



Mr James Farrar
Folkestone & Hythe District Council
Civic Centre
Castle Hill Avenue
Folkestone
Kent CT20 2QY

BY EMAIL ONLY

Growth and Communities

Invicta House
County Hall
Maidstone
Kent
ME14 1XX

Phone: 03000 412064
Ask for: Stephanie Holt-Castle
Email: Stephanie.HoltCastle@kent.gov.uk

4 August 2022

Dear James,

**Re: Otterpool Park Development Ashford Road Sellindge Kent (Ref: Y19/0257/ FH) -
outline application with all matters reserved**

Thank you for inviting Kent County Council (KCC) to comment on the outline planning application for the comprehensive, residential led, mixed-use development at Otterpool Park comprising:

- Up to 8,500 residential homes including market and affordable homes; age restricted homes, assisted living homes, extra care facilities, care homes, sheltered housing and care villages
- A range of community uses including primary and secondary schools, health centres and nursery facilities
- Retail and related uses
- Leisure facilities
- Business and commercial uses
- Open space and public realm
- Burial ground
- Sustainable urban drainage systems
- Utility and energy facilities and infrastructure
- Waste and waste water infrastructure and management facilities
- Vehicular bridge links

- Undercroft, surface and multi-storey car parking
- Creation of new vehicular and pedestrian accesses into the site, and creation of a new vehicular, pedestrian and cycle network within the site
- Improvements to the existing highway and local road network
- Lighting
- Engineering works, infrastructure and associated facilities, together with interim works or temporary structures required by the development and other associated works including temporary meanwhile uses.

The County Council has consistently supported the District Council's ambition to deliver a new garden settlement at Otterpool Park from its early submission of an Expression of Interest to the Locally-Led Garden Villages, Towns and Cities Prospectus, up to the recent successful adoption of the Folkestone and Hythe Core Strategy Review (CSR).

The County Council notes that this outline application will form part of a three tier planning approach taken by the applicant: approval of an outline application; approval at key phases (including Design Codes); and reserved matters applications. The scale of development and its projected timescales present a momentous challenge to determine and reflect future changes in service provision, infrastructure requirements (both community and environmental) and funding. It creates a particular challenge for the County Council in modelling the future population and determining the likely infrastructure needs for the entire development scheme including education and community facilities, transport and low carbon infrastructure need to deliver net zero emissions by 2050 and environmental considerations. This challenge will necessitate a flexible approach to ensure infrastructure can be funded and delivered over the long term. The proposed three tier approach to planning will help to respond to this challenge and the County Council wishes to be engaged through all stages of planning and delivery of the development

The County Council has reviewed the revised planning application and has a number of significant concerns with the proposal, summarised below:

- KCC, as Local Highway Authority, advises that there are a number of significant outstanding issues to be resolved with the application as currently submitted and a holding objection is placed until these matters have all been addressed in full by the applicant at the earliest opportunity. These matters are set out in Chapter 1 (Highways and Transportation) and Chapter 5 (Public Rights of Way).
- KCC, as Local Education Authority, does not agree with the number, nor the size of, the sites currently proposed as safeguarded for education facilities. The County Council is not satisfied that the proposed levels of forms of entry are appropriate for a garden settlement. KCC's concerns relating to the proposed education provision for the site, at both primary and at secondary stages, are considered in detail in Chapter 6 of this response.
- KCC, as Minerals and Waste Planning Authority and Waste Disposal Authority, is not satisfied with the proposed strategy for the management of waste arising from the development. To support the development, ensuring the timely provision of appropriate waste management infrastructure will be crucial – with land and build costs of this

infrastructure proportionally funded by the applicant. The application does not consider in appropriate depth the loss of the permitted waste management facility capacity at Otterpool Quarry against the Kent Minerals and Waste Local Plan (2013-30) (KMWLP). As part of a sustainable waste management strategy, an appropriate site must be secured (with a preference for this to be located within the applicant's red line boundary), and new waste management infrastructure delivered to support the development. Further detail is set out within Chapter 8 (Minerals and Waste) and Chapter 9 (Waste Management).

The County Council has reviewed the application in its entirety and has an extensive commentary to raise in response to the submitted material, set out clearly in a subject chapter format.

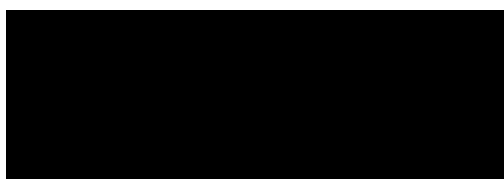
The County Council continues to support the positively planned delivery of a new garden settlement at Otterpool Park supported by the timely provision of infrastructure in a truly green setting. This strategic location offers a unique range of opportunities to deliver a sustainable settlement of the highest quality, founded on garden city principles. Otterpool Park can offer an exceptional response to the demonstrable need for new homes by maximising the existing strengths of the area and embracing new and emerging environmental technologies to deliver a healthy, inclusive and thriving community.

However, as this response highlights, there are a number of matters that require careful consideration ahead of determination of this planning application. The resolution of these matters is essential for the County Council to be satisfied that the garden settlement will deliver a sustainable community. KCC wishes to ensure that its infrastructure and services continue to be planned for, funded and delivered to a high standard to ensure the creation of a sustainable and resilient community. The County Council would welcome further engagement with the applicant to discuss the issues raised within this response to ensure they are satisfactorily addressed.

The County Council would like to thank the Council and its officers for the collaborative approach they have taken to date and look forward to continuing this cooperative relationship for the benefit of both existing and future residents of Folkestone and Hythe and the wider County.

If you require any further information or clarification on any matter, then please do not hesitate to contact me.

Yours sincerely,



Stephanie Holt-Castle
Director for Growth and Communities

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1. Highways and Transportation

The County Council, as Local Highway Authority has reviewed the amended transport documents in respect of this application. The amended documentation follows on from significant discussions between the County Council and the applicant regarding the movement from a traditional predict and provide methodology, to a monitor and manage approach. A monitor and manage approach monitors and responds to the impact of the development on the local highway network as it is built out by promoting mode choice. The County Council considers there is still a requirement for the Transport Assessment to assess the worst-case impact of the development related trips on the local highway network as the fall-back position. A Transport Strategy has also been produced which seeks to encourage future residents to use sustainable travel modes whilst travelling internally and externally to the site.

The County Council, as Local Highway Authority, raises the following comments in respect of highway matters:

Transport Assessment

Within the County Council response to the previous application, dated 11 July 2019, KCC requested the submission of the VISSIM (micro-simulation) model together with a local model validation report – this is notably absent from this application. This is required so that the County Council can understand the total effect of the development across the local highway network on network flows, journey times and delay. Without this information KCC, as Local Highway Authority is unable to reach a conclusion on the development impact and will maintain a holding objection based on a lack of supporting information being submitted.

Executive Summary

Paragraph ES10

An error – ‘Error! Reference source not found’ - is current displayed within the first mitigation option.

Chapter 4. Baseline Conditions for Sustainable Modes

4.6 Road Safety

The personal injury accident data is out of date (currently up to December 2019). The Transport Assessment should include the most up to date 5-year period so that KCC, as Local Highway Authority, can ascertain if there are any particular crash hotspots on the local highway network.

Chapter 5. Proposed Development

5.4 Enabling Infrastructure / Off-site Walking and Cycling Strategy

Aldington Road should also be promoted to be closed to vehicular traffic between the junction with Lympe Hill and the A261 Hythe Road at Pedlinge to provide an enhanced walking and

cycling route to Hythe via HE/343 (Old London Road). HE/343 will also need to be upgraded in the form of surfacing improvements. Currently this road has a 2 metre wide restriction, but is used as a rat-run between Hythe and Lympe with vehicles often trying to avoid queuing on the Hythe Road arm of the Newingreen Junction in peak hours. As such plans should be submitted showing a road closure to vehicle traffic in the form of lockable bollards together with a turning head at end of both sides of a road closure for an 11.4 metre long refuse vehicle.

Further details are also required of the proposed improvements to pedestrian provision along and across Aldington Road between Otterpool Lane and Stone Street. It is suggested that two formal crossing points are provided across Aldington Road where they meet the two Public Rights of Way (PRoW) to that run down to National Cycle Network (NCN) Route 2, HE/317 and HE/318.

Plans still need to be provided of the closure of Harringe Lane to vehicle traffic in the form of lockable bollards together with a turning head at end of both sides of a road closure for a 11.4 metre long refuse vehicle.

Highway Access Strategy

Stage 1 Road Safety Audits are required together with Designers Responses for all the suggested highway improvements.

It is proposed that the Newingreen junction will be signalised to provide additional capacity to cater for the proposed development. However, a formal crossing facility is also required to be provided, west of the proposed signal junction on the A20. It is suggested that this is provided at the proposed location of the existing informal crossing facility so that pedestrians can safely cross the road here. Vehicle tracking drawings must also be submitted to demonstrate that a 60 metre long NuSteel vehicle (or similar) can safely navigate the junction coming from M20 Junction 11 towards Otterpool Lane and vice versa. Discussions have taken with Nu-Steel regarding the use of demountable traffic signal poles and heads. This is not something that they are prepared to accept as they will not be able to demount the traffic signal poles and heads when the long abnormal loads are travelling along the A20, so an alternative design solution needs to be found. The traffic signal pole in the footway on the northern side of the A20 by the Royal Oak also reduces the footway width to less than a desirable minimum width of 1.5 metres and effectively blocks the footway which is not acceptable.

The A20 between the Newingreen Junction and the roundabout south of M20 Junction 11 will be upgraded to a 7.3 metre wide single carriageway road with a 40mph speed limit prior to the first occupation on site and then further upgraded to a dual carriageway as development progresses on site should the single carriageway road reaches its capacity. This can be monitored as part of the monitor and manage approach and is accepted by KCC.

Two new traffic signal junctions on the A20 with appropriate formal pedestrian crossing facilities are proposed for Otterpool Avenue junction and also the proposed business park access junction. This will enable pedestrians to safely cross the A20 and provides a safe route to public footpath HE/281 which then runs to the south towards Hythe. Plans must be submitted demonstrating any proposed changes to A20 west of the Newingreen junction including proposed site access points.

Chapter 9. Development Trip Distribution

Vehicle Trip Distribution

The distribution and assignment of trips along the A20 through Sellindge appear very high for trips towards Ashford. More vehicles from the site are likely to use the M20 to go to Junction 10A as this is a quicker route as there is the constraint of the Barrow Hill traffic signals and the new 30mph speed limit through Sellindge. This should be re-visited with a more balanced split of 60:40 using the M20 and A20 respectively. The distribution of trips up and down Lympe Hill also seems very high. It is not clear why drivers from the site would seek to go up and down Lympe Hill unless they are going towards the Romney Marsh - which doesn't have any significant trip attractors in itself to generate a significant amount of trips.

