

OTTERPOOL PARK – Y19/0257/FH CONSULTATION SUMMARY TABLE

STATUTORY AND NON-STATUTORY RESPONSES SINCE 11 JULY 2019 AND CONSULATION PERIOD 29 APRIL 2022 TO 24 JUNE 2022

(Representations Received as at 08.08.2022)

Table 3				
Consultation Responses (Statutory Consultees and Non-Statutory responses)				
Ref	Name	Date Received	Comments	LPA Reference
1	Affinity Water	17.06.2022	<p>Thank you for consulting us on the amendment to the above application.</p> <p>Please refer to our previous comments from 2019, we have limited further comments regarding the amendments to the application as set out below.</p> <p>We welcome the water efficient technology recommendations set out within Section 3 of the submitted Water Cycle Study and expect that these are fully implemented and retained as part of this development.</p> <p>There are potentially water mains running through or near to part of proposed development site. If the development goes ahead as proposed, the applicant/developer will need to contact our Developer Services Team to discuss asset protection or diversionary measures. This can be done through the My Developments Portal.</p> <p>Affinity Water will be the water provider for the development if it is granted planning permission and constructed. The LPA is requested to remind the applicant that our Developer Services team should be provided with regular updates relating to the progress and phasing of the development to aid planning. For the same reason, we request to be consulted on subsequent applications relating to this site.</p> <p>The applicant/developer should also be aware that to apply for a new or upgraded connection, they must contact our Developer Services Team by going through their My Developments Portal. The Team also handle C3 and C4 requests to cost potential water mains diversions. If a water main plan it can also be obtained but please note charges may apply.</p>	LPA 370
2	British Horse Society (Sarah Rayfield)	07.06.2022	<p>I am responding to this application on behalf of the British Horse Society, the UK's largest equestrian charity with 118,000 members and representing the country's 3 million horse riders.</p> <p>Just 16.7% of the rights of way network in Kent is available to equestrians and much of that is disconnected by roads which were once quiet rural roads and are now busy thoroughfares as a result of developments such as this. Consequently, it is imperative, especially with a development of this size, that new paths and good connections to existing paths (including safe crossings where needed) are provided as a condition of planning permission.</p>	LPA 371

		<p><u>Financial Reasons for inclusion</u></p> <p>There are in excess of 7500¹ horses passported to addresses within the Folkestone & Hythe DC postcode area² contributing almost £42 million per annum³ to the economy, much of which is local.</p> <p><u>Health & Wellbeing⁴ reasons for inclusion</u></p> <ul style="list-style-type: none"> • A range of evidence indicates the vast majority (90% plus) of horse riders are female • and more than a third (37%) of the female riders who took part in the survey were above 45 years of age. <p>¹ DEFRA FoI Request April 2021 ² Stats are only available for the first half of the postcode, e.g., CT16 so where a postcode spreads over two districts it is possible that the figure is slightly inflated. ³ BETA – National Equestrian Survey 2019 ⁴ Health Benefits of Riding in the UK - Research undertaken by the University of Brighton and Plumpton College on behalf of The British Horse Society</p> <p>The British Horse Society is an Appointed Representative of South Essex Insurance Brokers Limited who are the authorised and regulated by the Financial Conduct Authority. (Registered Charity Nos 21054 and SC038516. A company Limited by guarantee Registered in England & Wales No 444742)</p> <ul style="list-style-type: none"> • Horse riding is especially well placed to play a valuable role in initiatives to encourage increased physical activity amongst women of all ages. • Amongst the horse riders who took part in the survey, 39% had taken no other form of physical activity in the last four weeks. This highlights the importance of riding to these people, who might otherwise be sedentary. • Horse riders with a long-standing illness or disability who took part in the survey are able to undertake horse riding and associated activities at the same self-reported level of frequency and physical intensity as those without such an illness or disability. • Horse riding stimulates mainly positive psychological feelings. • Horse riders are strongly motivated to take part in riding by the sense of well-being they gain from interacting with horses. This important positive psychological interaction with an animal occurs in a very few sports. • Being outdoors and in contact with nature • Sport England UK have adopted a threshold value for the contribution of sport to meeting Government guidelines on the recommended intensity and frequency of exercise that is likely to achieve physical health benefits. The threshold value measures the degree to which an individual participates in sport of moderate intensity activity for at least 30 minutes or more, three times a week. • 68% of questionnaire respondents achieved the government guidelines for exercise intensity and frequency (30 minutes for three times a week or more at moderate intensity) from horse riding and associated activities alone. Of these respondents 69% achieved this level of intensity and frequency through horse riding and the other 21 percent did so through associated activities such as mucking out and grooming. <p>We note from Drawing OPM(p)4001_revYY that the opportunity has been taken by the applicant to provide equestrian access within the development and we thank them for this and their engagement with local equestrians who have come forward.</p>	
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3	CPRE The Countryside Charity (Graham Horner)	24.06.2022	<p>CPRE Kent is an independent charity, wholly funded by its members and supporters, which operates under the umbrella of the national CPRE countryside charity. CPRE campaigns to protect, promote and enhance our towns and countryside to make them better places to live, work and enjoy, and to ensure the countryside is protected for now and future generations.</p> <p>CPRE Kent has a standing objection to this application, setting out our detailed concerns within our comprehensive letter of objection dated 27 May 2019. Whilst we recognise changes in circumstances since our previous comments, including the adoption of the Core Strategy, many of the previously raised detailed concerns remain. The updating comments that we make here should therefore be read in conjunction with and in addition to our previously made comments.</p> <p>It is also our strong opinion that the time being allowed to formally comment upon the revised application is unreasonably short given the quantity of information necessary to navigate to fully understand the proposals. We would therefore call for the consultation period to be formally extended, or at the least make it clear comments will continue to be accepted following the close of the formal statutory consultation period.</p> <p>Notwithstanding this point, it would also still seem that there remains insufficient information on certain issues to make fully informed comments across all points of concern at this time. We would therefore anticipate making further representations in due course, and in the meantime will maintain our standing objection.</p> <p>Our current areas of continued concern include:</p>	LPA 372

		<ul style="list-style-type: none"> • Lack of certainty with respect to the Parameter Plans • Building heights • Affordable housing levels including mechanism of securing provision • Unresolved water issues including Net Neutrality Coalescence and impact of the new development with existing distinct communities • Significant visual impact, in particular from the AONB, with very little detail about how it will be mitigated • Lack of certainty with respect to phasing • Transport routes • Open Space & Vegetation • Loss of large areas of best and most versatile 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 of securing provision <p>Lack of certainty with respect to the Parameter Plans</p> <ol style="list-style-type: none"> 1. It is noted that there two alternative sets of parameter plans which effectively means comments are being invited on two quite different applications. It is not clear how the accompanying environmental reports address the scenario of the waste treatment centre being operational. This is not only exceptionally confusing but also creates significant uncertainty as to the potential implications for both delivery and amenity impacts. 2. It is our opinion that certainty is required on this aspect of the application ahead of its determination. That is, if it really is not KCC's intention to go ahead with the waste treatment centre, then this permission should be revoked, and this application should be reconsulted upon with just one set of parameter plans. CPRE objected to the proposal for a waste treatment centre, and we consider it would be even less appropriate immediately adjacent to housing. On the other hand, the former quarry site is known to be contaminated so building housing on it needs careful consideration. <p>Building heights</p> <ol style="list-style-type: none"> 3. Whilst the illustrative masterplans and drawings may show a mix of built form of various size, shape and height interspersed around open spaces and community facilities, this is not what the Council are being asked to approve at this stage. Rather, they must assume a worst-case scenario of maximum height across the entirety of each area, along with the landscape and amenity impact this would bring, as this is what's shown upon the two parameter plans (Ref OP5 4.2). The LVIA confirms this would be truly an eyesore. 4. In the context of building heights, whilst it is noted that the maximum building heights are to be measured from natural ground level to roof, it is not clear from the submission how the proposed building heights relate to the natural contours across the site and therefore how this will impact on the apparent height of the proposed development in the landscape. 5. Likewise, it is also not clear to us how the proposed building heights will correlate with the density of each of the identified Development Areas. That is, as it is assumed the development will not be built out at a uniform density irrespective of building height, it is difficult for us to understand the likely balance between building density, building heights and therefore likely impact on the character of each Development Area. This has been made more difficult by the removal of the indicative range of building heights from the parameter's plans. 	
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			<p>We hope you find these comments helpful in your consideration of this application. In summary, the applicant has not demonstrated that a development of this size can be built on this site in a sustainable way and has not demonstrated his commitment to implementing all of the things necessary to achieve sustainability through to the end of the project.</p> <p>We would say this application is too important to be approved while leaving conditions and s106 agreements delegated so that they are negotiated away from public scrutiny, and we trust there will be an opportunity to review your officers' recommendations in good time before any decision is made.</p>	
4	Environment Agency (Jennifer Wilson)	25.05.2022	<p>Thank you for consulting us on the above, we have the following comments to make.</p> <p>Flood Risk We have checked the list of amendments and additional documents submitted with this application, none of which include significant changes to the flood risk and drainage strategy which we have previously reviewed.</p> <p>We understand this application includes an updated FRA to support the Tier 1 outline application only. With Tier 2 & 3 to include a detailed masterplan and reserved matters, respectively. Assuming this is the case our comments and requested conditions to the original outline application Y19/0257/FH remain unchanged.</p> <p>Water Quality Environmental Statement Op5 Chapter 3 - Development and Consideration Of Alternatives</p> <p>Statement in report: 3.2.19 <i>“Option 2 was selected as the Applicant’s preferred option for progressing development in the first phase and would provide the development with a nutrient neutral solution. Option 3 was discarded due to the technical complexities of upgrading the WWTW at West Hythe. Option 1 may come forward after the initial development phase of the WWTW following resolution of nutrient neutrality issues in addition to Option 2”.</i></p> <p>Comment: Indicative permit limits for wastewater discharge were calculated on the assumption that only one option would be selected. This means that if the on-site option is selected for the initial phases of development and later phases connect to Sellindge WWTW with upgrades to this works required for to increase capacity of the works, new permit limits will need to be calculated taking into account this change.</p> <p>Op5 Appendix 15.2 - Water Cycle Study 4.6.1 Indicative Discharge Permit Modelling Statement in report: <i>“However, the previously modelled DWF Upper Bound value will be exceeded at both WwTW options when the extra 1,500 dwellings within the remaining Framework Masterplan are also connected (i.e., by 90.1 m3/day at Sellindge WwTW and 353.1 m3/day at onsite WwTW respectively). Therefore, the indicative quality discharge permit values should be verified with the EA and updated accordingly through the normal permitting process.”</i></p> <p>Comment: This is correct, which relates to previous comment on indicative permit limits being based on selecting one option for wastewater treatment. It is advised to provide all new information to the Agency because any change in discharge volume will likely lead to a change in permit limits.</p>	LPA 373

