the committee cycle. The alternative would require significantly more frequent committee meetings and officer and member time and public expense.
- 9.4 To ensure a manageable scale of applications determined by committee whilst maintaining appropriate oversight all matters relating to Tier 2 planning condition (T2(2)) would continue to be determined by committee. This would entail retaining committee decision making over the masterplan, design code, delivery plan and associated technical details for each phase. It is therefore reasonable for the Planning Committee to specifically delegate authority to officers to determine the approval of more detailed to come forward under Tier 3 (Reserved Matters) and other technical matters once the overall framework submission for the phase has been settled. This would not override the usual powers for members to call in applications for determination by committee or for the Chief Planning Officer to use his discretion to report specific applications to committee. Officers feel this strikes the appropriate balance between efficient delivery, best value and appropriate oversight and democratic control. These recommendations are spelt out in the recommendation.
- 9.5 The fact of the Council's ownership, the size of the site, and the fact of some of the land being under option to the Council or is owned by other parties who may wish to develop also means that officers need to look at how best to secure the obligations proposed for the s106 legal agreement(s). Officers have taken legal advice on this and there are options, one of which is to use a negative form of condition to prevent development of all or part of the site until a s106 agreement can be entered into so as to bind the relevant land. It is proposed that the recommended delegation to the Chief Planning Officer includes the ability to determine the best approach here, in order to facilitate delivery of the development, whilst at the same time securing appropriate obligations.

10. Human Rights

10.1 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

11. Equalities and human rights

11.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the duty.

11.2 Public authorities must also have regard to the requirements of the Human Rights Act 1998, which transposed the European Convention on Human Rights (ECHR) into UK law. The general purpose of the ECHR is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society.

11.3 It is considered that the application proposals would not conflict with objectives of the Duty. Considerations of human rights and equalities impact has been incorporated as part of the planning assessment of the outline planning application against all relevant national and local planning policies, and relevant legislation and/or guidance. The local planning authority therefore considers that no conflicts with the requirements of the Equality Act 2010 or the Human Rights Act 1998 are anticipated from this development.

12. Working with the applicant and other stakeholders

12.1 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC as the local planning authority has worked with the applicant and a wide range of consultees and stakeholders since the inception of the project in 2017 in a positive and creative manner.

13. CONCLUSION

- 13.1 This report describes and assesses the outline planning application, including its impacts on the local area. The compliance with the development plan is explained, including how it addresses the key objectives of the recently adopted Core Strategy Review and supporting Places and Policies Local Plan, for which the new settlement is central to their delivery.
- 13.2 Officers agree with the conclusions of Temple Group Final Review Report and notes that the ES's conclusions have not been challenged with any other substantive evidence. The LPA is satisfied the ES complies with the Regulations, that sufficient information has been provided for it to assess the environmental impact of the proposal and that the monitoring measures proposed to be secured through planning conditions and s106 legal agreement are appropriate.
- 13.3 The principle of a new standalone settlement allocated to accommodate a total of 8,000 – 10,000 homes within the site allocation area for Policy SS6 is established in the development plan. The proposed land uses, quantum, heights and parameters are consistent with the development plan as a whole.
- 13.4 The proposed development is central to the meeting the Council's housing and employment requirements over the plan period, and beyond. The new settlement would have the clear benefit of contributing up to 8,500 dwellings towards the supply of housing in the district through and beyond the plan period. Of those dwellings, the proposed 22% contribution to the local supply of affordable housing would be an added benefit, particularly due to the numbers involved and the need for such housing in the district. Such benefits attract very significant weight for the market housing and also attracting very significant weight in relation to the affordable housing element.
- 13.5 The proposals would support approximately 8,605 total jobs, equivalent to 6,860 FTE jobs, over half of which are projected to be in office and light industrial jobs, based on the floorspace parameters proposed. Such economic benefits attract very significant weight in favour of the proposal.
- 13.6 The retail and leisure assessments submitted are comprehensive and robust. Combined with suitably worded planning conditions as discussed in this report the proposals are consistent with local and national town centre policies and are acceptable.
- 13.7 Based on the reasonable worst case junction capacity assessments and the interventions it is considered that the traffic flows generated by the proposed development can be mitigated so as not to have a severe impact on the highway network. This view has been confirmed in writing by the overseeing

highways authorities for strategic and local roads on the basis of these measures being secured through the Monitor and Manage Framework secured via the s106 agreement and appropriate planning conditions.