Chapter 10. Effects on Sustainable Transport Modes

This section needs revisiting as the modal share targets are considered by the County Council to be far too ambitious. It is highly unlikely that residents are going to walk or cycle for more than 60 minutes, and this should be the cut-off time to transfer to other vehicle based modes. Given the significant amount of likely walking trips along Barrow Hill towards Sellindge, the County Council requests details as to what improvements are going to be made to the footways along Barrow Hill as currently, they are too narrow to cater for a significant increase in their use. There is likely to be a ten-fold increase in the use of these footways and so improvements to them are required. The bus patronage figures, and rail usage figures again are extremely ambitious and again, need reviewing. A provision of six buses an hour would not meet the demand for bus travel as set out in Tables 127 and 128, which demonstrates that the mode share targets are not realistic.

Chapter 11. Junction Capacity Assessments

Existing

There will need to be a phased approach to any speed limit reductions along the A20 prior to any development along the A20 corridor coming forward. KCC, as Local Highway Authority do not accept a speed limit reduction to 30mph to the west of Newingreen from the outset as it would not meet the criteria in '[Setting Local Speed Limits](#)'. This is because there will not be a significant change in the environment along the A20 corridor and there will be significant enforcement issues. It is suggested that there is a new 50mph speed limit upon commencement of development; reducing to 40mph when some development comes forward and any segregated footway / cycleways are put in along the corridor; and then 30mph when frontage development comes forward.

Junction 1: It is suggested that M20 Junction 10 is re-surveyed as part of the opening of the M20 Junction 10A scheme and the Sevington Inland Border Facility. A292 Hythe Road/M20 Westbound On-slip. Based on the submitted junction capacity assessments, a mitigation scheme is required for the A292 arm as queuing and delay will increase significantly on this arm in the 2044 Do-Something (DS) PM peak scenario.

Junction 2: M20 Junction 11 - Based on the submitted junction capacity assessments, a mitigation scheme is required for the Ashford Road arm as queuing and delay will increase significantly on this arm in the 2044 DS AM and PM peak scenario and the B2068 arm as queuing and delay will increase significantly in the 2044 DS PM peak scenario.

Junction J7b: A20 Hythe Road / The Street - Based on the submitted junction capacity assessment, a mitigation scheme is required for the A20 Hythe Road westbound arm as queuing and delay will increase on this arm in the 2044 DS AM peak scenario.

Junction 8: A20 Ashford Road / B2067 Otterpool Lane - Based on the submitted junction capacity assessment, the capacity of this junction will improve considerably in a DS scenario rather than a Do Minimum (DM) scenario as a result of the signalisation of the Newingreen junction and subsequent traffic re-routing. This junction should be monitored over time through the monitor and manage approach to ensure that the predicted level of queuing and delay is similar to what could happen.

Junction 9: B2067 Otterpool Lane / Aldington Road - Based on the submitted junction capacity assessment, the capacity of this junction will improve considerably in a DS scenario rather than a DM scenario as a result of the signalisation of the Newingreen junction and subsequent traffic re-routing. This junction should be monitored over time through the monitor and manage approach to ensure that the predicted level of queuing and delay is similar to what could happen.

Junction 11: J11 A20 Ashford Road / Stone Street / Hythe Road - The proposed signalisation of the junction and the provision of Otterpool Avenue diverting traffic flows away from the A20 will significantly improve capacity on the Hythe Road arm such that the junction will operate just within capacity. This junction should be monitored over time through the monitor and manage approach to ensure that the predicted level of queuing and delay is similar to what could happen.

Junction 12: Aldington Road / Lympne Hill - Based on the submitted junction capacity assessment, a mitigation scheme is required for the Aldington Road Eastbound arm as queuing and delay will worsen in the PM peak in a 2044 DS scenario. It is suggested that the closure of the road to the east to vehicle traffic, which will effectively remove one arm of this junction, will address the proposed capacity issues here.

Junction 14: A261 London Road / Barrack Hill - Based on the submitted junction capacity assessment, a mitigation scheme is required for the Barrack Hill arm as queuing and delay will significantly worsen in the PM peak in a 2044 DS scenario.

Junction 15: A259 / Dymchurch Road / Military Road Gyratory - The junction is over capacity in all future DS scenarios. Capacity issues have been identified on London Road, Scanlons Bridge Road and Military Road. Some of the capacity issues are related to the pedestrian crossing across Military Road by Sainsbury's and due to the fact that there is only one lane of traffic due to the presence of parked vehicles on the southern side of the carriageway. The parked vehicles also cause a merge issue at the western side on Military Road as two streams

of traffic enter from the A259 and the A261 (London Road), despite KCC having recently extended the extent of double yellow.

The applicant is proposing a mitigation scheme to ensure that the junction is brought back to capacity. This involves parking restrictions along the southern side of the carriageway between Sainsbury's access and the signalised pedestrian crossing point. The restrictions are also required between the pedestrian crossing point and the bus stand at the western end of Military Road. This will enable a two-lane section of carriageway from Sainsbury's access to the end of Military Road. KCC would suggest that parking restrictions are also required on the northern side of Military Road between the junction with Scanlons Bridge Road and Sainsbury's access as well. This proposed mitigation scheme will bring the junction back to within capacity under all future DS scenarios. It should be noted that no person has a right to park on the highway as the sole purpose of the highway is for the movement of vehicles. Furthermore, there is a pay and display car park in close proximity to Military Road where vehicles can be parked. Unfortunately, no plans are submitted of this proposed mitigation scheme nor a Stage 1 Road Safety Audit. These are required so that KCC, as Local Highway Authority, can assess the proposed mitigation scheme.

Junction 17: A20 Ashford Road / A20 Junction 11 Left-in Left-out (LILO) - Based on the submitted junction capacity assessment, a mitigation scheme is required for the A20 Ashford Road arm as queuing and delay will significantly worsen in the AM peak in a 2044 DS scenario.

Junction 21a: M20 Junction 13 (Castle Hill Interchange) - Based on the submitted junction capacity assessment, a mitigation scheme is required for the Churchill Avenue arm as queuing and delay will worsen in the AM peak in a 2037 and 2044 DS scenario. Given the sensitive location of the Castle Hill Bridge to the M20 Eastbound off-slips, a robust monitoring regime of the roundabout is also required. KCC will require the applicant to undertake new junction assessments of this roundabout (ARCADY) in 2037, 2044 and 2046 to determine the impact of the development on this roundabout. If the modelling results are worse than predicted, then a mitigation scheme arm on the Castle Hill Avenue arm is also likely to be required.

Junction 23: M20 Junction 9 - This junction has been re-surveyed last year. Further details of this can be found within the Eureka Park planning application (Ashford Borough Council application reference 21/02146/AS). The updated traffic flows from this junction should be used for the updated junction capacity assessment as the flows through the junction in the peak hours are considerably less than the previous surveys undertaken. Once this has been done, KCC, as Local Highway Authority, will be able to confirm whether any additional mitigation is required for this junction.

Junction 24: B2064 Cheriton High Street / B2063 Risborough Lane - Based on the submitted junction capacity assessment, a mitigation scheme is required for the junction as queuing and delays worsen significantly in both a 2037 and 2044 DS scenario.

Junction 25: B2064 Cheriton Road / A2034 Cherry Garden Avenue - Based on the submitted junction capacity assessment, a mitigation scheme is required for the junction as queuing and delays worsen significantly in both a 2037 and 2044 DS scenario.

Junction 26: A259 Prospect Road / Stade Street - Based on the submitted junction capacity assessment, a mitigation scheme is required for the junction as queuing and delays worsen significantly in both a 2037 and 2044 DS scenario.

Junction 27: Barrow Hill Shuttle Signals - Based on the submitted junction capacity assessment, a mitigation scheme is required for the junction as queuing and delays worsen significantly in both a 2037 and 2044 DS scenario.

SH18: A260 Spitfire Way / White Horse Hill / A20 Slip Roads - Based on the submitted junction capacity assessment, the impact of the development on Spitfire Way, which is in KCC's ownership, is not considered to be severe across all three future year scenarios - with the increase in delay less than 20 seconds and the increase in queue being 6 vehicles. National Highways will comment on the impact of the proposals on the A20 slip roads as this is under their ownership, but the impact on the A20 slip roads is severe in a 2044 DS scenario with significant increases in delay and queuing – therefore a mitigation scheme is required.

SH19: Alkham Valley Road / A20 slip roads - Based on the submitted junction capacity assessment, a mitigation scheme is required for the Alkham Valley Road South arm as queuing and delays worsen significantly in the AM Peak in both a 2037 and 2044 DS scenario.

SH16: A260 Canterbury Road / Alkham Valley Road - Based on the submitted junction capacity assessment, a mitigation scheme is required for the junction as queuing and delays worsen significantly in both a 2037 and 2044 DS scenario.

Proposed

The following are proposed new junctions. Unfortunately, KCC, as Local Highway Authority, is unable to assess the junction capacity assessments for these junctions as detailed plans have not been submitted of the proposed junctions. These are required for KCC to assess the submitted junction capacity assessments and the parameters of the proposed junctions. Vehicle track drawings must also be submitted for an 11.4 metre long refuse vehicle for junctions 31, 32, 40 and 41 and a 16.5 metre long articulated vehicle for junctions 33, 34, 35, 36, 37, 37 and 39 as these could all have articulated vehicles using them.

Junction 31: A20 Ashford Road access to P1B & P7 – As this is a new signalised cross-roads junction, detailed plans of the proposed junction need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response.

Junction 32: A20 Ashford Road access to P6 - As this is a new priority junction, detailed plans of the proposed junction need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response.

Junction 33: A20 Ashford Road Link Road west - As this is a new signalised junction, detailed plans of the proposed junction need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response.

Junction 34: A20 Ashford Road access to P1A & P2A - As this is a new priority junction, detailed plans of the proposed junction need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response.

Junction 35: A20 Ashford Road Link Road east - As this is a new signalised junction, detailed plans of the proposed junction need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response.

Junction 36: A20 Ashford Road Link Road / High Street - As this is a new signalised junction, detailed plans of the proposed junction need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response. Any queuing must not back up to the existing roundabout junction to the north.

Junction 38: Otterpool Lane Access to Zone P2B & P3B - As this is new staggered cross-roads, detailed plans of the proposed junctions need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response.

Junction 39: Internal Link Road - As this is a new signalised cross-roads junction, detailed plans of the proposed junction need to be submitted together with a Stage 1 Road Safety Audit and a Designers Response. It appears that the queue lengths and the average delay are the wrong way round.

Junction 42: M20 Junction 10A - The submitted junction capacity assessment does not reflect the current situation on highway network. Furthermore, the Sevington Inland Border Facility has recently opened, and this has changed traffic flow volumes on the junction. From site observations, the queues and delays on the A20 arms are currently more than what they are in a 2037 DM scenario. This junction therefore needs re-surveying as the existing flows are not correct. Queue length surveys are also required. It also appears that the queue lengths and the average delay are the wrong way round on the Bad Munstereifel arm.