		<p>General comment: The WFD status of the East Stour must be protected meaning that permit limits will be set not only to protect the status but to attain the desired objectives as set out in the River Basin Management Plan. For example, there is an objective for Phosphorus to Get to Good by 2027 so new permit limits will be set based on this.</p> <p>Fisheries, Biodiversity and Geomorphology Bridges A review of the submission did not reveal any information on the bridges that are proposed to cross the East Stour.</p> <p>This information needs to be identified and confirmation that the content of numerous discussions about them has been taken into consideration.</p> <p>We have the following general comments on the submission.</p> <p>1. Environmental statement - OP5 chapter 7 - Ecology and Biodiversity</p> <p>This report confirms that 2021 survey data has been added to the ES. Where any decisions affecting priority or protected species are made and where development takes place sometime after any permission is granted, there must be a condition requiring new, up to date surveys be conducted.</p> <p>This is in line with requirements of Planning for Biodiversity and Geological Conservation – A Guide to Good Practice and sections of the NPPF.</p> <p>2. Environmental Statement (ES) Appendix 7.10: Water Vole and Otter Survey Report – Update to include 2020 and 2021 Survey Data</p> <p>Beavers The presence of Eurasian beaver (<i>Castor fiber</i>) on the lower Great Stour up to Canterbury, the speed with which they can disperse over long distances and Government’s intention to make them a protected species means that future surveys for riparian mammals will need to include beavers.</p> <p>Water voles The report states that full details of mitigation for water vole will be provided within the water vole mitigation strategy and will be developed during detailed design. We would like to be consulted on this.</p> <p>Mink Given that it is inferred that mink populations have grown and that this might have had an impact on water vole populations, we would welcome the long-term implementation of mink control measures.</p> <p>Groundwater and Contaminated Land We have reviewed the Environmental Statement Chapters 10 (Geology, Hydrogeology and Land Quality), 15 (Surface Water Resources and Flood Risk) and associated appendices, including the Water Cycle Study and Flood Risk and Drainage Strategy.</p> <p>Chapter 10 This chapter includes an assessment of land and water quality and potential impacts resulting from development. It is understood that preliminary risk assessments and limited site investigations have been undertaken to date, and that further</p>	
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		<p>works will be undertaken on a phase-by-phase basis. Monitoring might be required once further works have been undertaken, which would be implemented through a remediation strategy, if necessary. These can be suitably managed under standard planning conditions. The key areas of concern have been identified and assessed in the ES, and mitigation measures proposed for construction and operational phases including codes of construction best practice.</p> <p>It is not thought that deep excavations or foundations will be necessary, but piling may be required for certain structures. A piling risk assessment may be required at the detailed design stage, which could be managed with standard planning conditions, if necessary.</p> <p>In relation to the proposed woodland burial site the applicant has already identified our minimum groundwater protection requirements. Any application for a new burial site must as a minimum be accompanied as a by a site-specific risk assessment (once the location has been finalised) as per the guidance on .gov Cemeteries and burials: groundwater risk assessments - GOV.UK (www.gov.uk)</p> <p>Chapter 15 and appendices 15.1 and 15.2 We have reviewed this chapter from a groundwater quality perspective only. We are pleased to see that impacts to groundwater quality have also been included within this chapter, including infiltration and SuDS. Details of these can be managed under suitable planning conditions.</p> <p>It is understood that a definitive solution to wastewater treatment is yet to be reached, but that further review has been undertaken. One proposal is for a new WwTW (to be constructed in phases in line with development progression) with associated wetlands to mitigate for additional nutrient loadings. Further details of any wetlands would be required at detailed design stage, including construction specification and potential impacts to groundwater. These can be managed under suitable planning conditions, although it is possible that additional permit constraints may be required Water resources.</p> <p>Water Resources As set out in Chapter 15 'Surface Water Resources and Flood Risk' and Appendix 15.2 'Water Cycle Study', we support the proposal for the Otterpool development to <u>exceed</u> the required 110</p> <p>l/p/d CSR SS8 policy target in order to reduce water demand and limit impacts the to the environment and in addition seek maximum water efficiencies under the mandatory water credits/ BREEAM 'Excellent' standard for non-residential properties.</p> <p>Based upon their above commitment to exceed the standards, is there an opportunity to get the development signed up to Southern Water's commitment called target 100: Target 100, together let's hit target 100. (southernwater.co.uk), which is an ambitious target we support and should be supported by Folkestone Hythe Council. We should be pushing for greater water efficiency standards, the National Framework report (link here) clearly set out that we need to see greater ambition on water efficiency. In the report, we set out that we expect the regional water resources groups (therefore water companies) to contribute to a national ambition to reduce individual water use. Whilst this area is not directly within SWS's supply zone as Affinity are the public water supplier, it is within SWS's wastewater service area, it's also important to understand the connectivity that exists between the companies networks, there already exists bulk network water transfers between the companies with more proposed alongside other supply options as set out under Water Resources South East (WRSE) proposals and the companies Water Resource Management Plans (WRMPs) in order to meet the growing demand and climate change.</p> <p>We hope you find our comments useful.</p>	
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5	The Gardens Trust (Alison Allighan)	10.06.2022	<p>Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which may affect Sandling Park and Port Lympne, historic designed landscapes of national importance which are included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grades II and II*.</p> <p>We have considered the information provided in support of the application and liaised with our colleagues in Kent Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.</p> <p>If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.</p>	LPA 374
6	Historic England (Alice Brockway)	30.06.2022	<p>Historic England objects to this outline application for a proposed garden settlement at Otterpool Park because it would cause serious and widespread harm to a rich and important historic environment, and in our view similar public benefits could be delivered in a less harmful form.</p> <p>Our concerns are greatest for the scheduled Barrow Cemetery, Barrow 44, and Westenhanger Castle, all of which derive significance from their landscape setting which would be fundamentally altered by the proposed settlement. We think the level of harm in NPPF terms is at the upper end of the range of less than substantial harm but could be substantial for the barrows.</p> <p>We think the application fails to meet key National Planning Policy Framework (NPPF) policies for the historic environment (paragraphs 195, 200). We also consider it fails to meet the Council's strategic allocation policy for Otterpool Park (SS7, 5 Heritage and your own policy on archaeology (HE2).</p> <p>Historic England's objection would only be removed by substantive and meaningful amendments to the application, which we outline in appendices 4-8 of this advice. We look forward to working constructively with your Council and the applicant to address the key recommendations of this advice.</p> <p>Historic England advice</p> <p>The heritage of Otterpool Park is extensive, rich, and intimately linked to the use of the site for thousands of years.</p> <p>At its heart is the partly ruinous 14th century Westenhanger Castle, a scheduled monument of exceptional significance sited in a gently undulating landscape at the foot of the North Downs. The castle's landscape setting is fundamental to understanding its significance. It allows an appreciation of the castle as the focal point of a large rural estate, which is understood in a number of views from within the site. Archaeological features within its setting also paint a vivid picture of the castle's magnificence and help explain the historic functional relationship of castle to landscape, e.g., the causeway which was the principal route into the castle.</p> <p>The castle, and evidence of activity associated with it, overlays a much older, complex funerary landscape, which includes scheduled Bronze Age burial mounds (comprising a cemetery group and two isolated barrows). The landscape of Otterpool Park is intimately linked to an understanding and appreciation of the significance of these ancient burial monuments, which were often sited on high points or 'false crests or river valleys (e.g., the barrow cemetery and barrow 44). The current landscape setting highlights that these barrow sites were specifically chosen to allow views of, and be seen from, other key features in the landscape. More detailed advice on the significance of these assets is described in appendix 1.</p>	LPA 375

		<p>The proposed settlement of Otterpool Park would result in a fundamental change to the character of the Otterpool Park landscape from one which is predominantly rural to one which is heavily urban. Specifically, it would directly remove much of the immediate landscape setting that contributes to the significance of the barrows, Westenhanger Castle and Causeway.</p> <p>For Westenhanger Castle and the Causeway this would seriously harm an understanding that Westenhanger is a castle set in an extensive landscape accessed by a causeway that ran across that landscape.</p> <p>For the barrow cemetery and barrow 44, this loss of existing character would cause the severance of key connections both within the cemetery group, between individual barrows, and with important natural landscape features. This would make it very difficult, if not impossible, to understand the extent and character of this important Bronze Age funerary landscape as it relies on the subtle and nuanced relationship between barrows and landscape to interpret and understand it.</p> <p>Overall, we consider the impacts to be very serious to heritage of exceptional significance. For Westenhanger Castle and the Causeway, we think the harm would be at the upper end of the range of less than substantial. For the barrow cemetery and barrow 44, we think the harm would be of a similar order but could be substantial. Our detailed advice on the impacts is described in appendix 2.</p> <p>The policy context governing change to the historic environment is described in Section 16 of the National Planning Policy Framework (NPPF) and in your Council's own policies on heritage, including SS7 (strategic allocation for Otterpool Park) and HE2 (archaeology). Both the NPPF policies and your Council's policies place great emphasis on the need to conserve or enhance heritage. The legislative context for decision taking affecting listed buildings and their settings also applies as outlined in the Planning (Listed building and Conservation Areas Act) 1990, S.66 (1). Further detail on policy and legislation is described in appendix 3.</p> <p>In its current form, Historic England considers that the outline application for Otterpool Park fails to meet key NPPF policies and your Council's own policies for heritage.</p> <p>We therefore object to the application in its current form. In our view, the proposals would cause serious harm to a special place of great heritage significance and that this harm is capable of being much reduced without meaningfully affecting the key objective of delivering a new settlement.</p> <p>Recommendation</p> <p>We consider a number of amendments, described in appendices 4-8, could overcome our principal reasons for objection and we recommend that these are made prior to the determination of the application.</p> <p>We would welcome the opportunity to continue working constructively with your Council and the applicant to address our reasons for objection in a way which conserves significance and delivers the public benefits proposed in the outline application.</p> <p>Once amendments are made, we request that Historic England is re-consulted so that we may provide an updated position and concluding advice.</p> <p>In determining this application, you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.</p>	
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7	HSE Explosive Inspectorate (Maria-Elena Villegas)	03.05.2022	<p>Thank you for your email and attached application. HSE's Explosives Inspectorate has no comment to make on this application as according to our records it does not appear to fall within the consultation zones of an HSE licensed explosives site. If you believe that this development is within the vicinity of an HSE licensed explosives site, please let me know.</p> <p>Could you please ensure that prior to sending a further application for advice to HSE's Explosives Inspectorate, you check your records and/or the HSE Planning Advice Web App to confirm that development falls within the safeguarding zones for a HSE licensed explosives site. Should you or your colleagues need any additional help in using the WebApp to obtain HSE's advice on a proposed development, a central support service is available.</p> <p>If you require statutory consultation from other parts of HSE e.g., major hazards, please contact them directly using the correct email address hazsubcon.cemhd5@hse.gov.uk.</p> <p>NB - On 1 August 2021 HSE became a statutory consultee with regard to building safety (in particular to fire safety aspects) for planning applications that involve a relevant building. A relevant building is defined in the planning guidance at gov.uk as:</p> <ul style="list-style-type: none"> • containing two or more dwellings or educational accommodation and • meeting the height condition of 18m or more in height, or 7 or more storeys <p>There is further information on compliance with the Building Safety Bill website.</p>	LPA 376
8	HSE Planning Gateway One	04.05.2022	<p>Thank you for your email in relation to Y19/0257/FH is the statutory consultee for planning applications that involve or may involve a relevant building.</p> <p>Relevant building is defined as:</p> <ul style="list-style-type: none"> • contains two or more dwellings or educational accommodation and • meets the height condition of 18m or more in height, or 7 or more storeys <p>"Dwellings" includes flats, and "educational accommodation" means residential accommodation for the use of students boarding at a boarding school or in later stages of education (for definitions see article 9A (9) of the Town and Country Planning Development Management (England) Procedure Order 2015 as amended by article 4 of the 2021 Order.</p> <p>This application will be considered out of scope due to it being validated before the 1st August.</p>	LPA 377
9	IDOM Land Contamination Review (Dr Lisa Horsley)	27.05.2022	<p>Thank you for your recent request to carry out a review of the updated documents relevant to the above application. The review relates to land contamination (in the context of public protection) for Otterpool Park where it is proposed to develop a new garden settlement including 8,500 homes and associated town centre uses. This review should be considered in conjunction with</p>	LPA 378

		<p>the Environment Agency consultation response which covers land contamination in the context of the protection of controlled waters.</p> <p>I have reviewed the updated planning application and identified the following relevant documents:</p> <ul style="list-style-type: none"> • Application Document OP5: <i>Environmental Statement</i> (March 2022) introductory chapters 1 to 4 and Chapter 10: Geology, Hydrogeology and Land Quality which includes the following report as an appendix: <ul style="list-style-type: none"> ○ Environmental Statement Appendix 10.1: Arcadis Ground Conditions report, which itself includes the following reports as appendices: ○ Arcadis Ground Investigation Factual Report, December 2017; and Arcadis Ground Investigation Factual Report, November 2018. <p>The Environmental Statement has been updated to reflect the current development proposals, changes in policy, guidance, and legislation and to reflect consultation comments raised since the 2019 application. The technical appendix that supports Chapter 10 remains unchanged.</p> <p>A comparison of the 2019 Chapter 10 and the 2022 Chapter 10 has been made and the following updates are noted:</p> <ol style="list-style-type: none"> 1. There is a change in the site boundary with additional land added on the northwest corner for a proposed wastewater treatment works, a parcel for highway works and the inclusion of Westenhanger Castle. These parcels were not included in the ground investigations; however, they can be included as part of future intrusive investigations in the detailed design process. 2. The Chapter includes reference to updated legislation, updates to the National Planning Policy Framework and Council policies. These updates do not affect the outcome of the assessment. 3. The Chapter includes reference to updated Environment Agency guidance on <i>Land Contamination Risk Management</i> published on gov.uk. The existing assessments are broadly in line with this new guidance 4. The Chapter redefines the terms used for receptor sensitivity and provides more extensive commentary in the text. Definitions of receptor values have also been refined. 5. The section on <i>Design and Mitigation</i> has been updated and now separately sets out embedded design measures (such as those set out in an Outline Code of Construction Practice), and any additional mitigation required. This is a logical approach in line with current guidance. 6. The Chapter clearly states that more site investigation is proposed as part of detailed design and that it is anticipated that this will be secured through the imposition of the standard land contamination planning condition. 7. The section on Residual and Cumulative Effects has been updated and now provides more information on cumulative effects. <p>The Impact Assessment Summary effectively demonstrates the same outcome as the previous assessment, although some of the terms are more clearly defined.</p> <p>Having reviewed the updated documents, IDOM Merebrook can reiterate our earlier broad comments:</p>	
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		<ol style="list-style-type: none"> 1. The documents present a phased investigation approach which is in line with current policy and guidance. 2. The setting for this application is predominantly agricultural with associated farms as wells as some residential and light commercial uses. Localised potentially contaminative historic land uses were identified and include Otterpool Quarry, a landfill to the north of Lympne Industrial Park and the former Lympne Airport (which experienced wartime bombing). 3. The reports include an overview desk study which establishes the geo-environmental setting of the site, past and current uses and the potential for contaminative land uses on site and adjacent land. The desk study is supported by a site walkover. The desk study assessment includes a conceptual site model which is considered appropriate by IDOM Merebrook. 4. The reports include the findings of two phases of intrusive investigation. The intrusive investigation comprised the excavation of approximately 70 exploratory holes over the 580-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 the applicants acknowledge the requirement for additional investigations as matters progress to the detailed stage. Given the findings of the desk study, IDOM Merebrook concur that the investigation density is sufficient to support the outline planning application. Contamination testing included on-site screening for volatile contaminants and laboratory testing for an appropriate potential contaminant suite. Limited contamination was identified, however given the limited site investigation coverage, the potential for additional contamination was highlighted. Nevertheless, Arcadis comment that land quality is unlikely to impose significant constraints on the development. This opinion is considered by IDOM Merebrook to be reasonable. 5. Limited monitoring of ground gas has not identified a significant issue with hazardous ground gas, however as above, additional investigation and monitoring will be required prior to development. 6. A subset of the site has been identified as having significantly elevated risk from unexploded ordnance. UXO clearance measures will be required prior to development in these areas. 7. The report makes reference to the potential future usage of the CL:AIRE <i>Code of Practice on the Definition of Waste</i>. We have no objection to adopting this approach subject to satisfactory sign-off by a <i>Qualified Person</i> under the scheme. 8. The <i>Environmental Statement</i> Chapter 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 IDOM Merebrook to be appropriate and the limitations of the study have been correctly identified. The <i>Design and Mitigation</i> sections present appropriate responses to potential contamination which will 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 <i>slight adverse</i> but <i>not significant</i> during the construction phase and contamination impacts have been scoped out during the operation phase of the development (as the necessary controls and remediation will have been implemented during construction). This conclusion is considered to be reasonable by IDOM Merebrook. <p>We are of the opinion that the development proposals should not be rejected on grounds of land contamination issues. It is important that <i>Folkestone and Hythe District Council's</i> standard contaminated land planning condition be applied to any consent for development in order to secure the more detailed level of assessment that is appropriate for the site prior to development.</p> <p>The standard contaminated land planning condition is split into five sections as set out below:</p>	
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			<ol style="list-style-type: none"> 1. Desk Study and Conceptual Model. 2. Intrusive Site Investigation and Risk Assessment. 3. Remedial Strategy and Verification Plan. 4. Verification Report. 5. Contamination Discovery Strategy. <p>These should be implemented in a phased manner; with each phase only required should a potential risk or action be identified by the preceding phase. It is recommended that proposals for intrusive site investigation are agreed with the Council prior to the works!</p>	
10	KCC Archaeology (Ben Found)	01.07.2022	<p>01 Thank you for consulting us on the above planning application. As you will be very aware, this is an exceptionally large and complex scheme. Our advice below provides recommendations for some of the key heritage issues that should be considered in determining the planning application. Attached with this letter are various addendum advice notes, which are intended to provide more detailed accompanying comments on various aspects of the application.</p> <p>02 In setting out our advice below we acknowledge the significant amount of pre-application dialogue, discussion and consultation that underpins and informs the submitted application. Nevertheless, there are still areas where significant concerns remain on the detail within submitted information and on the effects of the application on heritage interest. We advise that elements of the present application will result in significant adverse effects on the historic environment and that some of the adverse effects are to nationally important designated heritage assets. In some cases, this has the potential to amount to substantial harm in NPPF terms.</p> <p>03 Because of these concerns we suggest changes are necessary to the application. Without such changes we do not think the proposed scheme can yet be judged to meet national and local planning policy and therefore we must recommend the application in its current form should be refused. In our advice below we have sought to set out constructive ways in which the application might be amended to overcome our concerns.</p> <p>04 Specifically, our principal concerns are:</p> <ul style="list-style-type: none"> • The level of harm to Westenhanger Castle is not adequately described and is greater than currently assessed in the application. We suggest the harm caused will be less than substantial but is nevertheless significant. • The proposals will cause serious harm to the designated barrows within the application site due to the impact of the development on their setting. We consider that in some instances the harm has the potential to amount to substantial harm in NPPF terms. • The application is supported by cultural heritage mitigation and research strategies. We suggest that changes are necessary to these documents before they can be agreed (and these changes should be made before the outline application is determined). • The application proposes a range of heritage benefits, but not all of these are currently well-defined. It is essential that appropriate mechanisms are put in place to ensure that these heritage benefits are defined, secured, and trigger points are clearly set out for their delivery. Where benefits cannot yet be securely defined, then a clear pathway and timeframe for how such benefits will be realised must be agreed. 	LPA 379