- 13.8 The outline application supports the local and national objectives to achieve an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities. When considering the outputs of the Transport Assessment against the relevant requirements of the Core Strategy Review, Places and Policies Local Plan and the NPPF the proposed development is acceptable in highway safety terms and will not result in any severe residual cumulative impacts. Details of key junctions on the road network to be improved have been agreed in partnership with National Highways and Kent County Council in accordance with Policy SS7(c).
- 13.9 The updates and revisions to the outline planning application have been underpinned by a movement strategy which prioritises walking, cycling and access to public transport and demonstrates how this priority has informed the design of the new settlement in accordance with Policy SS7. The range of sustainable transport measures discussed have been assessed against the requirements of local and national policies and found to be in alignment.
- 13.10 The proposals secure the framework for an innovative approach to be taken to maximise walking, cycling and the health and wellbeing of residents. The requirements outlined in the Strategic Design Principles secure a strong emphasis on active travel and internal road infrastructure that is designed for a low-speed environment with dedicated cycle routes. The public transport measures and interventions proposed together with other travel plan requirements, including the setting of targets, monitoring and the use of technology and incentives, are appropriate for a new standalone settlement and secured through s106 legal agreement and planning conditions.
- 13.11 Specifically in relation to the AONB, officers findings have been made in the context of giving great weight to the need to conserve and enhance landscape and scenic beauty in the AONB and its setting. To the extent harm is identified in relation to visual impact and tranquillity this is found to be a consequence of the allocation of the site for a new settlement and there would be no unacceptable impact on the setting of the AONB. The proposed development is consistent with Policy SS6 and SS7 which requires a landscape-led approach. To the extent there is any conflict in the development plan between policies SS6 in the CSR which refers to mitigating impacts and policy NE3 in the PPLP which refers to conserving and enhancing it should be resolved in favour of the policy which is contained in the last document to become part of the development plan. In any event, the new settlement is found to be

acceptable in principle, and officers find there would be no conflict with Policy NE3.

- 13.12 Given the wide range of heritage assets across the application site and beyond, Historic England and other stakeholders have been involved in extensive discussions about the heritage aspects of the development throughout the application process. The heritage analysis in support of the application to inform the masterplan in terms of impact on heritage assets both within and outside the application site is extensive.
- 13.13 The Listed Buildings Act 1990 requires decision makers to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which it possesses. Section 72 (1) of the Act places a statutory duty on the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 13.14 The NPPF requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. It requires LPAs to take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 13.15 The significance of the heritage assets on the site have been assessed, and in particular, in relation to the castle and its environs, the causeway and the Barrows. Historic England and KCC having assessed the proposal have concluded that the proposed development would result in 'less than substantial' harm. The assessment in this report confirms that less than substantial harm will occur to heritage assets. This harm should be given substantial weight and importance and, in accordance with the approach set out in the NPPF, should be weighed against the public benefits of the proposal.
- 13.16 In terms of the statutory duty in section 66(1) of the Act which requires that considerable and important weight to the assessment of harm to the setting of a listed building should be given, when carrying out the balancing exercise pursuant to paragraph 202 of the NPPF, the impact on the setting of the castle, causeway, barrows and their setting is understood, and considerable weight has been given to it. With the detailed criteria prescribed in the Development Specification and Strategic Design Principles it is considered that appropriate measures have been taken to avoid where possible and to minimise harm to

heritage assets through a range of mitigation proposals that include specific measures identified in the site allocation. Officers agree with the assessment of Historic England that the proposed development will cause harm, that it is less than substantial harm and the conditions and s106 Heads of Terms, which secure the heritage commitments, mitigation and supplementary details as the development progresses, identified in the Heritage Strategy, are sufficient to minimise the harm.

- 13.17 Officers therefore consider that in each case and overall the less than substantial harm to heritage assets is outweighed by the proposed considerable public and heritage related benefits that will arise from this application, outlined in paragraphs 7.350 - 7.353 which is submitted in response to Core Strategy Review site allocation SS6 for the delivery of 10,000 homes with the allocation being central to meeting the housing and development needs of the district within and beyond the plan period.
- 13.18 In design and masterplanning terms, revisions to the proposals better reflect its unique heritage, landscape and topography, tying it strongly to its history and place within Kent. The application includes strong requirements for detailed masterplans and design codes and these approaches are in alignment with local and national policies and represent a best practice approach for securing design quality across large scale sites of this nature. The wider design and masterplanning revisions to the OPA would ensure the town is designed with a degree of flexibility in mind, so that it can respond to changes in the future - different working patterns, alternative modes of transport, and developments in technology – whilst still being focused on people and their needs.
- 13.19 Habitat retention and creation on the site is extensive, with approximately 50% of the site being green space. Overall, once mitigation is applied, there are no significant residual effects upon species. Offsite mitigation for farmland birds and brown hare is secured via s106 legal agreement. The biodiversity net gain assessments confirm the development as secured in the Parameter Plans can comfortably achieve the policy requirement to secure clear net biodiversity gains over and above residual losses through the planting of native species and creation of green ecological corridors. The s106 legal agreement would secure a minimum 10% biodiversity net gain and target 20%, monitored through the tiered approval process.
- 13.20 The new settlement is being developed on garden town principles which is informed by its landscape setting and historic elements, consistent with Policy SS7. There is a strong emphasis on networks of green and blue spaces which are easily accessible, and a coherent movement strategy has been produced. The application proposes to expand and enhance ecological networks and trees would form an integral part. These networks are secured via parameter