Junction 43: A20 Ashford Road small roundabout - Based on the submitted junction capacity assessment, there is a small impact from the proposals on the Ashford Road northbound arm. This junction should be monitored over time through the monitor and manage approach to ensure that the predicted level of queuing and delay is similar to what could happen.

Junction 44: Old Dover Road / St Lawrence Road / The Drive and Nackington Road / Old Dover Road - The impacts of the development are marginal, with increases in delays of less than 10 seconds in both a 2037 and 2044 DS scenario. KCC, as Local Highway Authority, does however wish for the applicant to fund the provision of two new directional signs to the New Dover Road Park and Ride site from Faussett Hill and Bridge Road to sign drivers to use this route to access the Park and Ride site. This can be secured through a planning condition should planning permission for this site be granted.

Highway Mitigation

KCC as Local Highway Authority, accepts the principle of a monitor and manage approach. However, highway mitigation schemes need to be agreed as part of this outline planning

application for all of the above existing junctions where there are predicted capacity issues. This is so that the County Council can be assured that in the event that the monitor and manage approach does not work, and the trip rates are as predicted in the Transport Assessment, there are mitigation schemes that can be implemented that mitigate the impact of the development so that it does not result in a severe impact on the local highway network. Whilst the mitigation schemes are requested for the numerous junctions which have shown a detrimental traffic impact in the future year scenario, the travel plan measures being applied to this site, if successful, may offset some of the forecast trips and the mitigation may not be required, hence the monitor and manage approach. It will therefore be necessary to set thresholds across the timeline of the build out for actual trips to be assessed against the forecasting to determine the level of accuracy once travel patterns have had an opportunity to establish themselves. The following junctions are where further mitigation plans, updated junction capacity assessments, Stage 1 Road Safety Audits and Designers Responses are required:

1. A292 Hythe Road/M20 Westbound On-slip - A292 Hythe Road arm.
2. A20 Hythe Road / The Street - A20 Hythe Road arm.
3. Aldington Road / Lympe Hill .
4. A261 London Road / Barrack Hill - KCC will be implementing a highway improvement scheme later this year which will remove the current free flow left turn onto Military Road from London Road and provide formal crossing facilities across London Road. This will should create gaps in traffic on London Road and thus make it easier for vehicles to exit Barrack Hill. Arcadis should model the impact that this will have on the operation of the junction. Furthermore, a keep clear junction on London Road would improve the capacity at this junction and enable vehicles to get out of Barrack Hill.
5. A259 / Dymchurch Road / Military Road Gyratory - See comments above.
6. A20 Ashford Road / A20 Junction 11 LILO - A traffic signal left in / left out junction has previously been discussed with the applicant.
7. M20 Junction 13 (Castle Hill Interchange) - Churchill Avenue arm.
8. M20 Junction 9 - Trinity Road arm. Although this is pending the requirement for further traffic surveys as outlined above.
9. B2064 Cheriton High Street / B2063 Risborough Lane - Arcadis should engage with KCC in respect of Active Travel to consider meaningful mitigation opportunities.
10. B2064 Cheriton Road / A2034 Cherry Garden Avenue - The previous mitigation scheme that was identified seems to not be in the current Transport Assessment. This mitigated the impact of the development previously and involved running the right hand turns from Cherry Garden Avenue and Beachborough Lane together in order to deliver capacity improvements at the junction. This would have reduced the number of stages from 5 to 4. Parking restrictions

were also proposed on the Cheriton Road westbound exit after the bus stop. This would have resulted in further stacking capacity for the right-hand turn lane.

11. A259 Prospect Road / Stade Street - A keep clear marking scheme should be delivered post 2037 to enable vehicles to pull out of Stade Street when the pedestrian signals are called. A plan needs to be submitted showing the extent of the proposed keep clear markings.

12. Barrow Hill Shuttle Signals – Cycle time optimisation is required as previously suggested to at least bring the degree of saturation to under 100% otherwise there is a severe impact on queuing here. A keep clear marking scheme should also be delivered as part of the Otterpool Park proposals to prevent the access to development site to the east of the A20 becoming blocked - which will further worsen queuing and capacity here.

13. Junctions SH16/SH18/SH19 - A mitigation scheme at these 3 junctions is required that mitigates the impact of the proposed development so as to not result in a severe impact. Any mitigation scheme is required to be costed and further discussions are required with National Highways regarding the delivery of any mitigation scheme.

14. M20 Junction 10A – As explained above, KCC do not believe the LinSig modelling for M20 Junction 10A is correct and the junction therefore needs to be re-surveyed. Therefore, any required mitigation cannot be agreed at this stage.

M20 Junction 11 - The proposed mitigation scheme means that the junction will operate within capacity in a 2044 DS scenario and is therefore acceptable in principle to KCC, as Local Highway Authority. A Stage 1 Road Safety Audit together with a Designers Response is required for the proposed mitigation scheme.

A20 Ashford Road / Stone Street / Hythe Road (Newingreen Junction) - The proposed traffic signal junction means that the junction will operate within capacity in a 2044 DS scenario and is therefore acceptable in principle to KCC as Local Highway Authority subject to vehicle tracking being provided for a 60 metre long Nu-Steel vehicle. A Stage 1 Road Safety Audit together with a Designers Response is required for the proposed mitigation scheme.

User Centric Approach

For the on-line survey that was undertaken of residents in London and Kent, it is not clear what is the actual proportion of residents that live in a location similar to that proposed at Otterpool Park. Travel habits and parking limitations within London, for example, are going to be vastly different to Otterpool Park, with access to far better public transport than is ever likely at Otterpool Park. The modal share targets in the best-case scenario, and even in the user survey scenario, seem overly ambitious and KCC would very much exercise a significant degree of caution on whether these will ever be achieved and therefore they need to be reviewed.

As a best scenario, the County Council would be looking at mode share targets somewhere between those set out in the original Transport Assessment and the user survey scenario (20% modal shift over the lifetime of the development would be a more appropriate figure).

The mode share targets also need to consider the topography of the area with significant gradients to be encountered if walking and cycling to neighbouring settlements of Hythe and West Hythe. Access to NCN 2 is a prime example of this with the extremely steep gradient of Lympe Hill.

The modal share targets appear to assume that many of the residents will work a significant distance from the settlement, thus the high dependency on train travel (being the most effective form of travel for those working in and around London). In reality, out commuting from Kent is likely to be considerably less with fewer than 10% using the train for work commuting in the 2011 census from the Folkestone and Hythe area, with the potential for Covid also decreasing this further.

Given evidence of travel preferences, the County Council considers it highly unlikely that 41% of AM and 40% of PM of external trips will be by rail (without significant discounted tickets given the current cost of rail travel) and 16% of AM and 13% of PM by bus. Consequently, there is a need for the fall-back position of the trip rates in the current application, as set out in the previous Transport Assessment. The County Council would question if there is the railway rolling stock to cope with the level of rail trips expected, as it is evident that whole new services will be required. KCC would also question if there is the capacity in the rail network to introduce new trains given the constraints on the lines into London. Network Rail and Southeastern's view on this stance should be sought. The County Council raises the question as to whether the applicant has examples of actual mode shares from other free-standing settlements that they can share. Currently there is no justification to support these modal share targets unfortunately and it is unlikely that the modal shift desired will be achieved.

Transport Strategy and Access and Movement Mode Share Targets

The County Council considers that the proposed modal share targets are not considered realistic and require revisiting as these underpin the whole of the Transport Strategy.

Electric Vehicle Charging Provision

Electric vehicle charging provision should be considered from the outset and meet the requirements as set out in the draft Kent Design Guide of one active charging point for every allocated space (i.e. driveway or car barn space); plus 10% active and the rest passive in unallocated car parks with a minimum charger requirement of 7kw output. It is likely that many new electricity sub-stations will be required to accommodate the number of new charging points to be provided across the settlement. The applicant will need to have discussions with the electric provider from the outset and this could impact heavily on both viability and the layout of the site – this matter therefore requires early consideration. The County Council would also draw attention to comments raised in Chapter 3 of this response, which considers electric car charging provision in further detail.

Summary

Based on all the above comments, the County Council has a number of significant outstanding concerns with the application as currently submitted. The Local Highway Authority therefore wish to place a holding objection on the planning application until these matters have all been

addressed in full by the applicant. KCC would be happy to further discuss these concerns with the applicant and Local Planning Authority in due course and would suggest a joint meeting is held with both the LPA and applicant to work through the matters raised accordingly.

2. Freight

The current Airport Café lorry park located on the Otterpool Park development has provision for thirty spaces for overnight lorry parking. If the outline application is approved, the lorry park will be removed as part of the wider masterplan. The County Council is concerned about the reduction of overnight lorry parking spaces in the area, as the removal of these spaces will lead to displacement of Heavy Goods Vehicles parking in other, less suitable locations.

Inappropriate lorry parking can be witnessed currently most nights along the A20 around the M20 J11 junction - which causes damage to the public highway and grass verges. KCC would therefore ask that equivalent alternative lorry parking provision is identified within the district. This is in line with Paragraph 107 of the revised National Planning Policy Framework (NPPF) stating the “importance of providing adequate overnight lorry parking facilities, taking into account any local shortages”.

The Stop 24 Service Area at Junction 11 of the M20 is adjacent to the planned development at Otterpool Park. This service area provides a vital role allowing motorists and especially HGV drivers rest and welfare facilities. Stop 24 also provides customs clearance to freight vehicles crossing the Channel via the Eurotunnel. The County Council would request that the District Council and applicant has consideration of the needs of this facility now and in the future.

3. **Electric Vehicles**

The County Council would request that Chapter 16 of the Environmental Statement paragraph 16.4.38 provides further detail regarding the commitment to “*develop an electric vehicle car club in conjunction with an operator*”. Detail should be provided regarding numbers of vehicles; a set period for the development and delivery stages; and the commitment to funding by the applicant. The applicant must also ensure consideration is given to the charging units’ installation, which should be off highway, and operational.

The County Council would also request that the proposal in paragraph 16.4.38 of the Environment Statement to “*Provide passive provision for electric vehicle charging at all homes with allocated spaces as well as to on-street parking areas*” has increased provision to reflect recently updated Building Regulations, which came into effect on 15 June 2022. The updated regulations requires:

1. *A new residential building with associated parking must have access to electric vehicle charge points as provided for in paragraph 2.*
2. *The number of associated parking spaces which have access to electric vehicle charge points must be—*
 - a. *the total number of associated parking spaces, where there are fewer associated parking spaces than there are dwellings contained in the residential building; or*
 - b. *the number of associated parking spaces that is equal to the total number of dwellings contained in the residential building, where there are the same number of associated parking spaces as, or more associated parking spaces than, there are dwellings.*
3. *Cable routes for electric vehicle charge points must be installed in any associated parking spaces which do not, in accordance with paragraph (2), have an electric vehicle charge point where—*
 - a. *new residential building has more than 10 associated parking spaces; and*
 - b. *there are more associated parking spaces than there are dwellings contained in the residential build*

The County Council would also note that any attempts from the applicant to install on-street electric vehicle chargers would need to be completed in consideration to future highway adoption and delivered in line with current County Council requirements as set out within the Kent Design Guide. It would be advisable to focus on off-street charging as a priority.