		<p>The importance of Otterpool Park’s heritage</p> <p>05 The proposed site for Otterpool Park possesses a rich and varied array of heritage assets. These heritage assets explain how people have lived in and shaped the landscape that we see today over several millennia. They comprise a tapestry of buried archaeological remains, earthworks, landscape features and built heritage assets and include assets designated because of their national importance.</p> <p>06 This palimpsest of heritage assets provides a rich place-making resource that spans from early Prehistory to the twentieth century: highlights include:</p> <ul style="list-style-type: none"> • A Late Neolithic/Early Bronze Age funerary landscape comprising groups of barrows (burial mounds) at Barrowhill and extending eastwards along the valley of the East Stour. Several of these barrows are designated as scheduled monuments. • Archaeological evidence for Prehistoric domestic, funerary, and agricultural activity from at least the Neolithic onwards, including field- systems, enclosures, and settlement sites. • Extensive Romano-British remains, including a previously unrecorded Roman villa with a possible bath-house and other buildings. The villa appears to sit within a rectangular enclosure and would have likely formed the centre of a wider villa estate. • Westenhanger Castle, a moated quadrangular castle of the fourteenth century (scheduled monument and listed building). In the sixteenth and seventeenth centuries Westenhanger was one of Kent’s foremost great houses, including a period under Royal ownership. • Lympne airfield, a strategically important airfield that saw use in both the First and Second World Wars. <p>07 The archaeological work already carried out at Otterpool Park has clearly demonstrated the potential for the discovery of previously unknown archaeological remains. The works to date have also shown how archaeological investigation can enhance our understanding of sites whose significance wasn’t previously fully understood or appreciated. We suggest that there is a high likelihood that further important archaeological remains will be found within the Otterpool Park project area. Such future discoveries could include further archaeological remains of national importance.</p> <p>Impacts on heritage assets</p> <p>08 We welcome the principle of ensuring that Otterpool Park has a clear sense of identity. We agree that the rich heritage of the area must play an important role in the identity of the new settlement. The NPPF highlights the role that the historic environment can make to sustainable communities and the positive contribution that it can make to local character and distinctiveness.</p> <p>09 It must be acknowledged however that the construction of a new town at Otterpool Park will cause harmful impacts to a wide range of heritage assets. Such harm might result from physical impacts to heritage assets, arise as a result of changes to an asset’s setting, or include both in combination. We have set out detailed comments in accompanying addenda that relate to the prehistoric barrows, Westenhanger Castle, Otterpool Roman villa, Lympne Airfield, historic farmsteads, and other non-designated archaeological assets. These addenda discuss how the proposals will impact aspects of these asset’s significance and make positive recommendations for improvements and highlight where conditions or other legal agreements might be required to deliver identified mitigation measures.</p> <p>Delivering public benefit</p>	
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		<p>10 Given the harm that will be caused to the historic environment we think it essential that the proposed development delivers substantial benefit, and this must include a comprehensive package of heritage benefits. We think this benefit should take a variety of forms that collectively contribute to the heritage vision set out in the Otterpool Park Heritage Strategy.</p> <p>11 Creating knowledge that answers key research questions about our past and providing sustainable long-term futures for retained heritage assets are examples of heritage benefit.</p> <p>12 Opportunities for engagement with the heritage of Otterpool Park should be built into the development from the outset so that new and future residents can interact with and enjoy the heritage of the site. We welcome commitments within the Environmental Statement to the creation of on-site heritage interpretation, trails, and walks. It is important that appropriate provisions are put in place (either through conditions or legal agreement) to ensure their delivery and on-going management.</p> <p>13 We think that on-site facilities for heritage interpretation should be included, either within dedicated spaces, or preferably integrated with proposed community venues, schools, and public buildings. These facilities should include for the permanent and temporary public display of archaeological finds and exhibitions.</p> <p>14 The long-delivery timetable means that new residents will be living at Otterpool Park as archaeological mitigation works progress. We think this presents an exciting opportunity for people to become actively engaged in the site's heritage by participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist, funded through developer contributions, would be necessary to facilitate the delivery of such activities. We think such an approach would accord well with the heritage vision for the site.</p> <p>15 Summary of public benefit recommendations:</p> <ul style="list-style-type: none"> • The commitment to delivering heritage-led public benefit should be embedded in all Tiers and phases of development. • All archaeological works should be carried out in reference to an agreed site-wide research strategy so that knowledge gain can be targeted at addressing key regional and national research priorities. • On-site interpretation and heritage trails proposed within the Heritage Strategy should be secured by condition or legal agreement. • Facilities for on-site heritage interpretation should be provided which allow for the display of archaeological artefacts and housing of heritage exhibitions. • Opportunity for public participation in archaeological-led activities should be provided through the life of the development programme. These should be facilitated through the funding of an Otterpool Park community archaeologist. <p>Application documentation</p> <p>16 The application includes a significant amount of documentation. In providing you with advice we have concentrated on reviewing the documents that relate directly to the historic environment. This is on the understanding that the information contained within documents relating to other specialist areas will not materially conflict with these.</p> <p>17 The application is accompanied by an Environmental Statement, and we have appended our specific comments on the text of the Cultural Heritage chapter.</p>	
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		<p>and elsewhere none)? The more detailed plan of the Hill Top character area illustrated in Fig 4.14 again shows six of the seven barrows, but this time the northwesternmost barrow is included but one of the southern barrows is omitted. Similarly, Fig 3.7 shows two (of three) non-designated barrows but omits the scheduled barrow south of the Roman villa.</p> <p>26 We do not think the document sufficiently addresses the potential for the future discovery of presently unknown but important buried archaeological remains. The potential for additional EIA considerations to emerge because of future archaeological works is acknowledged elsewhere in the application documentation. We think it essential that the Strategic Design Principals sets the tone for how such future discoveries will be treated. The document should identify an overarching design principle to explain that treatment of newly revealed heritage assets will respond to significance. It should set the presumption that important and nationally important new discoveries will, where possible, be conserved and enhanced.</p> <p>27 We have included further comments on the Strategic Design Principles as an addendum to this letter.</p> <ul style="list-style-type: none"> • Otterpool Park Heritage Strategy <p>28 We have previously provided you with detailed comments on an earlier draft of the Otterpool Park Heritage Strategy and we welcome the positive changes that have been made to the document. We feel that the strategy now presented is a significant improvement but would benefit from some further revision to fully take account of comments previously made by Historic England, your Conservation Consultants and ourselves. Principally we suggest:</p> <ul style="list-style-type: none"> • The strategy could be further streamlined to make it more succinct and remove repetition. This would help make the document more accessible and useable. That some of the proposed commitments need to be tightened so that the process, timeframe, and any trigger points for delivery are clear, concise, and capable of being secured through planning condition, legal agreement, or other means. • That the illustrative material included within the strategy must be relevant and reflect current thinking. <p>Westenhanger Castle Conservation Management Plan</p> <p>29 As with the Otterpool Park Heritage Strategy we have previously provided you with comments on a draft of the conservation management plan for Westenhanger Castle. Again, we do not intend to repeat these comments. We welcome the changes that have already been made to the Conservation Management Plan, but we still consider that aspects relating to the archaeological interest of Westenhanger could be better integrated into a holistic understanding of significance. We also find that some of the policies remain generic. We recommend that updates to the Conservation Management Plan are secured.</p> <ul style="list-style-type: none"> • Cultural Heritage Mitigation & Research Strategies <p>30 The Cultural Heritage Mitigation Strategy and the Cultural Heritage Research Strategy form appendices to the Otterpool Park Heritage Strategy. These will be key documents that provide the basis and method for delivering the cultural heritage mitigation measures outlined in the Environmental Statement. We envisage these documents will form the foundation for the delivery of future archaeological works across the Otterpool Park site and therefore must clearly set out a framework of archaeological actions that can be secured by condition.</p>	
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		<p>is no evidence that the more distant barrows have any less of a connection to the cemetery group. We think on the basis of current information that it is correct to treat each barrow as contributing equally to the cemetery's group value.</p> <p>Impact of the proposed development on significance</p> <p>A1.5 The parameter plans submitted for approval show that the proposed development will likely result in the total loss of non-designated barrows 253, 263 and 284. The proposals will also sever links between barrow 131 and the other barrows of the scheduled barrow cemetery and will profoundly change the landscape setting of the remainder of the barrow cemetery (including barrows 58, 113, 114, 115, 130 & 135) and individual barrows 44 and 136. We think the harm that will be caused to barrow 131 as an integral component of a scheduled barrow cemetery and to the setting of barrow 44 are of particular concern.</p> <p>A1.6 Barrow 131 is the northwesternmost barrow within the scheduled barrow cemetery at Barrow Hill. The location of Barrow 131 is shown on the submitted parameter plans as being separated from the rest of the cemetery by built development and a main movement corridor (primary street). We think the severance of Barrow 131 from the other barrows in this cemetery group is harmful as it will prevent appreciation of the cemetery as a whole, it will remove the ability to understand the dispersed linear layout of the cemetery and it will significantly impact the ability to appreciate the scale and landscape setting of this nationally important group of funerary monuments. The group value of the cemetery is identified as a key element of the asset's significance. The harm to the whole cemetery is exacerbated by the impact that development about the proposed Barrow Hill Green will have on 1) the ability to appreciate the barrow's position on high-ground, 2) the relationship of the cemetery with local topography, and 3) how the cemetery is experienced in its wider landscape setting. Barrow Hill Green is described as being one unified area of open space, but we note that the application documentation suggests the presence of sports pitches projecting into this open area, which if provided would result in a sub-divided, not unified space.</p> <p>A1.7 The proposed individual treatment of Barrow 131 within the parameter plans and Strategic Design Principles is of very great concern. No open space is shown on the present parameter plan about this barrow, presumably because the area proposed is so small as not to be visible at the site-wide scale of the parameter plans. Open space is shown in the illustrative plans accompanying the Strategic Design Principles (Fig 4.14) which takes the form of a pocket of managed green space ringed on all sides by development. The Environmental Statement describes the area of open space that will be provided as "small."</p> <p>A1.8 The scheduling entry for this barrow cemetery highlights their significance as a group and the barrows are designated as a group. We think the approach taken within the Environmental Statement to assess the impact of the proposals on these barrows individually is incorrect, each barrow is a component of a single scheduled monument and the impact on the whole group needs to be considered. We strongly disagree with the conclusions of the Environmental Statement on the magnitude of harm that will be caused to this designated barrow cemetery.</p> <p>A1.9 We also have very substantial concerns about the proposed treatment of Barrow 44. This is one of a series of barrows that extend along the corridor of the East Stour, being situated on a local high point overlooking a bend in the river. We think this spatial positioning within the landscape is an important consideration in understanding the significance of the barrow. We place great weight on the contribution that the setting of the barrow makes to its significance, particularly the ability to understand the barrow's relationship with the surrounding landscape, river corridor and its role as part of a wider funerary landscape. These relationships also make a positive contribution to how the barrow is experienced as a place of burial.</p>	
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		<p>A1.16 Finally, the proposed development will result in the total loss of non-designated barrows 253, 263 and 284. Whilst these barrows were judged not to meet the criteria for scheduling this should not mean an automatic presumption that their loss should be accepted. Although non-designated these barrows do have group value as part of a wider funerary landscape as well as having evidential value. We think the applicant should look for opportunities to preserve these barrows in situ wherever possible in Tier 2 but recognise this may not always be achievable. We note there is the potential for further archaeological evidence to be encountered that would require the assessment of the significance of these barrows to be revisited and they could yet be demonstrated to have equivalent significance to a scheduled monument.</p> <p>Summary of recommended actions for the Prehistoric barrows at Otterpool Park:</p> <ul style="list-style-type: none"> • Revisions are needed to the parameter plans so that built development is removed from between Barrow 131 and the other barrows in this barrow cemetery. • The Strategic Design Principles for Barrow Hill Park should be amended to place greater emphasis on the ability to appreciate the relationship between the barrows and the wider landscape, including their topographic setting, views towards the North Downs and relationship to the East Stour. • Barrow 44 needs to be placed into a substantially larger area of open space and the parameter plans and Strategic Design Principles amended accordingly. • The open space about Barrow 44 must enable its landscape setting to be appreciated and its relationship with the East Stour to be understood • Additional assessment and analysis should be secured to further refine our understanding of the setting of the barrows ahead of Tier 2. • Options for the retention of the non-designated barrows should be pursued through the Tier 2 design work. • Appropriate measures and mechanisms to secure the future management of all barrows to be preserved in situ should be established. <p>Significance</p> <p>A2.1 Archaeological investigations at Otterpool park have revealed evidence for extensive Romano-British archaeological activity across the Otterpool Park site. This evidence includes the discovery of a previously unrecorded Roman villa located to the south of the A20 near Red House Farm.</p> <p>A2.2 The villa lies about 1km west of Stone Street and 1.6km north of Aldington Road, both of which have their origins as Roman roads. South of Aldington Road is the site of Roman Lympne (<i>Portus Lemanis</i>) a port and town which dates from at least the second century AD. Other known or potential Roman villas are recorded in the hinterland of <i>Portus Lemanis</i>, including a scheduled example at Burch's Rough, about 3km from the Otterpool Park villa. The archaeological evidence from Otterpool Park forms part of a wider pattern of Roman occupation and activity and illustrates the continued attractiveness of the lands of the East Stour for farming and settlement.</p> <p>A2.3 Archaeological investigation has shown the Otterpool villa to comprise the stone footings of various building ranges, including a possible bathhouse, all set within an enclosure. Within the villa enclosure there is evidence for a possible malting oven. There was also possible evidence for the production of glass on or near the site and a piece of Roman window glass was recovered. The archaeological evidence suggests the remains of the villa primarily comprise stone-built foundations of at least two phases. There is some evidence that the adjacent stream may have been channeled, with the recovery of millstone fragments suggesting the possibility of a mill at the site. Activity at the villa is understood to</p>	
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		<p>commence in the later 1st century AD, but with the majority of features dating between the early- to mid- 2nd century and the mid-3rd century AD.</p> <p>A2.4 The building complex included an in-situ hypocaust and associated flue and remains of painted wall-plaster and large quantities of Roman roof, floor and hypocaust flue tiles were recovered from the site. From within the backfill of the hypocaust were two Roman column (or engaged column) bases made from imported limestone from Boulogne. Column bases such as these are very rare in rural Romano-British buildings and are usually found on buildings of very high status. The assemblage of pottery recovered from the site included a mix of native and imported vessels, again indicative of higher status activity.</p> <p>A2.5 The villa is judged to have high archaeological potential (evidential value). Waterlogging of some pits and ditches allows for the survival of organic remains, including wooden objects, antler and environmental evidence that might not ordinarily survive. It appears to be a building of high-status and forms part of an emerging group of known and potential Roman villas located in the vicinity of Lympne. Its possible early date and the use of imported stone are also notable and contribute to the site's significance. We judge that the villa complex is of sufficient significance to warrant consideration for scheduling.</p> <p>Impact of the proposed development on significance</p> <p>A2.6 The parameter plans show the site of Otterpool Roman villa as falling within open space within the proposed Otterpool Country Park. The location of the villa within an area of managed open space will allow for its preservation in situ which is welcomed. The fields containing the villa are currently in a mix of arable and pastoral use and taking the villa out of plough will be an obvious benefit.</p> <p>A2.7 The current, largely rural setting of the villa alongside a stream contributes to an understanding of the landscape setting of the villa and helps illustrate the villa's role as the centre of a wider agricultural estate. Development across this open, rural landscape will have an impact on the setting of the villa, but the proposed country park will help to preserve a degree of its current setting.</p> <p>A2.8 The presence of waterlogged deposits within the eastern part of the site, alongside the present stream are significant. This is because these deposits will preserve a range of organic objects and finds that might not ordinarily survive at a rural villa site. Additionally, the waterlogged deposits associated with the stream will likely preserve deposits that contain a wealth of palaeo- environmental information that could make a significant contribution to understanding the vegetational and environmental history of the villa and its environs. Harm could be caused to the villa's significance should development alter the hydrological environment so that deposits currently waterlogged become dewatered.</p> <p>A2.9 Design proposals for the new Otterpool Country Park will need to take account of the site's heritage significance. So, for example, new tree planting within the area of the villa would not be appropriate and any proposed paths or other park infrastructure must be carefully sited to avoid damaging below ground archaeological remains. We think the position of the villa within the proposed country park presents a significant opportunity for public engagement with- and enhancing understanding of- the heritage asset through interpretation, public art, and other means.</p> <p>A2.10 The Otterpool Park Heritage Strategy recommends the preparation of a Conservation Management Plan for the villa to inform further technical studies and archaeological investigation requirements in order to establish design options for the long-term preservation and presentation of the villa site. We broadly support such an approach and suggest that the</p>	
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		<p>requirement to prepare a Conservation Management Plan ahead of Tier 2 and a timetable for further work should be conditioned. The mechanism to secure the long-term management and stewardship of the villa site will also need to be established. An immediate beneficial action that could be secured would be to take the villa site permanently out of plough.</p> <p>Assessment of harm A2.11 We think the proposed development at Otterpool Park will cause some harm to the setting of the Roman villa, but that this harm could be mitigated to an extent through careful landscaping. We suggest that this harm would be at the lower end of “less than substantial” in NPPF terms¹ and note that much of the villa’s significance is drawn from its archaeological (evidential value). Furthermore, we suggest that removing the villa from plough and seeking opportunities to enhance and better reveal significance would present a clear heritage benefit.</p> <p>Summary of recommended actions for Otterpool Roman villa:</p> <ul style="list-style-type: none"> • Secure the production of a Conservation Management Plan for the Roman villa site ahead of Tier 2. • Establish and secure the necessary steps that will be taken in Tier 2, including any further technical studies and/or archaeological investigation works, to inform design proposals for how the villa will be preserved, interpreted, and presented along with a timetable for the delivery of these steps. • Determine arrangements for and/or the mechanism required to establish the long-term stewardship and management of the villa site. • Take the villa site out of plough. <p>(¹ The villa is not designated, but potentially might fulfil the criteria for scheduling. In such a scenario it is necessary (in line with footnote 68 of the NPPF) to apply a precautionary approach so that non-designated archaeological remains of equivalent significance to a scheduled monument are afforded the same planning protection as they would get if they were designated.)</p> <p><i>Kent County Council Heritage Conservation Addendum Advice 3: Westenhanger Castle – issues and recommendations</i></p> <p>Significance</p> <p>A3.1 Westenhanger Castle was once one of the very great houses in Kent and in the sixteenth century was under Royal ownership. It was set within a substantial deer park which surrounded the castle on all sides. Westenhanger castle is a scheduled monument and grade I listed building. The causeway which was the principal historic access to Westenhanger Castle is a scheduled monument in its own right and the two stone-built conjoined barns in the castle’s outer court are also grade I listed.</p> <p>A3.2 The deer park that once surrounded Westenhanger Castle is not designated, but the present open rural landscape makes an important contribution to the significance of Westenhanger and understanding the role of the castle as the centre of an extensive estate. It is possible that further archaeological investigation within the parkland may further reveal elements of the former deer park.</p> <p>A3.3 We acknowledge that to the north the castle’s setting has been harmed by the M20 motorway, and domestic and HS1 rail lines which have severed the castle from its estate to the north. We think this makes the remaining aspects, particularly those to the west and south, more sensitive to change.</p> <p>A3.4 We place special importance on the castle’s southern aspect. This is because it is from the south that the castle was historically approached by means of a causeway, and because historically the castle would have included chambers that</p>	
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			<p>were designed to take advantage of the view south from the castle. It is here that we believe the more formal elements of the castle's landscape would likely have been located, including a walled garden immediately south of the scheduled area.</p> <p>A3.5 Historically the principal approach to Westenhanger would have been from the south along the causeway (a scheduled monument). It is as you approach Westenhanger along the causeway that some of the best views of the castle set against the backdrop of the North Downs can be appreciated. As visitors neared the castle the postulated formal gardens on Westenhanger's southern side would have come into view before the entrance driveway turned through the outer court with its impressive stone barn showing the wealth of the castle's owners.</p> <p>A3.6 We agree that the south aspect has seen change since Tudor times, not least through the establishment of the racecourse. Nevertheless, the current openness establishes a strongly rural character which helps visitors to Westenhanger understand that the castle was once set within a very extensive deer park, which historically extended as far as the A20 Ashford Road. We think this openness is a key part of how the asset is experienced and we place special importance on views from the causeway towards Westenhanger Castle.</p> <p>Impact of the proposed development on significance</p> <p>A3.7 We think it is essential that Westenhanger Castle plays a major role in defining the identity of the new town. However, it must be acknowledged that the creation of a new town in such proximity to Westenhanger Castle will profoundly and permanently change the asset's setting. The open rural setting of Westenhanger Castle will be lost, to be replaced by new urban development. The proposals will introduce new development to the south, east and west of the castle, with the parameter plans allowing for some of the tallest development (up to 18 m in height) to be in areas close to the castle and flanking the causeway.</p> <p>A3.8 We welcome the inclusion of a key design principle within the Strategic Design Principles that celebrates the causeway but suggest that more is needed to be done if this principle is to be met. The causeway is shown as a pedestrian and cycle route on the submitted parameter plans. The detail of how this might be achieved will need to be agreed with Historic England and this will need to be carefully designed to ensure that any new surfacing, associated landscaping, and other works required to facilitate access are sensitive to the heritage significance of the causeway and avoid physical harm to the monument. If the objective of celebrating this causeway is to be properly met, we think it essential that the proposed movement corridor has a genuine function that is compatible with the conservation of this nationally important heritage asset.</p> <p>A3.9 We think in addition to providing a link to the castle at the north it is important that stronger connections are established at the southern end of the causeway to better connect this route into the wider movement strategy for Otterpool Park. Figure 3.5 of the Strategic Design Principles shows an indicative off-street cycle route extending south of the causeway that connects with the proposed country park and development blocks on the south side of the A20, but this linkage is unfortunately omitted on other plans and is not included in the parameter plan that has been submitted for approval.</p> <p>A3.10 The parameter plans include for open-space – called Castle Park – to the immediate south of the castle. The plans include for development blocks on the southern side of the park, but with a corridor of green space flanking the scheduled causeway. We have previously advised that the open space proposed to the south of Westenhanger Castle is too small and does not allow the former status of Westenhanger as a great house set within a large park to be adequately understood and appreciated. This remains our position. In this respect we think the development proposed adjacent to the causeway is</p>	
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		<p>especially harmful as it would severely diminish the ability to experience some of the best views of the castle against the backdrop of the North Downs.</p> <p>A3.11 The Strategic Design Principles for Otterpool Park describe (on page 28) a “formal” park within a location that is “highly urban with formal edges to streets and open spaces”. Great care will be needed to manage the transition from dense urban development to green public open space to ensure that any new park does not feel overwhelmed by the urban form. We are concerned that the principles currently established in the Strategic Design Principles document will not prevent this. The Otterpool Park Heritage Strategy indicates that the key design objectives should be to “establish a new park which celebrates the heritage of the deer park and restores a setting to Westenhanger Castle.” In our view the park shown on the parameter plans and described in the Strategic Design Principles does not yet fully meet this key heritage objective.</p> <p>A3.12 The historic deer park at Westenhanger would have extended over a large area. Clearly retention of the deer park in its entirety would not be compatible with the objectives of the Otterpool Park development. It once took in most of the land that will form the River Stour and Town Centre & Castle Park character areas and continued to the north of the railway line and motorway. Appendix 9.22 of the Environmental Statement describes the landscape of this former deer park and the type of features that were likely present within it. Archaeological evaluation at Otterpool Park has already demonstrated the presence of boundary/enclosure and water management features that likely form vestiges of the castle’s deer park.</p> <p>A3.13 We think further archaeological evaluation (both of areas not yet investigated and targeted evaluation in areas already investigated in part) can significantly add to our understanding of the landscape surrounding Westenhanger Castle. Archaeological evidence for other features that might be expected in a royal deer park, but which are not yet known at Westenhanger, might yet be revealed, including any hunting lodge, hunting stands, fishponds, and water- management features, etc. Remains of these have the potential to be of high importance.</p> <p>A3.14 Of particular interest, but not yet adequately understood, are a group of water features adjacent to the causeway which are suggested as being possible fishponds. We are concerned by the suggestion in the Strategic Design Principles (page 85) that these features might not be retained. We suggest this should be amended to conform with the commitment in the Heritage Strategy to retain and reinforce the significance of these features. We think it essential therefore that further evaluation of the former deer park is carried out ahead of Tier 2 and this could be secured by condition.</p> <p>Assessment of harm</p> <p>A3.15 Whilst the principle of providing public parkland to the south of the castle is welcomed our advice is that the overall impact on nationally important heritage will be a harmful one. The harm caused is “less than substantial” in NPPF terms but is nevertheless significant given the major change that will occur to Westenhanger Castle’s setting and the important contribution which that setting makes to the castle’s significance.</p> <p>A3.16 The NPPF is clear that any harm to a designated heritage asset should require clear and convincing justification (para 200). In determining the planning application, you will need to determine whether the Identified harm has been clearly and convincingly justified. You will also need to demonstrate that “great weight” has been given to the conservation of this nationally important heritage asset in any planning decision.</p> <p>A3.17 Historic England would be best placed to advise you on what additional design measures might be possible to further minimise harm to Westenhanger Castle (including the scheduled causeway and listed buildings). Once you are satisfied</p>	
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		<p>full military use. The airfield played a significant role in providing air support to the British Expeditionary Force (BEF) whilst fighting in France as well as during the evacuation of BEF and allied troops from Dunkirk. During the Dunkirk evacuation French Air Force fighters were temporarily based at Lympne.</p> <p>A5.3 The airfield would go on to play an active role during the Battle of Britain and was one of several airfields targeted in mid-August in a large-scale co-ordinated attack by the Luftwaffe which did much damage to Lympne. Flying from Lympne was limited until early 1941 after which Lympne would again see use by various RAF fighter units, including during the D-Day landings. Towards the end of WW2, the fighter aircraft based at Lympne were used against V1 missiles.</p> <p>A5.4 Lympne remained a grass airfield throughout the war, dispersed aircraft pens and over-blister type hangers were added for which various air-raid shelter and concrete hanger bases survive. Also surviving at Lympne (but outside the red-line area) are several brick-built accommodation huts air-raid shelters and a gas decontamination block. The airfield's Battle HQ survives within the red- line area to the west of Otterpool Lane. The majority of pillboxes associated with the perimeter defence of the airfield have been removed, but their bases may survive archaeologically (along with associated slit-trenches). A Pickett Hamilton Fort (a specialist type of retractable pillbox used at airfields is located west of Otterpool Lane; it is not thought to be in its original location. A possible second Pickett Hamilton Fort was noted at the airfield in 2005 but is now buried by spoil. Because of their rarity should this survive in reasonable condition and in its original location then this could be high importance.</p> <p>A5.5 The airfield returned to civilian use and notably from 1948 was used by Silver City Airways for their aerial car ferry service to France. After Silver City Airways relocated to Lydd the airport at Lympne was used by Skyways for their coach-air-coach service between London and Paris. Issues with waterlogging led to the construction of a new concrete runway in the 1960s. The line of this runway, along with an associated taxiway can be traced on the ground.</p> <p>A5.6 The airfield remains consist of a mix of buried archaeological remains and standing buildings and structures. Part of the airfield has been built over by Lympne Industrial Estate and we agree that the overall significance of the airfield is medium and that individual elements are generally of low to medium significance. We think the Pickett Hamilton Fort within the airfield could be of greater significance if it is demonstrated to survive in reasonable condition.</p> <p>Impact of the proposed development on significance</p> <p>A5.7 The Otterpool Park parameter plans show development across a large part of the former airfield (in addition to the parts already occupied by Lympne Industrial Estate). This will remove the ability to appreciate Lympne Airfield as a large open space across which various grass runways could be configured. The Otterpool Park Strategic Design Principles document proposes the use of linear open-space to reflect the alignment of former runways. A V-shaped open-space as illustrated in the Strategic Design Principles, however, one arm follows part of the line of the post-war civilian concrete runway, and the other arm does not appear to reflect any historic runway. Furthermore, the open space shown extends to a length of some 400m, whereas the runways would have been more than double this length (the civilian concrete runway for example was over 1,300m long).</p> <p>A5.8 As such we think other mechanisms will be required to meet the priority in the Otterpool Park Heritage Strategy to retain, enhance and interpret aspects of the airfield and military heritage at Lympne. We think this should include for innovative landscaping and public art, along-side other more traditional interpretation. This should include for the conservation and interpretation of surviving airfield structures. Options for the conservation, enhancement and interpretation of the airfield heritage should be explored through Tier 2. We think a detailed study of the airfield site by a military historian/archaeologist should be carried out to inform design options and that this should be carried out before or very early in Tier 2. Such a</p>	
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		<p>study could be secured by condition. Provision should also be made (again secured by condition) for historic building recording and survey of surviving heritage assets of the airfield.</p> <p>A5.9 We note that several of the extant military buildings associated with the airfield (accommodation huts air-raid shelters and a gas decontamination block) lie outside the red-line area. Several of these buildings appear to be in poor condition and are at risk of further deterioration or loss of fabric. If Otterpool Park could act as the catalyst to enable a solution to prevent further deterioration and secure a long-term future for these structures this would be a definable heritage benefit. The heritage strategy suggest that these buildings could be “fully restored and interpreted” but no mechanism to achieve this is identified.</p> <p>A5.10 We welcome the intention to retain the airfield Battle HQ within an area of open-space (Otterpool Green). We think it essential that the structure is given a defined function and proper management, otherwise, we think there is a risk that it become a focus for anti-social or undesirable behaviour.</p> <p>Assessment of harm</p> <p>A5.11 We think the proposed development at Otterpool Park will cause harm to Lympe Airfield as the historic character of the airfield as a large open-space will be lost to development. However, we suggest that many of the heritage features of the airfield are currently difficult to appreciate or are in poor (and deteriorating) condition. A balanced judgement will be required to weigh the harm that will be caused to the heritage asset against the positive benefits that might be secured through the conservation and interpretation of heritage assets at the airfield.</p> <p>Summary of recommended actions for airfield heritage:</p> <ul style="list-style-type: none"> • Secure the preparation of a detailed study of the airfield by an appropriate expert to inform Tier 2 design work. • Carry out historic building recording and survey of airfield heritage assets (secured by condition). • Establish and secure the necessary steps that will be taken in Tier 2 to inform design proposals for how the airfield heritage will be preserved, interpreted, and presented along with a timetable for the delivery of these steps. • Find a solution to prevent further deterioration of off-site military heritage assets, with the aim of providing there with a sustainable future. <p><i>Kent County Council Heritage Conservation Addendum Advice 6: Non-designated archaeology – issues and recommendations</i></p> <p>Archaeological context</p> <p>A6.1 Otterpool Park is located within an archaeologically productive landscape. It lies between the North Downs and the Lympe Escarpment and takes in the floodplain of the East Stour. Until recently this area had seen relatively little large-scale systematic modern archaeological investigation. The exception being the various archaeological investigations and excavations associated with the Channel Tunnel Rail Link (CTRL), now known as HS1, which examined in detail an extensive but narrow corridor through the landscape of the vale and demonstrated the breadth and spread of archaeological sites present in the area.</p> <p>A6.2 The archaeological investigations undertaken in support of the present planning application have confirmed the richness and depth of Otterpool Park’s archaeological heritage. The site includes archaeological interest that spans from the</p>	
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		<p>Paleolithic period to the twentieth century. Some of the archaeological assets within the application site have been designated due to their national importance. Most archaeological features are un-designated however, but nevertheless are of considerable interest and value.</p> <p>Important, but non-designated remains</p> <p>A6.3 Archaeological evaluation at Otterpool Park has revealed several nationally important archaeological assets that were previously unknown or whose significance was not fully understood. There are other assets, such as Otterpool Roman villa, that are not yet designated, but which may meet the criteria for designation. Within the application site there are large areas that have not yet been evaluated or that have seen only non-intrusive evaluation and have not yet been subject to archaeological trial trenching. Additionally, the evaluation that has been completed to date has been carried out at a comparatively low density and it is possible that further targeted evaluation might enhance understanding and raise the level of significance of archaeological remains already identified.</p> <p>A6.4 As such, considerable scope exists for nationally important archaeology to be revealed through future phases of investigation. Archaeological evaluation works should therefore be completed in advance of Tier 2 so that the emerging proposals can take account of archaeological significance. The requirement for further archaeological works should be secured by condition. All future archaeological works should be carried out within the overall framework of an agreed research-led archaeological mitigation strategy.</p> <p>A6.5 In some instances the significance of non-designated archaeological assets might be raised because of their group value or where they can contribute to our understanding of designated heritage assets. The non-designated Bronze Age barrows 253, 263 and 284 are a good example. Individually they have been judged not to currently meet the criteria for scheduling, nevertheless they significantly add to our understanding of the wider funerary landscape that the scheduled barrows are part of. Similarly, non-designated archaeological evidence for Bronze Age settlement and agriculture will inform a holistic understanding of activities contemporary with the barrows, whilst paleo-environmental evidence could help provide a landscape and ecological context for the barrows (which could influence proposals for appropriate new landscape planting).</p> <p>The value of non-designated archaeology</p> <p>A6.6 We feel it is essential that the contribution that significant, but non-designated archaeology can make to place-making is realised through the detailed design work that will emerge in Tiers 2 and 3. The default position should not assume that the loss of non-designated archaeological remains will always be an acceptable or desirable outcome.</p> <p>A6.7 Archaeological evidence from Otterpool Park has the potential to make a significant contribution to national and regional archaeological research priorities. The scale of the proposals presents a unique opportunity to generate new knowledge that will make a significant contribution to understanding the landscape evolution of this part of Kent and how humans have interacted with and shaped that landscape over the millennia. To realise this potential, it is essential that future archaeological works are carried out in accordance with a robust archaeological mitigation and research strategy.</p> <p>A6.8 The archaeological works will result in the production of an extensive archaeological archive, including physical artefacts and remains as well as paper and digital archives. Provision should be made for the long-term storage of-, and public access to-, the archaeological archive, funding for which should be secured through developer contributions. The Otterpool Park Heritage Strategy provides a commitment to the presentation of archaeological finds and storage of the archaeological archive (which is an identified requirement of Policy SS9 (3) of the Core Strategy Review (2022)). The current commitment however is not well defined beyond identifying that feasibility work will be carried out in Tier 2 to inform</p>	
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		<p>options for archive provision. We think that the scope and timetable for carrying out such feasibility work should be defined now, so that this can be conditioned and provide more certainty about when such provision will be delivered.</p> <p>A6.9 Archaeological works will result in significant knowledge gain; however, it should be remembered that the understanding gained from mitigation is an outcome consequent of the proposed development. The ability to record archaeological evidence is not justification for its loss. It is essential therefore that innovative and exciting means of delivering heritage benefit is embedded within the Otterpool Park proposals.</p> <p>A6.10 Non-designated archaeology can make an important contribution to the delivery of public-benefit, including by allowing future residents to become actively involved in archaeological works.</p> <p>Summary of recommended actions for non-designated archaeology:</p> <ul style="list-style-type: none"> • Further archaeological evaluation works are required in advance of Tier 2 (secured by condition). • Archaeological evaluation works may yet reveal further important or nationally important archaeology across Otterpool Park site. Any outline consent must have sufficient flexibility to allow for such discoveries. • Important archaeological sites should be conserved wherever possible and there should not be a default assumption that the total loss of non-designated archaeology will be acceptable outcome. • All future archaeological works should be carried out in accordance with an agreed archaeological mitigation strategy. The present strategy should be substantially revised. • Provision should be secured for the long-term storage of, and public access to, the archaeological archives from Otterpool Park. • The principle of public benefit should be embedded into all archaeological works. <p><i>Kent County Council Heritage Conservation Addendum Advice 7: Otterpool Park Environmental Statement – Chapter 9. Cultural Heritage.</i></p> <p>ES 9.1.4 – we think that some changes could be made to the Heritage Strategy, and we think that substantive change is needed to the Cultural Heritage Mitigation Strategy before this document can be agreed (see KCCHC Addendum Advice 9).</p> <p>ES 9.1.5 – notes that the mitigation measures set out within the Environmental Statement (ES) are supported by an Archaeological Research Strategy (which forms Appendix B of the Heritage Strategy). Changes are required to the research strategy (see KCCHC Addendum Advice 9). As the research strategy is intended to support the ES it should be revised and agreed now, so that the ES responds to and is the product of a robust and agreed baseline.</p> <p>ES 9.1.6 – we think that changes are required to the Conservation Management Plan (see advice letter).</p> <p>ES 9.1.8 – further waterlogged remains can however be expected along the flood plain of the East Stour River, including at Westenhangar Castle.</p> <p>ES 9.2.12 refers to Table 3 in ES Appendix 9.9 which gives a summary of consultation responses prior to and following the 2019 application submission. The table doesn't always summarise how consultation comments have been addressed. For example, on page 23 of the table reference is made to concerns raised about setting of barrows and</p>	
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			<p>how they will be integrated into development, the table doesn't actually explain how these concerns have been addressed.</p> <p>ES 9.2.21 – we agree that mitigation requirements must be refined through Tiers 2 & 3. We note the statement that “<i>further detail will be added to the Mitigation Strategy...[but]...the mitigation requirements will be within those set out at the OPA stage.</i>” This places considerable importance on the Mitigation Strategy (Appendix A of the Heritage Strategy), and we advise that changes must be made to it so that it is robust and fit for purpose (see KCCHC Addendum Advice 9).</p> <p>ES 9.2.24 – we agree that new heritage assets may be identified over time. We note the comment that existing heritage assets may be removed by ongoing ploughing. We strongly recommend that where important archaeological assets have been identified (or are identified in the future) there should be a mechanism to remove these from plough. ES 9.2.24 notes that “<i>the baseline conditions are not anticipated to alter materially in the future.</i>” But... the potential for new archaeological assets of high or very high significance cannot be ruled out and this could introduce new Environmental Impact Assessment (EIA) considerations.</p> <p>ES 9.4.25 – notes that the parameter plans provide open space to ensure no physical harm to the barrows. It is noted that “<i>an area of open space, larger than just the scheduled area of barrow 131 has been provided</i>”, but no open space is shown on the parameter plans. The lack of detail at the outline stage makes it difficult to fully understand the harm that will be caused to the barrow. For example, there is a lack of clarity about precisely how much open space will be provided; the supporting information suggests this will be minimal and only just larger than the scheduled monument. We judge the severance of this barrow from the rest of the scheduled barrow cemetery to be an unacceptable outcome. By encircling the barrow in development there doesn't appear to be any appreciation that this barrow forms an integral component part of the scheduled barrow cemetery, from which it will now be divorced. The setting of the scheduled barrow is ultimately something that Historic England should lead discussions on, but whatever parameters are ultimately set they should be based on an understanding of significance, including the contribution that the barrow's setting makes to its significance. For this barrow, its location off the crest of the hill, at the break-of-slope above a bend in the East Stour suggests an intended relationship with the river corridor; the barrow being intended to be seen as a marker on the hillside. Fundamental also is how this place of burial is experienced. It is this type of thinking that should be shaping the development parameters.</p> <p>ES 9.4.26 – where the movement route has been fixed in the vicinity of barrow 130 it would be helpful to have more information to understand the impact – for example how far from the scheduled monument does the fixed route lie? The fixing of this section in the parameters will limit the level of true flexibility in adjoining section of road as these must connect into the fixed section.</p> <p>ES 9.4.30 – we do not think the proposals for the treatment of development around Barrow 44 are acceptable as they will result in significant harm to a scheduled monument. We think a greater area of open-space is required which retains a relationship with the East Stour River. The setting of the scheduled barrow is ultimately something that Historic England should lead discussions on, but whatever parameters are ultimately set they should be based on an understanding of significance, including the contribution that the barrow's setting makes to its significance. The emerging pattern of a beaded string of barrows spread along bends in the East Stour suggests an intended relationship with the river corridor. Fundamental also is how this place of burial is experienced. It is this type of thinking that should be shaping the development parameters.</p>	
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		<p>the Otterpool Park project. The CHMS must also allow for the advancement in archaeological methodologies that might occur over a 30- year construction programme.</p> <p>A9.6 In essence the CHMS acts as a manual that archaeologists, design engineers, programme managers and contractors will use to ensure that archaeological mitigation measures are properly programmed, structured, and delivered.</p> <p>Promoting a research-led approach</p> <p>A9.7 The CHMS sets out the heritage baseline at the site (this should be streamlined, more concise and less repetitive). The CHMS's focus should be on setting out the archaeological process that will be followed over the lifetime of the Otterpool Park project. The baseline does however clearly demonstrate that heritage assets at Otterpool Park are widely distributed and highly varied. This means it is essential that the mitigation methodology set out in the CHMS is based on well-defined research objectives, so it can establish an informed framework of archaeological priorities that will shape and guide the archaeological programme and against which results can be quantified. Such a research-led approach is supported by the NPPF which requires developers to advance understanding of the significance of affected heritage assets.</p> <p>A9.8 Accompanying the CHMS (as Appendix B of the Otterpool Park Heritage Strategy) is a proposed Cultural Heritage Research Strategy (CHRS). The CHRS was prepared by Arcadis but given the importance of this document, it would be preferable for a more collaborative approach to be taken to the formulation and agreement of research objectives. The objectives currently set out in the CHRS have not been discussed or agreed prior to submission. The CHRS makes reference to the South East Research Framework (SERF) and the district-wide Folkestone & Hythe Heritage Strategy (although it is unclear how the latter has influenced the objectives in the CHRS). The CHRS should also refer to research priorities identified in national and regional thematic and period-based guidance from publications provided by Historic England and sources such as the Stour Valley Paleolithic Project. The document could also consider – especially given the projected 30-year delivery programme – whether there are any opportunities to investigate methodological research questions.</p> <p>A9.9 The current CHRS includes an extensive table of research aims. These might usefully form the basis for future discussions to agree a suite of Specific Research Objectives. What is currently absent from the CHRS are the over- arching archaeological research themes for Otterpool Park which should act as the link between national and regional research priorities and the very detailed specific research objectives Arcadis have produced. The Strategic Research Objectives are the means of translating the key research themes into tangible actions to be addressed using a toolkit of methodologies detailed in the CHMS across the life of the Otterpool Park project.</p> <p>A9.10 In combination the site-wide research themes and Specific Research Objectives will help deliver a best-value approach where individual phase and site work can contribute collectively and consistently towards the heritage objectives of the project. The CHMS could establish the principle of on-site artefact and environmental processing during archaeological mitigation works, include provision for rapid spot dating of recovered artefacts so that archaeological fieldwork can be targeted and concentrated in 'real-time,' towards the efficient fulfilment of research objectives.</p> <p>Delivering a robust, staged archaeological programme of evaluation and investigation</p> <p>A9.11 The CHMS must be a high-level framework document to provide an overarching archaeological strategy. Detailed methodologies for individual investigations delivered under the umbrella of the CHMS will be set out in a stage- and/or phase- specific Written Scheme of Investigation (WSI). As an umbrella document the CHMS should clearly signpost a staged programme of archaeological mitigation measures that responds to heritage significance, with each stage helping to define and focus the next. It should clearly set out any review and decision points that will be required during or following</p>	
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		<p>each stage, including making provision for future and/or unexpected major finds. Inclusion of a decision tree/process map to explain the progression of stages would be helpful.</p> <p>A9.12 The CHMS could also establish from the outset a principle that archaeological works will be carried out at the earliest feasible opportunity and wherever possible off the construction critical path.</p> <p>A9.13 The current CHMS makes some attempt to define a staged programme, but the stages as presented are partial and incomplete. There are additional measures that might be used to evaluate, define, and demonstrate potential which are currently missing from the CHMS, including measures that are included in the Environmental Statement. For the evaluation stage the current CHMS makes reference to geophysical survey and trial trenching, but there is no mention of metal detector survey or fieldwalking and only limited mention of purposive geoarchaeological test-pitting and boreholes. Archaeological monitoring of geotechnical site investigation works (and associated archaeological deposit modelling) to aid understanding is ignored. Further desk-based research might also be needed at the evaluation stage to enhance understanding and there may also be a role for earthwork survey and building recording/appraisal as an evaluation aid.</p> <p>A9.14 The main application sets out a three-tiered approach to the Otterpool Park planning application. The CHMS makes some attempt to link the staged archaeological programme to these tiers, but the document needs to set these links out with greater clarity and certainty, with particular focus paid to what archaeological information needs to be available to inform decision taking for each tier. There is currently ambiguity and inconsistency within the CHMS. For example, in one section it notes the importance of evaluation being completed in Tiers 1 and 2 to ensure flexibility of the masterplan, yet elsewhere it indicates evaluation will be undertaken between Tier 2 and 3. Neither accords with the ES which refers to evaluation occurring between Tier 1 and Tier 2 (see para 9.4.10). The approach in the ES whereby the additional evaluation is completed <u>ahead</u> of Tier 2 (detailed masterplan) should be adopted in the CHMS.</p> <p>A9.15 The outputs from the evaluation stage should always include a statement as to the significance of any heritage assets identified. Such a statement of significance might form part of the evaluation report or could take the form of a stand-alone document (e.g., for assets considered to be of medium-high, high, or very high significance). The CHMS should clearly signpost the need for reporting and review stages. The understanding that has emerged through the evaluation, reporting and review stages should then be used to inform the detailed scope of any subsequent mitigation measures.</p> <p>A9.16 The CHMS identifies three main forms of mitigation, namely: preservation in situ, preservation by record and mitigation by design. These could be ordered to align with the language of the NPPF which looks to avoid or minimise harm in the first instance and then to record – i.e.: preservation in situ, by design, and by record - in that order.</p> <p>A9.17 The CHMS notes that preservation in situ is usually achieved through spatial design of the masterplan. This reinforces the need for the evaluation stage to have been completed <u>before</u> detailed masterplan and design codes for a phase are fixed in Tier 2. The CHMS cannot predict where and what form future important archaeological discoveries might take. The potential for important, but presently unknown archaeological assets can however be highlighted and the decision-taking thresholds that identify when preservation in situ is needed should be established in the CHMS (the expectation being those future discoveries of high or very high significance will be preserved in situ, with decisions on the preservation in situ of medium or low significance assets being taken on a case-by-case basis). Where preservation in situ is identified as the desired mitigation option the CHMS must set out a committed pathway to ensure the long-term sustainable management of all assets that are to be preserved in situ in line with the objectives of the heritage vision set out in the Otterpool Park Heritage Strategy.</p>	
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			<ul style="list-style-type: none"> • identify the toolkit of methodologies required to deliver the cultural heritage mitigation works • determine the technical standards and procedures to be followed • embed the principle of public benefit throughout the archaeological programme • establish the overarching approach to post-excavation works, dissemination of information and archive provision. <p>A9.30 Crucially the focus of the document must shift from what has already been done to providing a strategy for future cultural heritage mitigation works.</p> <p>A9.31 It may be helpful to consider how other large-scale projects have approached these issues by looking at other examples of overarching mitigation and research strategy documents. Suggested examples include:</p> <p>High Speed 2: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642655/hs2_phase_one_historic_environment_research_and_delivery_strategy.pdf</p> <p>Thames Tideway: https://www.tideway.london/media/2116/app195-overarching-archaeological-written-scheme-of-investigation-oawsi.pdf</p> <p>United Kingdom Holocaust Memorial: https://www.westminster.gov.uk/sites/default/files/cd_8.28_appendix_e_to_proposal_of_evidence_of_alan_ford_archaeological_mitigation_strategy_april_2020_1.docx</p> <p>Concluding remarks</p> <p>A9.32 The Cultural Heritage Mitigation Strategy is a key document that should set out a robust overarching framework for the delivery of heritage mitigation works at Otterpool Park. To do this the current document requires substantial revision and these revisions should be made before the application is determined.</p>	
11	KCC Ecological Advice (Helen Forster)	18.07.2022	<p>The following is provided by Kent County Council's Ecological Advice Service (EAS) for Local Planning Authorities. It is independent, professional advice and is not a comment/position on the application from the County Council. It is intended to advise the relevant planning officer(s) on the potential ecological impacts of the planning application; and whether sufficient and appropriate ecological information has been provided to assist in its determination. Any additional information, queries, or comments on this advice that the applicant or other interested parties may have must be directed in every instance to the Planning Officer, who will seek input from the EAS where appropriate and necessary.</p> <p>Ecological Surveys</p> <p>We advise that we are satisfied that the submitted ecological surveys are sufficient to inform the determination of the planning application. We acknowledge that a number of surveys have not been updated as part of the current submission but as the habitats have not significantly changed, we are satisfied they are sufficient. However, we highlight that updated ecological surveys will have to be carried out throughout the development period across the whole site to inform further the reserved matter stages/tiers of the proposed development (if granted).</p> <p>The following surveys have been carried out:</p> <ul style="list-style-type: none"> • Phase 1 habitat 	LPA 380