plans showing structural planting which show areas of planting for wet woodland, high canopy mixed native woodland, field corner planting, orchards and coppice. The proposals accord with the open space, recreational and sports policies in the development plan. The delivery of open spaces for each phase is secured via s.106 and monitored via the tiered approval process.

- 13.21 In respect of designated and non-designated sites an assessment concludes no detrimental effects on protected biodiversity and geological sites, including Lympne Escarpment Site of Special Scientific Interest (SSSI) and Otterpool Quarry geological SSSI. Appropriate safeguards and buffers are prescribed in the Development Specification and Parameter Plans for Ancient Woodland and other offsets. Control over detailed design is secured via the tiered approval process. A range of buffers, dark corridors, functional corridors and offsets are proposed in the application and are appropriate to meet policy requirements. Improvements to existing Public Rights of Way would be secured via legal agreement.
- 13.22 The Appropriate Assessments conclude that having taken account of relevant information and considering that mitigation measures will be adequately secured as part of any conditions and/or s106 legal agreement attached to the planning permission, and are expected to be effective (with no reasonable scientific doubt), the local planning authority is satisfied that the proposed outline planning application, either alone or in combination with other plans and projects, would not lead to any adverse effects on the integrity of any National Network Site nor conflict with relevant conservation objectives for the National Network sites.
- 13.23 The proposals would ensure that the development can achieve nutrient neutrality. Natural England is satisfied there is sufficient information to rule out adverse effect at the outline planning application stage, provided that mitigation measures are secured. The HRA also concludes that the proposals are not likely to have an adverse effect upon the integrity of Folkestone to Etchinghill Escarpment SAC and Wye and Crundale Downs SAC through recreational pressure, subject to proposed planning conditions and/or S106 legal agreement. In air quality terms, the HRA concludes that the impacts would not result in an adverse effect on the Folkestone and Etchinghill SAC and is supported by consideration of future trends in nitrogen deposition.
- 13.24 The principles and parameters of the proposals amount to a well-developed and comprehensive approach to surface water drainage, flood risk, water supplies and other water infrastructure requirements and policies at a local and national level.
- 13.25 The application presents a thorough and robust assessment of air quality, geology, hydrogeology, land contamination, noise, odour and vibration impacts

over the delivery of the development. The conclusions on air quality effect on human health in either construction or operation have been considered and are acceptable.

- 13.26 In planning policy terms, the application meets the education and community facility policy requirements to meet its own projected needs in accordance with forecast requirements with the safeguarding of suitable land for education to allow for the future expansion in accordance with forecast needs. Early phases of development are planned in a way that would not disadvantage early residents in terms of access to essential facilities, or place pressure on existing local facilities and infrastructure while ensuring new facilities are viable and deliverable. Community facilities would be secured via s106 legal agreement to ensure they are provided at each phase of development in accordance with the neighbourhood principles in Policy SS7(3). The changes to the application, together with proposed conditions and s106 legal obligations, secure firm and tangible commitments to community development within the application, particularly in the early stages of development which attract moderate positive weight.
- 13.27 All construction activities as described in the application would be governed by a Code of Construction Practice (CoCP) secured via planning conditions at Tier 2 and Tier 3 stage. The outline planning application sets out the principles of demolition and construction phase mitigation with which future submissions would need to comply. The off-site works have been reviewed by the LPA and it is agreed that the likely significant effects of the proposed development in combination with the off-site infrastructure works would be the same as the proposed development in isolation. Other key utilities relating to potable water, electricity, gas, wastewater and telecommunications are also assessed and found to be consistent with local and national policies, subject to proposed planning conditions.
- 13.28 Critical and necessary infrastructure including highways mitigation and wastewater infrastructure is consistent with the indicative infrastructure delivery schedule in the Core Strategy Review. Timing of delivery is secured through appropriate triggers in the s106 and planning conditions.
- 13.29 The application adequately demonstrates an exemption from the presumption to safeguard for the identified minerals to satisfy national and local mineral safeguarding. The use of materials derived through incidental extraction during the development will be considered further, subject to confirmation of their properties to reduce the demand for importation of construction aggregates from off-site sources. This is secured via planning condition.
- 13.30 The ES sets out an assessment of waste and the impacts that might be experienced during construction and on completion and use of the

development. New waste capacity is required to address the site's waste arisings as acknowledged in the ES and CIL-compliant planning obligations are necessary to secure this. In combination, officers are satisfied the proposed Heads of Terms, including the establishment of a Waste Review Group to secure a Waste Transfer Facility and planning conditions requiring updates and reviews of the Waste Strategy over time, meet the need for mitigation as well as satisfactorily addressing local waste planning policies. The assessment of residual long-term effect (minor adverse) with the alternative WTS in operation is therefore agreed. In this context, the local planning authority agrees with the overall conclusions of the ES in respect of construction phase effects, operational waste, and cumulative effects.