In regard to the proposal in paragraph 16.4.38 of the Environmental Statement, to “*develop electric vehicle charging point strategy with provision in local centres, employment locations and the rail station*”, the County Council would request that the number of electric vehicle charge points delivered within new non-residential buildings aligns with the Government requirements set out in [Infrastructure for Charging of Electric Vehicles](#).

4. Public Realm

Street furniture

The masterplan and detail design must be developed in accordance with a standard palette of materials for those areas which will be adopted by the County Council. This allows the County Council to have confidence in the robustness and suitability of materials from a safety, ease of maintenance and cost perspective. Poorer quality materials can fail more quickly and be costly to maintain. Alternatives might be considered providing that they are “fit for purpose” provide the same function (including safety/robustness and other criteria), are no more costly than standard pallet costs and are readily available now and in the future. The County Council would be willing to engage on this matter further as necessary.

Furthermore, when embedding public art in the public realm and street furniture, the applicant must consider the long term aesthetics and long term maintenance of these assets.

Lighting

The BSEN 5489 states that *“In new streets where trees are to be planted, the lighting should be designed first and the planting sites fixed afterwards”*. There is a 303 page report on Landscape and Visual Impact submitted as part of this planning application. The County Council notes that the only real mention of street lighting states that there should be restraint and care over the installation and use of external lighting (including street lighting), to prevent harm to the dark night skies of the Area of Outstanding Natural Beauty (AONB). There is also a short section that refers to the Institute of Lighting Professionals (ILP) technical guidance, but beyond this, little further consideration has been given to the lighting.

KCC recommends that the applicant undertakes a thorough assessment of the function of the footway and carriageway before planting any trees within the public realm. It is important that trees are located appropriately where they will not unduly interfere with the functions of other items of street furniture, particularly those related to safety, such as traffic signs and streetlights.

Trees planted within close proximity to streetlights can create areas of shadow, leading to a poor lighting scheme, that is potentially not to the required lighting standards. This can increase risks for road users and pedestrians. Trees can also cause damage to the lighting due to branch movement and residue deposits.

Therefore, it is recommended that trees should be located a minimum of four metres from the outer edge of the expected mature canopy of the tree to the street lighting column / luminaire. This figure of four metres does not give the developer / landscaper / planner free reign to locate a tree four meters directly in front of, or diagonal to the lighting columns. In this instance, the landscaping should be designed so that trees are sited mid-way between street lighting columns.

It is important to understand that the County Council designs lighting systems to reasonably fine tolerances to meet the relevant standards whilst ensuring future energy requirements are in line with Council's carbon reduction commitments. Supplementary lighting should not be considered as an alternative option to a review of the landscaping proposals due to increased capital/revenue cost, increased energy cost and the increased carbon footprint.

5. **Public Rights of Way**

The County Council is keen to ensure that its interests are represented in respect of the County Council's statutory duty to protect and improve the Public Rights of Way (PRoW) in the county. KCC is committed to working in partnership with the applicant to achieve the aims contained within the [Rights of Way Improvement Plan](#) (ROWIP) – including those which relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The County Council notes that Public Bridleways HE271, HE271A, HE31 and Public Footpaths HE221A, HE274, HE275, HE277, HE281, HE302, HE303, HE314, HE315, HE316 and HE371 are located within the site and would be directly affected by the proposed development. The locations of these paths are indicated on the extracts from the Definitive Map (Appendices A, B and C). The existence of the PRoWs is a material consideration.

The County Council raises a holding objection to this application, due to insufficient detail provided to fully assess the management and incorporation of the PRoW network both during construction and in operation. This is particularly given the significant impact on the area over a significant timescale, including the potential fragmentation of the existing network. The County Council would request engagement with the applicant to ensure that the County Council's comments are understood and addressed accordingly to mitigate the concerns which are present with this application.

The County Council requests consideration of the cumulative effect on the wider area from this application and the Nationally Significant Infrastructure Project for a Solar Farm at Stonestreet Green, Ashford, to the west of the Otterpool site. The Solar Farm and Otterpool Park will have significant and extensive impact on the PRoW network, causing disruption of use over a lengthy time period. This will be combined with the increase of pressure and demand on the network alongside further growth and development, both within the district of Folkestone and Hythe, as well as Ashford borough. The County Council would therefore request greater mitigation in the form of improvements, higher rights and connectivity across the wider area.

The County Council recommends that the ROWIP should be referenced and consulted with regard to onsite connectivity and works, and offsite requests. Throughout the application, there are references to the 2018 Folkestone and Hythe Walking and Cycling Survey, which determined the main use of the PRoW network within the borough as low leisure. However, in the timescale to date, the focus on active travel and the importance of high quality leisure routes has shifted. Investment from central and local government is used to build on the opportunities offered by existing routes to create the "*bespoke green travel measures*" (paragraph 16.4.12 in Appendix 16.5 of the Transport Strategy), and a walking, cycling, equestrian infrastructure to reflect the increasing public expectation and desire for off road travel.

The County Council is also concerned that the PRoW network is not sufficiently included in the impact assessment of construction as well as operation.

The County Council notes the following impacts on the PRoW network:

- The County Council requires that a PRow Management scheme is provided which considers each PRow affected by the development, covering pre-construction, construction and completion over the prolonged and tiered phasing schedule. A separate scheme should also be provided and agreed as each phase comes forward for approval in the described tier process. KCC requires all details to be approved by the County Council prior to commencement of any works if permission is granted. The plans and drawings provided in this application are of too large a scale to ensure that all PRow are shown on the correct alignment and therefore, all routes should be confirmed for correct legal alignment. KCC notes that the pedestrian and cycle information within 'Operational Phase 2044' in Appendix 16.5 - Transport Strategy does not include any reference to the PRow network other than Section 106 improvements to HE343 (paragraph 16.5.55). The County Council notes that details of the onsite PRow improvements should therefore be provided. It is also noted that Figure 23 of the Walking & Cycling Strategy Map within Appendix 16.6 of the Framework Travel Plan labels the PRow, however, KCC requests that more detail is included on the proposals to allow the opportunity to comment at this stage.
- Whilst the County Council welcomes offsite mitigation, the County Council recommends that the applicant's proposals should be more extensive. The County Council requires details of the strategy regarding off-site connectivity - how the PRow will exit the site, giving permeability throughout the area and onward to transport and existing community facilities. This is to ensure the opportunities that the network can provide through positive incorporation and early planning are not missed. KCC would also advise that a financial contribution, ideally in the form of Section 106 Agreement funding, should mitigate the loss of amenity, increased use and subsequent improvements that will be required in the wider network as the area is developed. The original details of routes for improvement offsite made by the County Council appears to have been reduced in Table 16-15 of the Proposed Offsite Mitigation in Chapter 16 of the Environmental Statement. The County Council would request that the aims and objectives of the ROWIP and the information provided by KCC in its response to the 2019 application (dated 11 July 2009) are referenced throughout the application as opposed to the 2018 Folkestone and Hythe Walking and Cycling Survey. The routes included in this original information are: HE291, HE281, HE359, HE357, HE271, HE317, HE271A, HE313, HE293, HB32. However, only routes HE281, HE359, HE317 and HE293 are shown in Table 16-15.
- The County Council is unable to provide detailed funding requirements for mitigation measures required with the information currently provided in this application. However, significant measures will need to be taken to help mitigate the impact and to future proof sustainable active travel across the wider area of the Borough. The increase in investment and policy from both central and local government towards a modal shift away from short car journeys should focus this project to provide a sustainable development for the future.
- The County Council requires that the applicant takes a holistic approach to the development, considering the PRow network together with the highway and

transportation proposals to ensure connectivity across the development and further afield. PRow improvements should also be carried out at the same time as any highways works, particularly with regard to the A20 crossings and the Sellindge/Brockhill connectivity. KCC notes that all PRow work should be completed prior to any first occupation. There are significant concerns regarding the impact of increased vehicular traffic along surrounding rural lanes, particularly during construction, with the peak year of construction for this proposed development in 2030 with 97 Heavy Goods Vehicles per day. These rural lanes currently provide valuable connections for equestrians and cyclists travelling between off-road PRow routes, and the proposed development could deter public use of the PRow network as vehicular traffic increases along these roads. The County Council is concerned this has not been addressed within the application and it is required that the PRow network is shown on all future Masterplans to ensure linkage is optimised.

- The County Council notes that PRow use will be severely affected in the categories of air quality, noise pollution, landscape and visual amenity and potential construction impacts during construction and on completion. KCC therefore requires appropriate acknowledgement and mitigation on these matters. It is noted that paragraphs 16.5.15 and 16.5.16 in Chapter 16 of the Environmental Statement do not mention the effect and impact on PRow users and the County Council disagrees that there will be negligible adverse effect, not only during the construction phases but also the operational phases.
- In reference to Table 16-28 of the Impact Assessment Summary in Chapter 16 of the Environmental Statement, the County Council disagrees that the impact of construction is not significant on the PRow network, that additional mitigation is not required, and that there is minor Residual Effect Significance.
- In reference to paragraph 6.1.2 under Mode Share Targets in Appendix 16.5 of the Transport Strategy, any early improvement to infrastructure must also include the PRow network and Section 106 funding. Continued development of infrastructure should not be in the medium to long term as active travel access is essential from the outset of any work commencing to enable both new and existing users to access amenities within and off site, such as schools and community facilities. The County Council would emphasise that there can be no disruption or potential danger to public use of the network, as any delay to the upgrading and construction of the PRow network, cycle routes and other related works, would only increase the already significant impact on new and existing residents. The development must demonstrate commitment to active travel, connectivity of developments, sustainable transport, and the protection of and enhancement of the local area rural character.
- In reference to Appendix 16.6 of the Framework Travel Plan, engagement is requested with the County Council and Explore Kent. Explore Kent is a KCC led partnership initiative with public, private and voluntary sector partners that promote and actively encourage Kent's residents to access, enjoy and benefit from the great natural resources that Kent has to offer. This will ensure greater public awareness, knowledge

and promotion of improvements to the network, addressing the leisure and active travel opportunities arising from the development.