		<ul style="list-style-type: none"> • Reptile • Badger • Amphibian • Water Vole • Otter • Dormouse • Hedgerow • Wintering bird surveys • Breeding Birds • Assessment of farmland bird assemblage • Targeted Invertebrate surveys <p>The following was detailed within the submitted surveys:</p> <ul style="list-style-type: none"> • Range of habitats throughout the site – including S41 habitats • 3 species of reptiles • GCN recorded within 9 ponds • Smooth and Palmate Newt, common frog and toad recorded during GCN survey • 103 badger setts were recorded, in addition to multiple latrines, hairs, pathways and mammal runs • 9 species of foraging/commuting bats • 13 bat roosts within and adjacent to the site (including a maternity roost of brown long eared bats) • 90 species of breeding birds (including 31 notable species) • 77 species of wintering birds (including 32 notable species) • Water Vole within 24 water bodies • Barn owl pellets recorded within 1 building • Evidence of breeding kingfisher on the Stour • Evidence of Otter along the Stour River • Dormouse within adjacent woodlands • Suitable habitat for Hedgehogs and harvest mice within the site • 12 important hedgerows within the site • 5 bumblebee, 3 solitary bee species and glow worm • Suitable habitat for aquatic invertebrates and fish • Brown Hare • 103 badger setts (including 18 main setts) were recorded within the site and wider area <p>Mitigation As the site is currently largely arable fields and due to the proposed habitat creation throughout the site we are satisfied, with the exception of farmland birds/hare that the proposed species mitigation can be implemented within the proposed development. An overview of the ecological mitigation has been submitted and it has detailed the following will be implemented:</p> <p>GCN</p> <ul style="list-style-type: none"> • Retention of all, bar one, ponds with GCN present • Retention and enhancement habitat within the site to increase connectivity through the site (green corridors and use of underpasses for roads). 	
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		<ul style="list-style-type: none"> • Creation of additional ponds within the site • Works carried out under an EPS/DLL licence <p>Reptiles</p> <ul style="list-style-type: none"> • Retention and enhancement of habitats within the site • Works will require translocations/phased clearance to on site habitats <p>Water Voles</p> <ul style="list-style-type: none"> • Enhancement of terrestrial habitat along the river Stour and creation and enhancements of ditches and terrestrial habitat within the NE and West of the site. • Retain connectivity through the site through considerate design of bridges/underpasses etc. • Works will require translocation/displacement and will need to be carried out under a NE Licence. <p>Bats</p> <ul style="list-style-type: none"> • Retention and enhancement of foraging /commuting areas • Creation of habitats to benefit foraging/commuting bats • Minimising light spill on to retain/created habitats and creation of dark corridors through the site. This is supported through the proposal to created habitat buffers which will be 5m from the edge of the hedgerow or 25m from the edge of the hedgerow if dark corridors • Creation of at least 4 bat houses <p>Badgers</p> <ul style="list-style-type: none"> • Information in the mitigation strategy redacted and therefore unable to comment in detail. • Retention of setts within the site where possible • Replacement setts to be created to mitigate for the loss of any main setts. • Creation and enhancement of habitats suitable for foraging/commuting • Inclusion of tunnels under roads <p>Watering/Breeding Birds (not farmland birds)</p> <ul style="list-style-type: none"> • Enhancement and creation of habitats within the site. • Inclusion of breeding birds features within the site. • Wetland/woodland areas will be protected from disturbance through the use of signs/fencing. <p>Farmland Birds/Brown Hare</p> <ul style="list-style-type: none"> • Impact cannot be mitigated on site. Offside habitat creation anticipated. <p>Other Species listed above</p> <ul style="list-style-type: none"> • No specific mitigation proposed the enhancements/habitat creation detailed for the above listed species will support those species <p>Habitats</p> <p>The master plan has been designed to retain or minimise impacts on existing habitats. For example:</p> <ul style="list-style-type: none"> • The areas of Ancient Woodland will have a minimum of 50m buffer • Non AW woodland will have a minimum of 25m buffer. • Hedgerows will be largely retained/buffered. Where hedgerows will be lost the hedgerows will be replaced. • Buffer of at least 50m along the River Stour <p>Concerns</p> <p>Where we are satisfied that the mitigation can be implemented, we highlight the following points with regard to the proposed mitigation:</p>	
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			<p>1. There is a need to ensure the proposed habitat buffers and dark corridors are achievable as they could be impacted by a number of factors such as:</p> <ul style="list-style-type: none"> a. Change in regulations in space required for roads/pathways b. Lighting required for school pitches/Health and Safety <p>2. Increases to development planning footprint of housing. If planning permission is granted, we would expect those habitat buffer requirements detailed within the ES to be secured by condition and demonstrated within future Tiers/Reserved Matter applications. Therefore, there is a need to ensure that the proposed habitat buffers are achievable and retainable.</p> <p>It's our experience from reviewing other large developments that the area of green space / mitigation areas will often be reduced at the reserved matter stage. This is usually due to the applicant for the reserve matters not fully understanding what has been agreed at the outline stage and then mitigation areas being designed to be more formal amenity areas. There is a need to ensure that the mitigation/enhancements/habitat creation agreed at this stage of future tiers will be implemented and demonstrated within the reserve matters application.</p> <p>There needs to be an undertaking to ensure that the mitigation areas/green spaces/wildlife corridors will not be lost or partially impacted by the future tier/reserved matters applications. Due to the size of the development small incremental habitat take from each detailed application could result in a large reduction of habitat within the site.</p> <p>3. Impacts from light spill. There is a need for future tiers/reserve matter application clearly demonstrate that they are achieving the minimal/no light spill within the dark areas/habitats' buffers.</p> <p>4. Implementation of the mitigation The submitted ES has outlined the principle of the proposed offsite mitigation but there is a need to ensure that it can be achieved, and a strategic approach is implemented by Otterpool Park and, if granted, is something that developers for each phase pay in to/contribute to. It must not be something that each developer has to implement individually as it unlikely to be achievable if the mitigation is not within that phase/tier.</p> <p>There is a need to ensure that the on-site mitigation for the species recorded within the site is implemented in advance. This is something that we would expect Otterpool park to implement rather than development for each phase. As the mitigation for the development has been designed to take in to account the whole site it is not appropriate or achievable for the developers for each phase to carry out the habitat creation.</p> <p>Measures need to be in place prior to future residents moving in to ensure that areas where there is expected to be minimal, or no recreations pressure can be implemented.</p> <p>5. Detailed mitigation strategy The proposal is to be implemented as a tiered application and if granted the proposal is to be implemented over a number of years. Due to the size of the development and the connectivity of the populations throughout the site there is a need for a site wide mitigation strategy to be produced for the whole site if planning permission is granted to ensure that appropriate mitigation will be implemented. The mitigation strategy can then be reviewed and updated for each Tier/Reserved Matters application.</p> <p>Individual mitigation strategies cannot be for each Tier/Reserved Matters application as habitat creation associated with that Tier/Reserved Matters application may have to be carried out within another part of the site.</p>	
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12	Kent Growth and Communities (Francesca Potter)	07.07.2022 04.08.2022	<p>(1) 07.07.2022 The County Council has reviewed the revise planning application and has a number of significant concerns with the proposal summarised in the attached document.</p> <p> Kofax Power PDF Document</p>	LPA 381