- 13.31 In relation to the permitted waste facility at Otterpool Quarry an assessment adequately demonstrates policy justification against DM8, subject to necessary planning conditions. Updates and reviews of the waste targets and associated strategies are proposed to be secured via appropriate planning conditions and controlled through the tiered approval process. The overall effect of these waste and minerals matters in the planning balance is neutral.
- 13.32 The scale and urgency of the climate change emergency is such that tackling climate change is a material consideration to which significant weight should be attached. This also means that the need to ensure buildings become more energy efficient has become more urgent as has the need to move away from fossil fuels and ensure the development of land contributes towards the adaptation to climate change. The revisions to the OPA set a long term, site-wide framework for the development whilst ensuring flexibility for the deployment of a range of appropriate technologies to be deployed at each phase and these elements attract moderate weight. Planning conditions secure the regular review of the energy strategy for each phase. The OPA is consistent with the wider sustainability objectives of the development plan including those relating to climate adaptation and the building of resilient, healthy communities. These are secured through a combination of the Strategic Design Principles and the tiered approval process.
- 13.33 The implementation of the stewardship vehicle will be secured through a s106 legal agreement. The confirmation of a central plank of the Garden Towns legacy and creation of a long-term asset base to benefit existing and new communities in the form identified complies with the development plan and also attracts substantial weight in favour of the application.
- 13.34 The benefits as set out in this report are very substantial. The report does not find conflict with any other development plan policies either individually or when considered against its overarching themes, aims and objectives. The proposals compliance with those policies is as set out in the individual topic chapters.

13.35 No other impact is of a weight, either individually or in combination with any other impact, to outweigh the substantial benefits. There are no policies in the NPPF which indicate that planning permission should be restricted. There are no material considerations to indicate that the development should be determined other than in accordance with the development plan. The development can be regarded as sustainable development and acceptable in principle. Taking account of the LPA's findings concerning the Appropriate Assessments under the Habitat Regulations and other matters the report concludes that planning permission should be granted subject to the recommendations set out below.

14. BACKGROUND DOCUMENTS

14.1 All papers referred to in this report including the consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended), are published on the Folkestone & Hythe District Council (www.folkestone-hythe.gov.uk). Those papers relating specifically to this application may be found on the view applications online pages under planning application reference Y19/0257/FH.

15. RECOMMENDATION

- A. That Outline Planning Permission is GRANTED subject to the conditions set out in Appendix A and the securing of the obligations as set out in Appendix B through one or more s.106 and other agreements and that delegated authority be given to the Chief Planning Officer to add, amend or delete any of the draft conditions; agree and finalise the structure and wording of the legal agreement(s); and, move items between obligations and planning conditions as necessary;**

- B. That notwithstanding part 10.3 (Part c.) of the Constitution (Scheme of Delegation for Planning) delegated authority be given to the Chief Planning Officer to discharge those conditions save for Tier 2 Phase condition T2(2) which shall be determined by the Planning and Licensing Committee;**

- A. That environmental information be taken into account as required by Regulation 26(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and**

- B. That the Planning Committee in making their decision has due regard to the potential Equalities impacts that are outlined in Section 11 of the officer report; and**

- C. That following the issue of planning permission, the Chief Planning Officer write to the Secretary of State informing them of the Decision,**

pursuant to Regulation 30(1)(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017; and

- D. That following issue of planning permission, the Chief Planning Officer place a statement on the Statutory Register pursuant to Regulation 30(1)(d) of the Town and Country Planning (Environmental Impact Regulations 2017) which contains details of the matters referred to in regulation 29(2) and, for the purposes of Regulation 30(1)(d)(ii) being the main reasons and considerations on which the Planning Committee's decision was based shall be set out in the report; and (iii) a summary of the results of the consultations undertaken, and information gathered, in respect of the application and how those results have been incorporated or otherwise addressed.**

Appendix A: Draft Planning Conditions

Appendix B: Draft Heads of Terms

Appendix C: Site and surroundings red line plan

Appendix D: Otterpool Framework Masterplan Area (OFMA)

Appendix E: Plan of Heritage Assets