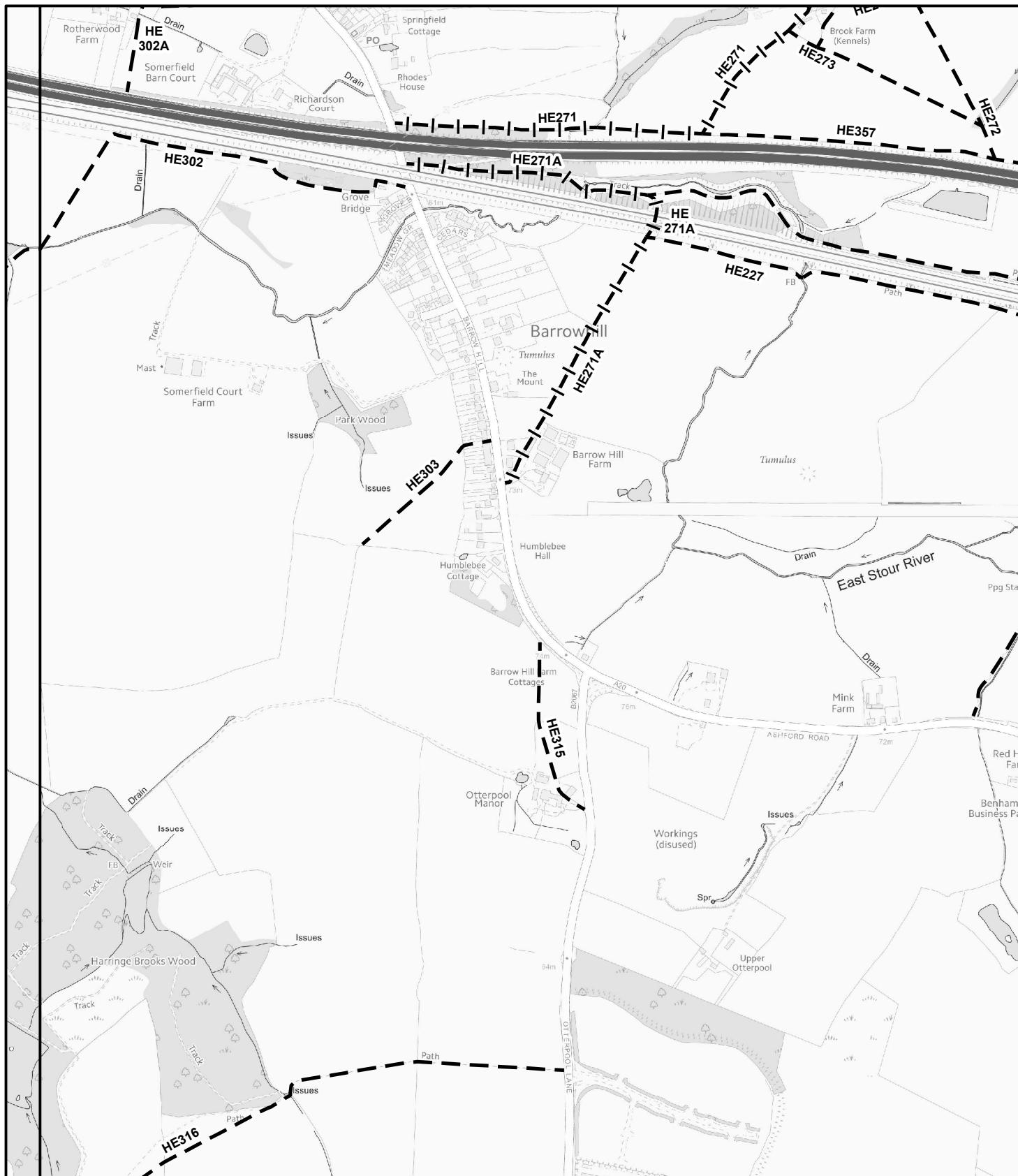
- In consideration of Kent Design standards and Secured by Design guidance, the County Council recommends that any forthcoming masterplan should keep PRow within overlooked areas of open space, to facilitate a safer environment for path users. Path extinguishments and long term severance of routes should also be avoided, to prevent fragmentation of the PRow network.

Appendix A - Extract of the Network Map 1



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Appendix B Extract of the Network Map 2



Footpath Bridleway Restricted Byway Byway Open to All Traffic Point path number or status changes Boundary of area covered by 1:2500 scale Network Map Area covered by 1:2500 scale Network Map	EXTRACT OF THE WORKING COPY OF THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF KENT © Crown Copyright and database right 2013. Ordnance Survey 100019238 FOR REFERENCE ONLY – NO FURTHER COPIES MAY BE MADE Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Produced by the KCC Public Rights of Way and Access Service	Created by: Text Checked by: Text Issue Date: 04/06/2018 Reference: Text	N 1:10,000 Kent County Council kent.gov.uk
	0 Kilometres 0.5 1 0 Miles 0.25 0.5		

Appendix C Extract of the Network Map 3

6. Provision and Delivery of County Council Community Infrastructure and Services

Overview

The County Council supports the three-tier planning approach taken by the applicant, which consists of approval of an outline application, approval at key phases including Design Codes and finally Reserved Matters applications.

It is noted that within the documentation submitted under this outline application, the applicant has made a distinction between plans and documents submitted for approval and those providing context and background to support the application.

However, at this stage in the outline application process, the County Council raises concerns regarding some of the detail contained in these plans and documents. Within this section of the response, the County Council has sought to provide the details of KCC's infrastructure requirements for the development, and has also raised questions of the applicant. The County Council would welcome engagement with the applicant on the matters raised within this response.

The County Council raises concerns in respect of several of the planning documents submitted as part of the application, including but not exhaustively: *OP5 Appendix 4.1 - Development Specification*, *OP5 Appendix 4.10 – Community Development and Facilities Strategy*, and *OP8 – Planning and Delivery Statement*.

As set out within this response, the County Council finds there are some inconsistencies as well as insufficient consideration regarding the number, and sizes of, the sites currently proposed as safeguarded for education facilities. KCC's concerns relating to the proposed education provision for the site, at both primary and at secondary stages are summarised below.

- It is unclear from the applicant's documents whether the proposed seven education sites are exhaustive or if additional sites will be proposed if Otterpool is extended from 8,500 homes up to 10,000 homes. The County Council has predicted that a minimum of eight education sites will be necessary. This response assumes the applicant has proposed these seven sites to provide the full education provision for 10,000 homes, therefore at least an additional 2.05 Ha site would be needed for the delivery of 10,000 homes; totalling eight education sites.
- The County Council has concerns regarding the constrained second secondary school site of 5.5 Ha and the proposal that it could accommodate a 6FE secondary school plus sixth form.
- The proposed levels of forms of entry (3FE primary schools and a 10FE secondary school) are inappropriate for a garden settlement.
- There is a significant disparity between the post-16 forecasts of KCC and the applicant.

The applicant is urged to discuss the provision of education facilities with the County Council at the earliest opportunity to seek appropriate resolution.

As set out in the County Council's response, Education Triggers are to be agreed in Section 106 and regularly reviewed by an Education 'Monitor and Manage' forum. The delivery of schools is a matter for further consideration. In respect of direct delivery of schools by the developer, the County Council would emphasise that this may be a potential option but remains under consideration by KCC.

All County Council services and infrastructure must be captured in the planning, phasing and delivery of the new settlement, to ensure that services are planned for, funded, delivered in a timely manner and to a high standard and well maintained in the long term. The Council's infrastructure requirements are set out in (Appendix D) and in this response. These matters are necessary to mitigate the impacts of the Otterpool Park garden settlement proposal on the provision of those services for which the County Council has a statutory responsibility. The commitment to infrastructure delivery is critical to the acceptability of the scheme.

In recognition of both the scale and complexity of this project, the County Council looks to contribute effectively to detailed negotiations and will expect to be a signatory to the Section 106 agreement for this outline application as agreed in the Planning Performance Agreement (June 2016) paragraph 13.6.

Planning Delivery

Given the long extensive delivery period of the proposed development, there will need to be a flexible approach assumed for the planning and delivery of this scheme to reflect potential changes in service provision and infrastructure requirements – including community, environmental, as well as funding opportunities. The three-tier planning approach would support this. The County Council notes that plans should be reviewed at agreed stages throughout the development process to ensure the appropriate quantum and type of infrastructure is being put in place to ensure long term sustainability of the project. The applicant should also note that any changes to housing quantum will require remodelling and the applicant will have to build this into timescales for delivery.

With specific regard to OP8 – Planning and Delivery Statement, the County Council wishes to raise a number of points; in Table 9-59-6: Summary of school requirements and delivery options in Chapter 9 – Planning Issues, the proposals fall short of the required infrastructure as follows:

- Early Years – 8-10 settings are insufficient, and 15 settings are required for a quantum of 8,500 homes
- Primary school – up to 14FE would be delivered ideally over 7 x 2FE primary schools for a quantum of 8,500 homes and 8 x 2FE for a quantum of 10,000 homes
- Secondary schools – safeguarding two sites for secondary provision is required. The applicant is currently only providing a single site that can viably accommodate secondary provision, which is unacceptable.
- Sixth form – 240-250 places are required for further education (private sector off-site provision) in addition to 471 A-level places required on-site for a quantum of 8,500 homes

Furthermore, with respect to Chapter 11 - Planning Obligations of the Planning and Delivery Statement, the County Council raises the points below relating to primary and secondary schools:

- Paragraph 11.19 – the proposed development should include 7 x 2FE primary schools (quantum of 8,500 homes) and 8 x 2FE primary schools for a quantum of 10,000 homes
- Paragraph 11.20 – secondary school provision is required up to 10.6 FE (quantum of 8,500 homes), with any single school being a maximum of 8FE. Therefore, two sites are required to safeguard the need for up to 12.8 FE (10,000 homes)
- Paragraph 11.26 - More detailed discussions at the Section 106 stage should include the nature and type of community facilities required, the locations and building specifications, as well as confirming the amount of floorspace to be delivered.

The County Council would also raise a point regarding Education Delivery asserted in Appendix 6 of the Planning and Delivery Statement and would refer to comments in the relevant Education section of this response.

County Infrastructure Requirements

The County Council has assessed the implications of this outline application in terms of the delivery of its services and notes that it will have a significant additional impact on the delivery of these services. This will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy (CIL) Regulations 2010 (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to a range of specific requirements outlined in the text below as well as in the table in Appendix D.

To determine the specific infrastructure required to mitigate demand arising from the proposed garden settlement at Otterpool Park, the County Council has modelled the population impact of up to 10,000 homes within a garden settlement within the Folkestone and Hythe District. Otterpool Park is potentially a fundamentally different development from others within the district. The proposed development may change the nature of people who choose to re-locate to the district. Evidence from other large developments in Kent, such as Kings Hill, Tonbridge and Malling and Park Farm, Ashford, suggests that Otterpool Park may attract a different and higher proportion of working people with children to the district and fewer retired people

moving into the district. These requirements outlined below take some of this demographic shift into account. The outcome of this population modelling is included as Appendix E.