			<p>(2) 04.08.2022</p> <p>The County Council has sent an amended response in respect of the Otterpool Park Planning Application with minor amends made in respect of the Minerals and Waste chapter.</p>  <p>Kofax Power PDF Document</p>	
13	Kent Downs AONB (Katie Miller)	22.06.2022	<p>The Kent Downs AONB Unit previously provided extensive comments on the original application its letter dated 10 June 2019. Much of the advice provided in this letter is still considered relevant and applicable to the amended proposals; this previous advice is therefore attached as Appendix 2 to this attachment.</p> <p>However, there have been changes to the policy position, at both a national and local level since the original proposal was considered and the proposals have also been amended and associated supporting documentation updated and new supporting information provided. This response therefore focuses on the proposed changes and updates. – Updated response to Otterpool Park Application from Kent Downs AONB</p>  <p>Kofax Power PDF Document</p>	LPA 382
14	Kent Police (Emily Hook)	10.06.2022	<p>We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF). Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured by Design (SBD) as appropriate. WE use details of the site, relevant to crime levels/type and intelligence information to help design out the opportunity for rime, Fear of Crime, Anti-Social Behaviour (ASB) Nuisance and Conflict. There is a carbon cost for crime and new developments give us an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design the opportunity for crime. Further to our recommendations in our letter dated 24.05.2019, we request a condition for this site to follow SBD guidance to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime Disorder Act 1968.</p> <p>For residential developments we recommend:</p> <ol style="list-style-type: none"> 1. Consideration should be given to the provision of informal association spaces for members of the community, particularly young people. These must be subject to surveillance but sited so that residents will not suffer from possible noise pollution, in particular the green spaces surrounding the site, any parking areas/courts and pedestrian routes. These areas must be well lit and covered by natural surveillance from neighbouring properties. 2. Perimeter, boundary, and divisional treatments must be 1.8mhigh. Any alleyways to have secure side gates, which are lockable from both sides, located flush to the front building line 3. To meet SBD guidance, we would strongly recommend the installation of pavements on both sides of the roads to avoid vehicle and pedestrian conflict, and promote safer spaces for families. It is now common practice to have some shared vehicle/ pedestrian areas on secondary routes. If pavements cannot be installed in these shared spaces, we strongly recommend traffic calming measures, especially where there is a curvature in the road. 	LPA 383