The County Council fully supports the approach to plan for the wider framework masterplan. It has modelled three scenarios to determine infrastructure requirements:

1. Up to 8,500 homes - current planning application submitted April 2022)
2. Up to 10,000 homes - wider framework masterplan proposed by Folkestone and Hythe District Council Core Strategy Review 2019
3. Up to 1,500 homes - remaining quantum to fulfil the wider proposal

Any revisions to these housing scenarios will impact the infrastructure requirements and will require time to model.

The scale of development and its projected timescales present a momentous challenge to determine and reflect future changes in service provision in legal agreements relating to the funding for the infrastructure. This challenge will necessitate a flexible approach to ensure infrastructure can be funded and delivered over the long term. The proposed three tier approach to planning will help to respond to this challenge. The County Council would expect to see much greater reference to this approach in any future submissions by the applicant.

Please note that any costs associated with KCC's infrastructure requirements:

- are to be index linked by BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)
- are valid for three months from the date of this letter, after which they may need to be recalculated due to changes in District Council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Education

General Principles

Given the scale of development, it is a challenge to forecast school places arising from this development over the longer term. In light of this, the County Council must safeguard both land within and potentially outside the development, as well as secure developer contributions to ensure there is sufficient education provision over the long term¹. The Department for Education's guidance underlines the need to factor in the demographic profile of new communities when calculating education requirements and the need to secure sites large enough to meet the maximum need generated by the development². The guidance also requires that pupil yield factors should be based on up-to-date evidence from recent housing developments and that housing development should mitigate its impact on community infrastructure, including schools.

¹ [Securing developer contributions for education, Department for Education, April 2019](#)

² [Education provision in garden communities; Department for Education, April 2019](#)

Education Review Mechanism

Given the uncertainty of the exact quantum of school places required over the lifetime of this development, the County Council is supportive of the “monitor and manage” approach proposed by the applicant in OP5 Appendix 4.10 - Community Development and Facilities Strategy. The County Council welcomes support from the applicant to monitor housing quantum as part of this approach. However, it is important to remember that it is the County Council who has the statutory duty to ensure that school places exist for all resident statutory school aged children who require one. School place planning remains the responsibility of the County Council as the Education Planning Authority.

It is proposed that the Education Review Mechanism will also be responsible for reviewing pupil yield. Yield is subject to a variety of factors, all of which change over time. For example, the stated aspiration is that provision is available early in the phases of development, a time when pupil yield may well be lower. The purpose of the Education Review Mechanism is to enable the County Council and the developer to respond proactively to these changes.

The County Council confirms it can provide geographic data to support the Education Review Mechanism. Data protection requirements will determine the level of detail which can be provided.

It is an important principle that Otterpool Park must be self-sufficient in terms of education provision. However, there must be a recognition that in law, parents have the right to express a preference for the school their child will attend, and the relevant admissions authorities have a legal duty to comply with that preference if they are able to do so. In practice, parents of children resident at Otterpool Park may choose a primary or secondary school place at a school outside of the development. The impact of their decision may be that children from outside the development may be allocated a school place within the development. The allocation of school places is determined on a range of criteria, including distance from home to school. Again, the purpose of the Education Review Mechanism is to understand the travel patterns of pupils, to be able to plan accordingly to achieve its core purpose of ensuring children resident within the development can access a local school place.

The cost to the County Council of monitoring school places must be funded through developer contributions. The County Council will confirm its role in reviewing education requirements as part of further discussions with the District Council and applicant.

Education Delivery

The applicant's Planning and Delivery Statement – Appendix 6 refers to a “*joint commissioning process*” to deliver the school and identify the promoter. As outlined above, the County Council is the sole body with statutory responsibility for commissioning education provision. The provision of education is regularly subject to reviews by Government with a view to improving education delivery and it is reasonable to assume that the legal landscape for education commissioning will change, possibly more than once, during the delivery period of Otterpool Park. The County Council must ensure it is able to discharge its statutory obligations and exercise its education function in the way that complies with relevant legislation and planning policy at the time a decision is made about the planning application. The County

Council cannot agree to anything which might lead it to act Ultra Vires now or in the future, inhibit its ability to discharge its statutory functions, or in a way which would fetter its discretion.

In paragraphs 4.63-4.68 of OP5 Appendix 4.10 – Community Development and Facilities Strategy, the applicant refers to the possibility of ‘direct delivery’, where the applicant delivers the schools themselves rather than transferring the land for KCC to deliver. KCC echoes the applicant’s statements in paragraph 4.65 that KCC and the LLP have not yet decided which option will be used for the schools at Otterpool Park and the approach may differ from school to school.

The County Council requires that the land required for school provision is transferred to it freehold under its General Transfer terms (Appendix F), and at nil cost, together with the required financial contributions to enable it to commission school places.

The County Council notes reference in the applicant’s OP5 Appendix 4.10 Community Development and Facilities Strategy to an Education Campus and is willing to explore the potential for this, possibly bringing primary, special educational needs and secondary provision together. This Strategy also suggests schools may be required to play a wider role in the community, referring to them in paragraph 4.55 as “*community hubs*”. The applicant cannot seek to dilute a school’s primary purpose, to educate children in line with the national curriculum. At this stage schools cannot be expected to meet requirements that go above and beyond a standard approach. As part of the provision of new schools and associated sports facilities (indoor and outdoor), it is anticipated that such spaces will be available for use by the community outside school hours. However, (and noting the aspirations set out in paragraphs 4.69 and 4.87) such use cannot be assumed, and thus cannot be considered as a solution to the leisure and recreation needs generated by new developments. The Department for Education’s recent guidance³ outlines the measures needed to secure the shared use of school facilities only where appropriate.

The County Council agrees that there is additional construction cost to building schools in phases. For example, recent capital projects indicate significant additional costs to building out a 1FE primary school and then a further 1FE to build a 2FE primary school, rather than directly building a 2 FE primary school. The applicant would be expected to meet any additional construction costs would that derived from the phased delivery of schools.

School site size requirements and school locations

Within OP5 Appendix 4.10 – Community Development and Facilities Strategy, the applicant outlines the pupil product predicted to arise in the case of both 8,500 and 10,000 homes (Table 4.6, page 29), and what sites they plan to provide for education provision to mitigate this impact (Table 4.7, page 29).

The County Council, as Education Planning Authority, raises the following commentary:

- Table 4.7 lists seven proposed school sites or varying sizes which are designed to be flexible. Through the Education Review Mechanism, KCC expects to be free to

³ [Education provision in garden communities, Department for Education, April 2019](#)

repurpose the educational use of these sites after review if necessary to accommodate for any unforeseen changes in the demography of the new development.

- The applicant has given the size in hectares of each of the proposed school sites. KCC expects this size to be the total developable area and the whole of each site to adhere to KCC's General Site Transfer Terms. All comments below have been provided to the applicant on this expectation, and if this is not the case, then the applicant must perform remedial works before the sites are transferred to KCC.
- It is unclear from the applicant's documents whether the seven education sites listed in Table 4.7 are exhaustive or if additional sites will be proposed if Otterpool is extended from 8,500 homes up to 10,000 homes. This response assumes the applicant has proposed these seven sites in Table 4.7 to provide the full education provision for 10,000 homes, therefore concluding that the applicant's site provision is insufficient. At least an additional 2.05 Ha site would be needed for the delivery of 10,000 homes; totalling 8 education sites.

The County Council notes the indicative locations of the schools on the applicant's Parameter Plans and Illustrative Plans. The County Council reserves the right to comment on the suitability of the location of any school until further discussions have been held with the County Council, District Council and the applicant. The County Council expects each school site to be level, above flood level and adequately drained, in line with the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix F and G respectively.

In order to inform the future development of the Phasing Plans and Parameter Plans, the County Council requests that the applicant reviews and amends the Phasing Plans and Parameter Plans in collaboration with the District and County Council, as well as with other stakeholders. To aid this review, the land take required for a range of school sizes is included as Appendix H. Once the County Council agrees the quantum of education provision, this land take should be reflected in any revised Parameter Plans.

Whilst the total land take required for each school can be identified at this stage, any further breakdown of floorspace is subject to relevant Building Regulations and Building Bulletins. This breakdown cannot be specified within this outline planning application nor within the Section 106 agreement.

When the applicant starts to masterplan each phase, there must be close liaison with KCC as Education Planning Authority and Local Highway Authority to determine the school layout and specific access arrangements.

Decisions about the construction and school design will be made by the determining planning authority at the Reserved Matters stage, in consultation with the applicant. Operational decisions remain the remit of the Education Planning Authority, in consultation with the school promoter, the District Council and other stakeholders.

Education Requirements

In light of the population modelling⁴, the table below summarises the maximum quantum of education that will be required to mitigate the impact of development arising at Otterpool Park. (Further detail is provided in Appendix I):

School Yields up to 8,500 homes (not including older persons' housing)⁴

Education Type	Pupil Numbers (up to)	Forms of Entry	Delivery
Nursery and pre-school provision	783	x 15 nursery settings	52 place nursery provision included in each new 2 Form Entry (FE) primary school. Further provision made through community facilities, and the construction of commercial premises suited to private sector providers.
Primary school provision	2914	x 6.9 two form entry primary schools	x7 2FE primary schools on site Possible early provision off site Release safeguarded sites should it be evidenced that these will not be required
Secondary school provision	1584	up to 10.6 form entry school*	Majority of secondary school places will be met on-site via one new secondary school and one secondary school as part of a wider education campus. *No more than 8FE per secondary school.
Sixth Form (A-Level)	471		Include alongside secondary school provision
Further Education	236		Provided by the private sector and East Kent College
Specialist Education Provision	75	up to x 75 place specialist education provision	Single facility, co-located alongside one of the primary or secondary schools in an 'education campus'

⁴ KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

School Yields up to 10,000 homes (not including older persons' housing)⁵

Education Type	Pupil Numbers (up to)	Forms of Entry	Delivery
Nursery and pre-school provision	949	x 18.2 nursery settings	52 place nursery provision included in each new 2FE primary school. Further provision made through community facilities, and the construction of commercial premises suited to private sector providers
Primary school provision	3533	x 8.4 two form entry schools	x 8 2FE primary schools on site Possible early provision off site Release safeguarded sites should it be evidenced that these will not be required
Secondary school provision	1926	up to 12.8 forms entry school*	Majority of secondary school places will be met on-site via one new secondary school and one secondary school as part of a wider education campus. *No more than 8FE per secondary school.
Sixth Form	558		Include alongside secondary school provision
Further Education	279		Provided by the private sector and East Kent College
Specialist Provision	92	up to x 92 place specialist education provision	Single facility, co-located alongside one of the primary or secondary schools in an 'education campus'

Early Years and Childcare

Kent County Council has a duty to ensure early years childcare provision in Kent as set out in the Childcare Acts 2006 and 2016. Government policy⁶ is clear that developer contributions must help fund nursery provision required as a result of new housing growth. In addition, the policy is clear that some of these early year places will be provided through settings with primary schools. It is anticipated that the private and voluntary sector will continue to provide the majority of places in the early years and childcare sector.

Within the County Council's response to the 2019 planning application (submitted 11 July 2019), KCC outlined its expectation that each primary school will provide a 52-place nursery and further provision will be made through community facilities, and the construction of commercial premises suited to private sector providers. KCC predicts the need for 15 nursery settings for 8,500 homes and 18 nursery settings for 10,000 homes. In either case, one

⁵ KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

⁶ [Securing developer contributions for education, Department for Education, April 2019](#)

nursery setting will be provided in each of the primary schools. Therefore, a minimum of 8 nursery settings (of at least 52 places) will be required through community facilities and the private sector. Consideration will also need to be given to the demand for some larger, all year round, full day care setting for working parents who will need childcare for children aged under two.

The County Council supports the creation of nursery spaces in other community buildings, and through appropriately placed/design commercial settings. However, there is the need for the applicant to make a solid commitment to this provision in other settings before the County Council would agree to reduce any developer contributions. Alternatively, the County Council may collect developer contributions for nursery provision and apply those contributions to support the adaptation of commercial buildings for nursery provision.

Primary Education

The wider framework masterplan proposes up to 10,000 homes. Not including the older persons' housing, this quantum gives rise to up to eight 2FE primary schools⁷. The expectation is that Otterpool Park will meet the education requirements created by the development. The proposal is projected to give rise to additional primary school pupils from the date of occupation of this development. These primary school places can only be met through the construction of new primary schools on site, potentially temporary provision on site and the possible enlargement of Sellindge Primary school off site.

The provision for primary education including land and build costs should be secured within the Section 106 Agreement.

The County Council requires a financial contribution towards the construction of the primary schools on site. The County Council requires the appropriate land to be made available on site. The County Council requires that the land required for school provision is transferred to it freehold under its General Transfer terms (Appendix F).

The County Council's standard rate for financial contributions towards primary schools is based on a standard school design. The County Council notes the applicant's aspirations set out in OP5 Appendix 4.10 – Community Development and Facilities Strategy – *“to deliver schools that are civic buildings at the centre of their communities”* alongside further design ambitions laid out in the Otterpool Charter. If enhanced school design increases, the capital cost of construction, as well as the longer term maintenance also increases, both would require mitigation by the applicant.

The County Council notes the applicant's suggested delivery options for primary school sizes. The County Council welcomes the safeguarding of land adjoining the proposed primary school sites to enable expansion, should this be required. The County Council advocates this approach to all Local Planning Authorities as good planning policy. However, as discussed previously with the applicant, KCC's guidelines identify that primary schools are best delivered as 2FE provision (420 places) where possible. This allows for the most efficient deployment of resources and is preferred by most parents. Whilst KCC's planning principles do not

⁷ KCC's DRAFT "Education Modelling and Timing" shared with the promoters January 2019

preclude the creation of larger primary schools, and indeed Kent has a number of 3FE primary schools, KCC would not wish for this to be considered the default solution to meeting the needs of Otterpool Park should pupil yields exceed the standard County averages.

Table 4.7 of OP5 Appendix 4.10 – Community Development and Facilities Strategy lists five 2.6 Ha Primary school sites, each designed to accommodate a 2FE primary school with a nursery and, if needed, expand up to a 3FE primary with nursery. A 2.6 Ha site for a 3FE and nursery is below the minimum size acceptable to KCC. Limited site sizes do not seem to be in keeping with the aspirations set out in the documents accompanying the application. As land is being safeguarded and may be released at a later date for development if demand is lower than anticipated, it would seem prudent to safeguard on a maximum rather than minimum basis. KCC requires as a minimum 3 Ha for a 3FE Primary with nursery provision.

However, it is very unlikely that all five 2.6 Ha primary school sites will be required to expand from a 2FE to a 3FE. As per the school yields for 10,000 homes shown in the table above, the County Council requires up to 16 primary forms of entry as a safeguard. In terms of the efficient deployment of resources, the County Council's preference is to build 2FE primary schools⁸, therefore, to accommodate 16.8FE Otterpool Park would require 8x 2FE primaries.

KCC's minimum site size for a 2FE primary with nursery provision is 2.05 Ha. A 2FE primary of this size could be accommodated on each of the seven sites within Table 4.7. Therefore, KCC requires an additional 2.05 Ha site for a 2FE primary school to accommodate the predicted need arising from Otterpool Park.

Additionally, to provide adequate flexibility in the delivery of primary provision a minimum of two of the primary sites must have safeguarded land up to a total site area of 3 Ha to provide permanent or temporary expansions up to 3FE as and when the need arises. One of the first two primary sites transferred to KCC should be 3 Ha rather than 2.05 Ha to allow for early expansion if required.

Therefore, KCC's total primary site requirement is 2.05 Ha x 5 sites and 3 Ha x2 sites for 8,500 homes with an additional 2.05 Ha site required for a total of 10,000 homes. Once the applicant has demonstrated the provision of an eighth primary school site (the applicant is currently only providing six that could likely provide primary provision), KCC requires the modification of the applicant's 2.6 Ha x 5 sites in Table 4.7 to 2.05 Ha x 3 and 3.00 Ha x 2 sites to accommodate the potential expansions up to 3FE.

These requirements fit with KCC's demand modelling which has shown that other large development sites generate greater school place demand than other smaller sites. The intention of the Education Review mechanism must be to continually assess demand and enable the release of safeguarded sites should it be evidenced that these will not be required. It is also important that any safeguarded land to enable a primary school to expand to 3FE is sufficiently large, of a regular shape (to allow for the space to be fully utilised including for any sports provision), fit for purpose and undivided.

⁸ [Commissioning Plan for Education Provision in Kent 2022 – 2026, Kent County Council, 2022](#)

It is important to consider place making principles when planning for school sizes and, whilst KCC requires the provision of safeguarded land up to 3 FE in order to fulfil its statutory duty to provide a primary school place for every child, two form entry schools are most appropriate to a garden settlement. It is also important for the applicant to articulate the overall vision for Otterpool Park itself as a new place for people to live, work and visit and how this vision then ties into provision for schools as well as other community infrastructure. Otterpool Park's overall landscape setting should influence the size of each primary school, ensuring it is appropriate to its surroundings. Three forms of entry are more typically located in more urban settings where housing densities are greater.

The County Council notes the indicative locations of the primary schools on the applicant's illustrative drawings. The County Council will reserve the right to comment on the suitability of the location of the primary schools until further discussions have been held with the District Council and the applicant. Please note, the County Council expects each school site to be level, above flood level and adequately drained, as well as meeting the other requirements outlined within the General Transfer Terms. Both the County Council's General Transfer Terms and Primary School Service Requirements are included as Appendix F and G respectively.

The County Council is aware of the applicant's wish for primary school places to be available for the first occupants on the development. However, under existing legislation, this is subject to the Secretary of State agreeing to enter into a funding agreement with a school sponsor which will not be guaranteed. Therefore, there may be the opportunity for the applicant to fund off site provision in existing schools for the initial demand for primary school places arising out of the development. This will be dependent on the timing of delivery. There may also be a requirement throughout the development to fund temporary provision and travel costs for pupils until the need for an on-site primary school reaches a certain size. This will be dependent on the pace of housing delivery both on site at Otterpool Park and potentially at other residential sites in the locality.

Should off site provision be required, the County Council may also require a proportionate contribution towards the acquisition of land off site for the purposes of providing early or temporary primary school places or both. The site acquisition cost will be based upon current local land prices and any Section 106 Agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Please note this process will be kept under review and may be subject to change as the Education Planning Authority has a duty to ensure provision of sufficient primary pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

Secondary Education

The proposal is projected to give rise to a need for additional secondary school places from the date of occupation of this development. As indicated in the table above, KCC's population

modelling indicates up to 10,000 homes at Otterpool Park may generate up to thirteen forms of entry of secondary school demand across the lifetime of the development.

The County Council cannot guarantee meeting part of the demand created by Otterpool Park through the expansion of The Harvey Grammar School (a selective boys' school) and Folkestone School for Girls (a selective girls' school). Other off-site solutions may be possible, especially in the early years of the development. However, because such solutions require the consent of third parties, such as Academies, this cannot be guaranteed. The local authority is able to propose expansions of the schools it maintains, but not that of free schools and academy schools, which are outside local authority control. Any decision to extend academies or free schools will be subject to a decision by the Secretary of State and therefore cannot be guaranteed. All secondary schools in Folkestone and Hythe District, and Ashford Borough are Academies/free schools, and are therefore outside of the control of the County Council. Two adequate sites for on-site secondary provision are required at Otterpool Park. However, due to the large number of secondary school pupils predicted in the case of 10,000 homes, even if off-site secondary provision was achieved, two on-site secondary schools would still be required. This planning application presents the most appropriate opportunity to secure the required land take within the development and contributions to deliver the secondary school places required to mitigate the impact of this development and the wider masterplan framework.

The provision for secondary education, including land and build costs, should be secured within the Section 106 Agreement. The County Council may require a proportionate contribution towards the acquisition of land off site for the purposes of expanding these schools to provide secondary school places. The site acquisition cost will be based upon current local land prices, subject to indexation and increases in market value. Any Section 106 Agreement would need to include a refund clause, should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Sustainable travel patterns and transport choices are central to the applicant's vision for Otterpool Park. This requires the majority of secondary school places are being provided on site rather than necessitating travel across the District or into neighbouring districts.

In a number of the submitted application documents, the applicant has put forward a requirement for one 10FE secondary school. Secondary school sizes can be as large as 10FE, however there are only two such secondary schools in the County. Ten forms of entry are not the County Council's preferred choice of secondary school size, and parents are not keen on schools this large. Secondary schools with six to eight forms of entry are the preferred size for the efficient allocation of resources. Planning for a school with almost 2,000 pupils on a single site is not in keeping with the landscape led master-planning principles and the applicant's place making ambitions for Otterpool Park. Therefore, the County Council recommends that two secondary school sites are secured within Otterpool Park. In line with the County Council's comment above, one of these being a campus solution, or even an all-through school is something the County Council would be willing to support.

KCC is satisfied that the applicant's 'CP.4 and CP.5 (Country Park)' site of 11.5 Ha could provide a secondary school of up to 8FE with a 250-300 place sixth form. The remaining land

on this site could be used to provide primary or SEN provision by utilising the whole site as an all-through primary and secondary or education campus as necessary.