		<ol style="list-style-type: none"> 4. Parking - To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or sold secure ground or wall anchors can help provide this. We advise against the use of parking courts as they can create an opportunity for crime. Where unavoidable, the areas must be covered by natural surveillance from an “active” window e.g., lounge or kitchen and sufficient lighting – the same recommendations apply to on plot parking bays. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse. Undercroft areas can attract crime and therefore, should be finished in a light colour and be well lit. In addition, undercroft areas require access control to discourage crime. Automatic gates or roller shutters should be certificated to one of the following standards: LPS1175 Issue 7.2:2014 Security Rating 1, LPS 1175 Issue 8:2018 Security Rating 1 (A1), STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. If car ports are unavoidable, we recommend they be lit and painted in a light colour to optimize surveillance opportunities. For car parks, we recommend the Safer Parking Scheme, which follows CPTED guidance from both the police and the British Parking Association. 5. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas. 6. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g., a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: “18.03 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.” Lighting of all roads including main, side roads, cul de sacs and car parking areas should be BS5489 – 1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer parking Scheme specification and standards. 7. Play areas must have a self-closing gate to keep animals out and ensure young children cannot leave the area unsupervised. Play equipment must be vandal resistant (and if made of wood, fire resistant) and not provide areas of concealment or an informal storage area for offenders or materials of crime. We recommend the sales team advise potential buyers of the plots close to the play area of its location, which would otherwise be missed from the plan. By informing them at this stage, this reduces the possibility of future conflict and/or noise complaints. 8. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation, and locks) including folding, sliding or patio doors and individual flat entrance doors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please note PAS 24 is a minimum-security standard, and communal doors may require a higher standard, such as STS or LPS. 9. Windows on the ground floor or potentially vulnerable e.g., from flat roofs or balconies to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. 10. We advise on the use of ground/wall SBD or sold secure anchors within a cycle storage area/shed of dwellings to deter bicycle theft 11. Mail delivery to meet SBD TS008 with a fire guard are strongly recommend for dwellings. For buildings with multiple occupants, we recommend TS009 standards. Please note we strongly advise against trade buttons, if mail is to be delivered inside a lobby there must be an airlock/access controlled door to prevent access further into the building for anyone other than residents. 12. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children. 	
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15	Marine Management Organisation (Andy Davies)	17.05.2022	<p>Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.</p> <p>Response to the consultation: The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England’s marine area on behalf of the UK government. The MMO’s delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.</p> <p><u>Marine Licensing</u></p> <p>Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.</p> <p>Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.</p> <p>Applicants should be directed to the MMO’s online portal to register for an application for marine licence - https://www.gov.uk/guidance/make-a-marine-licence-application You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.</p> <p>The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.</p> <p>A wildlife licence is also required for activities that that would affect a UK or European protected marine species.</p>	LPA 384

		<p>The MMO is a signatory to the coastal concordat and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: check if you need a marine licence and asked to quote the following information on any resultant marine licence application:</p> <ul style="list-style-type: none"> • local planning authority name, • planning officer name and contact details, • planning application reference. <p>Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.</p> <p><u>Environmental Impact Assessment</u></p> <p>With respect to projects that require a marine licence the EIA Directive (codified in Directive 2011/92/EU) is transposed into UK law by the Marine Works (Environmental Impact Assessment) Regulations 2007 (the MWR), as amended. Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.</p> <p>In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations http://www.legislation.gov.uk/ukxi/2017/571/contents/made may be applicable.</p> <p>If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link: https://www.gov.uk/guidance/make-a-marine-licence-application</p> <p><u>Marine Planning</u></p> <p>Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.</p> <p>Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental, and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.</p> <p>At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.</p> <p>A map showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our Explore Marine Plans service.</p> <p>Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or</p>	
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16	National Highways (formerly Highways England) (Kevin Bown)	24.06.2022	<p>As you are aware, National Highways had extensive discussions with the applicant in relation to these proposals; they have included meetings and a review of the certain draft material prior to the submission of the amended outline application. We have therefore reviewed the formally submitted documents in this context and now provide out comments. It is noted that discussions with the applicant are ongoing in relation to a wide range of matters.</p> <p>Two documents have been submitted in the response:</p> <ul style="list-style-type: none"> • Our Technical Highways Planning Response form setting out our comments and then our formal recommendation that the application should not be determined as yet to allow our engagement to continue and all transport related matters to be resolved. – National Highways Planning Response Otterpool Park 24.06.2022 <div data-bbox="961 1667 1115 1780" style="text-align: center;">  Kofax Power PDF Document </div>	LPA 385

			<ul style="list-style-type: none"> A Technical Note setting out further comments with regards to various on-going engagement matters – National Highways Otterpool Park Transport Assessment Review Report 24.06.2022 	
17	NATS Safeguarding	06.05.2022	<p>The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal. However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. The letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all appropriate consultees are properly consulted.</p>	LPA 386
18	Natural England (Patrick McKenna) (Sean Hanna)	15.07.2022 05.08.2022	<p>(1) 15.07.2022</p> <p>This response provides Natural England’s comments on the landscape aspects of the proposal. Further comments will be provided on the non-landscape elements of the development relation to the natural environment in due course.</p> <p>Summary of Natural England’s Advice:</p> <p>Further Information Required to Determine Impacts on Protected Landscape</p> <p>As submitted, the proposed development will have a significant adverse effect on the setting to the Kents Downs AONB and on views from the AONB scarp, which cannot be fully mitigated as presently put forward.</p> <p>Having reviewed the outline application and accompanying LVIA, Natural England is concerned that the development as currently proposed will still be significantly visible from the AONB for more than 30 years after commencement of the garden settlement.</p> <p>Natural England welcomes the intent for this to be a landscape-led development, and we support the strong policy wording in the Core Strategy Review regarding the garden settlement and the AONB. However, we are concerned about the ability of the development, as currently proposed, to meet these objectives.</p> <p>Whilst we welcome the inclusion of a significant area of greenspace within the application area, we are concerned about the height of the development as currently proposed, situated on an ascending slope facing towards the AONB. We are also concerned that not developing structural planting in advance of construction will make it difficult to mitigate the impacts of the development on the AONB, and achieve the objectives of CSR policy SS7.</p> <p>It is unclear whether the proposed level of employment provision exceeds the quantum set out in Policy SS6 of the CSR. We also consider there are a number of limitations to the LVIA, and that the views to and from the AONB remain underassessed.</p> <p>We therefore consider that the level of employment development and building heights, together with the timing of the advanced planting will need to be re-evaluated as part of the consideration of the outline permission to ensure that the effects on the AONB can be properly addressed.</p>	LPA 387

		<p>We believe that there is the opportunity to significantly reduce the impacts to the AONB through a range of measures, including the careful planning of the density, height, scale and quantum of the structures and buildings, seeking ways to implement panting in advance of construction, and making the most effective use of the design principles to reduce the visibility of the built form on the development.</p> <p>Natural England has reviewed the new outline planning application and our detailed comments on this, below, build on the advice we provided in 2019. Our detailed comments on the LVIA are provided in Annex 1, and on the Strategic Design Principles document in Annex 2.</p> <p>We remain fully committed to working with Folkestone & Hythe District Council and the applicant to ensure that the proposed development avoids or minimises adverse impacts on the Kent Downs AONB, and views into and out of the AONB. We would welcome further discussions to consider how the scheme can be delivered without causing a significant impact on the AONB, and we advise that applicant seeks advice through our Discretionary Advice Service.</p> <p>Detailed Response on The Landscape Aspects of the Proposal:</p> <p>Natural England landscape response to Otterpool OPA 15 July 2022</p>  <p>Kofax Power PDF Document</p> <p>(2.) 05.08.2022</p> <p>Following our letter of the 15 July 2022 in which we provided our landscape advice in relation to the Kent Downs Area of Outstanding Natural Beauty, I am pleased to provide our further advice in relation to designated nature conservation sites, the Habitats Regulations Assessment, best and most versatile agricultural land, and protected species.</p> <p>Natural England has worked collaboratively with Folkestone and Hythe District Council on the preparation of its Core Strategy Review and the Otterpool Park new garden settlement. We welcome the Council's commitment to Biodiversity Net Gain and recognise the steps it has taken to address the 'nutrient neutrality' issues affecting the Stodmarsh designated site. We remain committed to working with the Council and the applicant to ensure that impacts to designated sites can be avoided whilst maximising the opportunities for biodiversity as part of the proposal.</p> <p>It is stated within Table 10 -13 of Chapter 10 Geology, Hydrogeology and Land Quality of the Environmental Statement that '<i>The former quarry face will be maintained and enhanced (benched back (steps created in quarry face) to expose additional areas of the Hythe Formation geology and signage for educational purposes. This will increase accessibility to the feature which will need to be managed to avoid damage.</i>' Natural England welcomes the management of the SSSI for the scientific study and public education benefits that this will bring.</p> <p>Chapter 10 of the Environmental Statement suggests that the management of the SSSI is detailed within the Green Infrastructure Strategy (Appendix 4.11). Having reviewed this we consider that greater detail should be provided on the habitat management practices that will be provided to conserve and enhance the SSSI within the Country Park to maintain the condition of the designated site. This should include details of the management of the SSSI itself (the exposure is currently best managed by</p>	
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¹ See 'Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations'
<http://publications.naturalengland.org.uk/publication/4720542048845824>

		<p>or in-combination with other plans or projects. Once this information is available, we will be pleased to provide further advise to the Council.</p> <p><u>Recreational impacts</u> Natural England agrees that it is appropriate for recreational impacts to be scoped out of the assessment for the Blean Complex Special Area of Conservation (SAC), the Tankerton Slopes and Swalecliffe SAC and the Stodmarsh SAC, Special Protection Area and Ramsar site. Given the lack of public access to the Parkgate Down SAC, Natural England considers that impacts are unlikely.</p> <p>For the Folkestone to Etchinghill Escarpment SAC, Wye, and Crundale Downs SAC, it remains unclear how the conclusions were drawn that the proposals are not likely to have a significant effect through recreational pressure as residents are likely to visit these sites. However, Policy S7 of the Core Strategy review indicates that there will be a requirement for an access strategy and there may need to be mitigation in relation to the SAC. This is reflected with the addendum to the Habitats Regulations Assessment Addendum – Main Modifications to the Proposed Submissions Folkestone and Hythe Core Strategy Review (September 2021). This states:</p> <p><i>‘vi. Publicly accessible, well-managed and high quality open spaces, which are linked to the open countryside and adjoining settlements. This shall be informed by an access strategy that seeks to protect and enhance existing public rights of way and create new public rights of way. The strategy shall balance demands for public access with ecological and landscape protection, taking into account the impacts of increased access on the Kent Downs AONB and Folkestone to Etchinghill Escarpment Special Area of Conservation and other protected areas, which might necessitate the need for mitigation to be secured;’</i></p> <p>Natural England would therefore recommend that clarity is provided on how the measures proposed for the Otterpool Park proposal ensure that impacts to the SAC (and wider Kent Downs Area of Outstanding Natural Beauty) are avoided.</p> <p>Natural England has recently assessed the condition of the Dover to Kingsdown Cliffs SAC and recreational users are negatively impacting the habitat within the site. We are working with Dover District Council on ways to manage recreational impact as part of a strategic approach and we would recommend that the Otterpool Park application revisits the potential for recreational impacts at the detailed design stage.</p> <p>In relation to the Dungeness, Romney Marsh and Rye Bay SAC, SPA and Ramsar site the Assessment details that <i>‘It is considered that although there is likely to be an increase in visitors as a result of the proposed Development, this is capable of being mitigated by the actions and recommendations proposed for visitor management generally within the SARMS [Sustainable Access and Recreation Management Strategy], for example visitor education and awareness raising measures focusing on potential adverse impacts arising from trampling, littering and disturbance’</i> (Section 6.3.30).</p> <p>Subject to the measures within the SARMS being fully implemented by the Council, then Natural England is satisfied that recreational impacts to the Dungeness complex will not have an adverse effect on the integrity of the designated sites.</p> <p><u>Water quality</u> Natural England understands (as detailed in an email dated 1 August 2022 from Renuka Gunasekara of Arcadis) that an updated Nutrient Budget Analysis Report has been prepared to support the Otterpool Park outline planning application. Once we have been able to review this amended report, we will be pleased to provide our advice and any implications this may have for the Habitats Regulations Assessment.</p> <p><u>Functionally linked land</u> Whilst it does not appear that the wintering bird surveys covered two full seasons, as would normally be expected, from the survey information provided it does not appear that there a significant number of birds associated with the Dungeness, Romney Marsh, and Rye Bay Special Protection Area and Ramsar site using the land. As such, our advice remains that we concur with the</p>	
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² <https://soils.org.uk/wp-content/uploads/2021/01/Assessing-Agricultural-Land-Classification-ALC-Final.pdf>




³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69308/pb13298-code-of-practice-090910.pdf

			<p>The British Society of Soil Science has published the Guidance Note⁴ Benefitting from Soil Management in Development and Construction which sets out measures for the protection of soils within the planning system, which we also recommend is followed.</p> <p><u>Protected species</u></p> <p>We have not assessed this application and associated documents for impacts on protected species.</p> <p>Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.</p> <p>You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.</p> <p>The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.</p> <p>If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.</p> <p>Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.</p> <p>I hope these comments are helpful and we remain fully committed to working with Folkestone and Hythe District Council and the applicant to ensure that the proposed development avoids or fully mitigates adverse impacts on designated sites. We would be pleased to provide further advice through our Discretionary Advice Service if this would be helpful.</p>	
19	Network Rail (Nicholas Donoghue)	04.07.2019 16.05.2022 16.06.2022	<p>(1) 04.07.2019</p> <p>I am writing to provide you with an update on Network Rail's position in relation to planning application Y/0257/2019. As you are aware there has been dialogue between Network Rail and Folkestone & Hythe District Council in relation to the impact of the proposal on Westenhanger Station. At this stage Network Rail believe improvements will be required to mitigate against the additional usage at the station as a consequence of the proposed development. These improvements will need to be funded via S106 contributions.</p> <p>Network Rail are keen to discuss improvements further with the council and the applicant. Please see below some improvements that have been identified at this initial stage:</p> <ul style="list-style-type: none"> • Remodelling of station forecourt including bus stop provision • Car Parking • Cycle parking provision 	LPA 388

⁴ <https://soils.org.uk/education/guidance-and-science-notes/>

		<ul style="list-style-type: none"> • Platform shelters • Platform lengthening of both platforms to 12 cars • Access for all footbridge (including lifts) • Possible new station building <p>(2) 16.05.2022</p> <p>I can confirm that we have no further comments to make in relation to the amendments. Please can you advise whether there has been any update with regards to the Westenhanger Station improvements required with our original consultation response dated 04 July 2019 (listed above)</p> <p>(3) 16.06.2022</p> <p>Thank you for consulting Network Rail on the planning application and I am writing to provide you with an update on Network Rail's position in relation to the planning application Y19/0257/FH.</p> <p>Network Rail provided a response to a previous version of this application, Y/257/2019, on 4 July 2019. In that response, it was noted that improvements at Westenhanger station would be required to accommodate the additional passengers expected here resulting from the application.</p> <p>Since 2019, Network Rail have been working with Otterpool Park LLP in progressing their aspirations for Westenhanger station. The periodic Westenhanger Station Project Governance Group, which is chaired by Otterpool Park LLP and attended by Network Rail, the local train operator Southeastern, has been an effective forum for engagement.</p> <p>In 2022, Network Rail entered into a Basic Services Agreement (BSA) with Otterpool Park LLP for the delivery of early feasibility work exploring the viability of proposed enhancements at Westenhanger station – known as PACE A. A Client Requirements Document (CRD) was prepared as a PACE A deliverable. This recorded the requirements of Otterpool Park LLP, Network Rail and Southeastern. Network Rail's requirements are therefore captured in the CRD and have taken into account in the completion of PACE A. To date, Network Rail are satisfied that our minimum requirements are being met with regard to enhancements at Westenhanger station.</p> <p>This work will conclude in the Summer of 2022 and provide an assessment of the feasibility of the proposed enhancements and an order of magnitude cost range for further consideration.</p> <p>Following the completion of PACE A, Network Rail expects development work at Westenhanger station to continue. The industry's requirements must continue to be met through a project CRD or equivalent and as long as this is in place Network Rail does not object to the application.</p> <p>Network Rail support the strategic fit of the overall proposal as it proposes to use and enhance an existing rail asset. Network Rail also recognises the importance of Westenhanger station in providing sustainable travel options for Otterpool Park.</p> <p>In summary, Network Rail support and encourage a continuation of the working relationship to date. It is recommended that the development and design of the proposed enhancements at Westenhanger station continue, with formal recognition of industry requirements monitored. Finally, our support is contingent on continued funding for the development, design, and delivery from outside of Network Rail and the Rail Enhancements Pipeline.</p>	
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20	NHS England (Kent & Medway Integrated Care Board) (Samantha Page) (Mike Gilbert)	15.07.2022	<p>NHS Kent and Medway is pleased to see that the proposals for the proposals for the Otterpool Park development make reference to the local Health and Wellbeing strategy and other key government health planning documentation. We must also ensure that, wherever possible, we maximise the delivery of care closer to where people live. It is therefore vital that any proposals relating to the future provision of health and social care services for the Otterpool Park development – including commissioning decisions regarding any general practice provision, regardless of delivery model – must be formally agreed by NHS Kent and Medway.</p> <p>Following our meeting with development team on 8th July, we have agreed to set up a working group to undertake a detailed health needs assessment for the proposed Otterpool Park development. This assessment will consider the likely future health requirements of the Otterpool Park population and other local communities. It will also take into consideration the future provision of health services that will be provided locally and across the wider East Kent geography. Only then will we be in a position to provide you with a proposal for likely health service provision requirements within the proposed Otterpool Park development.</p> <p>We look forward to working with the Folkestone & Hythe District Council and the Otterpool Park development Team to progress the health service provision plans for the proposed Otterpool Park development.</p>	LPA 389
21	Office for Nuclear Regulation (Vicki Easton)	13.05.2022	With regard to planning application Y/19/0257/FH, ONR makes no comment on this proposed development as it does not lie within a consultation zone around a GB nuclear site.	LPA 390
22	South East Coast Ambulance Service NHS Foundation Trust (Steve Laker)	03.05.2022	<p>With reference to the attached, a development on this scale will lead to a very significant impact on patient demand for South East Coast Ambulance Service NHS Foundation Trust (SECAmb).</p> <p>The Trust has moved to an operational model known as “Make Ready” – which is explained in more detail at this link: https://www.secamb.nhs.uk/what-we-do/about-us/make-ready/</p> <p>The area in which the proposed Otterpool Park development is proposed is primarily served by Ashford and Hastings Make Ready Centres. Ashford Make Ready Centre (MRC) is operating at capacity and Hastings is already undersized. This development will significantly further increase the requirement to relocate Hastings MRC to a substantially larger facility as well as a requirement for a further Ambulance Community Response Post (ACRP - see description at above link) in the heart of the development.</p> <p>Presumably, there would be scope for the Planning Authority to seek developer contributions towards SECAmb’s costs in increasing its capacity and for developer provision of the ACRP?</p> <p>We should be grateful for your thoughts please.</p>	LPA 391
23	Easements and Wayleaves Southern Gas /SGN (Kim Miller)	31.05.2022	<p>In response to the attached Notice, I am writing to advise that Southern Gas Networks PLC’s (SGN) records indicate the presence of a low pressure gas main on/within the Application boundary. In the event that planning permission be granted, SGN request that an informative note be appended to the decision notice top draw this to the attention of the applicant.</p> <p>Such note will state that prior to proceeding with any physical works near SGN’s low pressure gas main, the Applicant must arrange for the location of it to be determined on site and if required, enter into an Asset Protection Agreement with SGN. SGN can expect the Applicant to pay its associated legal costs for the negotiation of this Agreement.</p>	LPA 392

			<p>Copy of map of SGN Network Gas Plan</p>  <p>Kofax Power PDF Document</p>	
24	Southern Water Planning (Future Growth Planning Team)	30.06.2022	<p>Thank you for your letter dated 29 April 2022.</p> <p>No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.</p> <p>All other comments in our previous response dated 23.05.2019 remain unchanged and valid.</p> <p>Copy of Letter Received and All Attached Maps (30 Maps)</p>  <p>Kofax Power PDF Document</p>	LPA 393
25	Southern Water Planning (Claire Smith)	23.05.2019	<p>This is a copy of the 2019 response received on 23.05.2019</p>  <p>Kofax Power PDF Document</p>	LPA 394
26	Sports England (Laura Hutson)	11.05.2022	<p>Thank you for reconsulting Sports England. I have no further comments to add to our comments provided previously.</p>	LPA 396
27	Theatres Trust (Tom Clarke)	20.05.2022	<p>The Theatres Trust is the national advisory public body for theatres. We were established through the Theatres Trust Act 1976 'to promote the better protection of theatres' and provide statutory advice on theatre buildings and theatre use in England through the Town and Country Planning (Development Management Procedure) (England) Order 2015, requiring the Trust to be consulted by local authorities on planning application which include 'development involving any land on which there is a theatre'</p> <p>Thank you for re-consulting Theatres Trust regarding the application following submission of revisions. There currently remains no specific theatres, arts centres, or other such performance building proposed within this scheme, therefore we have no further comment to make at this stage.</p>	LPA 395