Table 4.7 of OP5 Appendix 4.10 – Community Development and Facilities Strategy also outlines potential secondary provision ‘RS.1 (River Stour)’ a site of 5.5-6.6 Ha. The applicant suggests the constrained area of this site is 5.5 Ha due to issues of drainage and ecological assets. KCC would welcome further details regarding this site, particularly in reference to what area of it satisfies KCC’s General Site Transfer Terms referenced above. Without further information it would not be possible to accommodate any secondary provision on this site simply because it is too small.

The applicant has suggested the constrained area of this site (5.5 Ha) could accommodate a 6 FE secondary school with 200-place sixth form. However, the Department of Education guidance Building Bulletin 103 requires a minimum of 6.4 Ha for such a school⁹. It would be contrary to the Department of Education and KCC policy, as well as the applicant’s educational ideals for Otterpool Park, to build a secondary school of the required size on this constrained site.

Through the Education Monitoring Group and beyond, KCC wishes to work with all involved parties so that full and adequate remedial works are completed in order to ensure RS.1 (River Stour) is capable of providing the necessary secondary provision for Otterpool Park. Such remediation would form part of the Section 106 Agreement and may include specific schedules of work to be completed by the applicant before transfer of the site to KCC, additional land to enlarge the site, additional education contributions to address these issues as well as any other s106 conditions as necessary.

The inadequacy of ‘RS.1 (River Stour)’ as it currently stands would leave up to 4.8 FE of secondary provision unmitigated if 10,000 homes come forward. This is unacceptable to KCC.

Please note that the County Council expects each school site to be level, above flood level and adequately drained, as well as meeting the other requirements outlined within the General Transfer Terms. The County Council’s General Transfer Terms are included as **Appendix F**.

This process will be kept under review and may be subject to change as the Education Planning Authority will need to ensure provision of the additional pupil spaces within the appropriate time and at an appropriate location.

Sixth Form

Any new secondary schools on site at Otterpool Park and any Grammar school expansions off site to mitigate the impact of development will require sixth form provision. The specific requirements are outlined in the tables above and in Appendix D and Appendix I.

With regards to the applicant’s predicted for sixth form provision, the applicant is predicting a need of up to 270 full-time education places for 10,000 homes. KCC is predicting 558 full-time education places for 10,000 homes which can only be provided alongside two on-site

⁹ [Department for Education guidance Building Bulletin 103](#)

secondary schools. If an 8 FE secondary school with a 250-300-place sixth form came forward on 'CP.4 and CP.5 (Country Park)' this would leave a deficit of up to 300 unmitigated sixth form places - which is unacceptable to KCC. The applicant has suggested some sixth form provision could be provided with secondary provision on the RS.1 (River Stour) site. Reference should be made to the paragraphs above regarding the inadequacy of this site and what is required of the applicant in order to make this site acceptable to KCC.

There is a significant disparity between the post-16 forecasts of KCC and the applicant. KCC would welcome information from the applicant about their forecasting methodology so that this difference may be resolved and a predicted sixth form need agreed between all parties.

This provision for sixth form places, including land and build costs funded by the applicant should be secured within the Section 106 Agreement.

Special Educational Needs

Approximately 3% of pupils have Education, Health and Care Plans that set out the provision needed to support the child, and this provides statutory protection. The major growth areas have been Autistic Spectrum needs, Speech and Language needs, and Social, Emotional and Mental Health needs.

KCC has emerging policy on Special Educational Needs and Disabilities (SEND) and due to the timeframe for the Otterpool development, the County Council has stated the anticipated requirements for SEND provision in Appendix G.

Otterpool Park development is expected to generate the need for up to 92 additional special school places (assuming 10,000 homes). There is no capacity to provide these school places off site. It is envisaged these places may be provided via a new special school in Otterpool Park, co-located alongside one of the primary or secondary schools in an education campus.

The applicant would be required to provide the land on site and capital funding to deliver this SEND school and for this to be secured within the Section 106 Agreement, alongside the other infrastructure requirements.

Further Education

Further Education addresses vocational post-16 education needs, i.e. people being educated in a setting other than a sixth form. The needs arising from Otterpool Park will be met by the private sector and East Kent College.

Other Community Infrastructure

To mitigate the impact of the development, the County Council requires a quantum of space in community facilities to deliver its services; including social care, community learning, early help (younger people from birth to 25 years) and public health. These services are delivered either directly by the County Council or commissioned through a range of other local organisations. The County Council is willing to consider gifting a capital asset (the community

space) to whatever stewardship body may be chosen in return for use of that space when required and developer contributions towards any maintenance charge. When not required by these groups, the stewardship body can rent this space to other local community groups to generate income for itself. (The exception to this is libraries, which will require dedicated space in a community facility, as detailed below.)

The County Council recognises there needs to be flexibility built into delivery mechanisms to ensure that service providers can respond to the changing needs of the community and changes in how services are delivered. The County Council has worked closely with other providers on previous community facilities to identify the potential components of a community hub and will continue to work with the District Council and the applicant on the proposal for Otterpool Park, though discussions are at a very early stage.

Other providers such as health and the voluntary sector also have a key role to play using community space to deliver services at Otterpool Park. The County Council would support the provision of flexible space, which different service providers could access as the community's needs evolve over time. The County Council will also consider the scope for co-locating services and dual use of facilities, though there may be some limitations to integration with other uses as a result of child protection and asset management considerations. Practical opportunities to co-locate will be considered, particularly where there are wider community benefits.

The community spaces must be designed to be accessible to a full range of users. Each facility will require a changing place,¹⁰ and larger facilities will require sensory facilities. They must be fully accessible to all and fully compliant with the Equality Duty Act (2010) and any relevant building regulations such as British Standard BS8300 - which includes, but is not limited to, ramp access, electric opening doors and height adjustable kitchen worktops. Any community facility must also provide capacity and capability for charging electric vehicles. Specific detail is provided under Appendix J. The applicant is requested to fully involve KCC in the design of the community facilities to ensure they are appropriate for all users and uses.

The County Council would be grateful to receive further detail of the health hub and community facilities in light of the requirements set out in this response and would welcome future discussions with the District Council and the applicant at the earliest opportunity.

Community Learning

The County Council notes and welcomes the inclusion of provision for an education centre/training centre in paragraph 6.10 of OP5 – Appendix 4.10 Community Development and Facilities Strategy. This development will create a demand for Community Learning (formerly known as adult education) services and it is important that sufficient and appropriate provision is included as part of the overall floorspace for community facilities.

¹⁰ Changing Places toilets for severely disabled people to be made mandatory in new buildings used by the public, under government proposals. Buildings covered will include shopping centres, supermarkets, sports and arts venues
<https://www.gov.uk/government/news/new-public-buildings-to-have-changing-places-toilets-for-severely-disabled-people>

To accommodate the increased demand on this service, the County Council requests space to deliver classes within a community setting on site, as well as developer contributions to equip the space and set up the classes. The service will include the delivery of adult numeracy and literacy classes. The community space will need to be suitable for a full range of users and accessible to a range of clients.

This provision for community learning, including capital build costs, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the Section 106 Agreement.

Libraries

KCC is the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide a comprehensive and efficient service. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

To mitigate the impact of this development, the County Council will need to provide additional library services to meet the additional demand directly created by the development. The County Council therefore requires a fully equipped, dedicated space within a community facility on site to deliver library services. The library space will need to be suitable for a range of uses and accessible to a range of clients. It can be co-located with other community uses.

This provision for libraries, including capital build costs, equipment, book stock, rent free use of space and initial start-up costs funded by the applicant, will need to be secured within the Section 106 Agreement.

Early Help

Early Help includes services for young people from birth to 25. To accommodate the increased demand on KCC services, the County Council requires space with a community facility or facilities to deliver and commission children's centre services, other specialist children's services, midwifery services, youth services as well as wider public health services. The County Council also requires external space co located with the community facility to provide outdoor play space - for example, a skate park Some of these services could be co-located within the proposed health hub as well as other community services.

This provision for Early Help including capital build costs, equipment, rent free use of space and initial start-up costs funded by the applicant should be secured within the Section 106 Agreement.

Social Care

The applicant must recognise the importance of placing delivery of social care and public health alongside the wider health agenda. There is a requirement to ensure all these services are appropriately provided for at the proposed garden settlement. This will include provision of employment and community space for delivery of both social care and public health funded by developer contributions.

The proposed development will result in additional demand upon social care, which includes services for older people and adults with learning or physical disabilities. All available care capacity is fully allocated already and there is no spare capacity to meet the considerable additional demand arising from this development. In addition, the social care budgets are fully allocated, therefore no spare funding is available to address additional capital costs for social care clients generated from this new development.

The County Council welcomes the 648 extra care housing units to accommodate older persons' housing needs identified in the application. Alongside care home and extra care facilities, there will also be a requirement for sheltered housing. To further mitigate the impact of this development, KCC requires:

- A proportionate monetary contribution per household towards assistive technology, sensory facilities, Changing Places and other requirements.
- Space within the community facilities to deliver social care services local to the development delivered by KCC or a third party.
- Employment space within a proposed health hub,
- The applicant must also ensure the delivery of:
 - 1% of total units (85 homes) Wheelchair Adaptable Homes as part of the affordable housing element on this site, with nomination rights given in consultation with KCC Social Care
 - 1% of total units (85 homes) Wheelchair Adaptable Homes as part of the private housing on this site, with nomination rights given in consultation with KCC Social Care.

The County Council supports the approach of using the Encompass model at Otterpool Park. The County Council could link the community navigation and social prescribing contract to this model once it is in place. This would be dependent on additional funding from Clinical Commissioning Groups.

The application, including the Community Facilities Strategy and the Health Impact Assessment, does not incorporate the positive learning from Healthy New Towns concept, including the experience at Ebbsfleet, North Kent. For example, the application lacks sufficient focus on the needs of those living within the development with dementia.

In their future submissions, the applicant is required to review their proposal to take greater account of social care requirements, including:

- Designing Otterpool Park to include those who need support for example due to illness, disability or old age. This would include reviewing and amending the masterplan and the approach to designing community buildings and public realm.
- Understanding the needs of those who may need to access social care services and ensuring this influences the Community Facilities Delivery Strategy.
- Community space for delivery of social care services, alongside delivery of health services.
- Employment space for social care teams, alongside space for health professionals.

This provision for social care, including assistive technology, sensory facilities, capital build costs for employment and community space, changing places, equipment, rent free use of space and initial start-up costs must be funded by the applicant and should be secured within the Section 106 Agreement.

Public Health

The provision for delivery of Public Health services, including capital build costs for employment and community space, equipment, rent free use of space and initial start-up costs funded by the applicant, should be secured within the Section 106 Agreement.

The County Council also requests that the applicant standards such as the Lifetime Homes Design Criteria to ensure that the new development meets the needs of the diverse new community at Otterpool Park.

Other Infrastructure

Off-Site Strategic Transport Requirements

Chapter 1 of this response covers Highways and Transportation matters.

Public Transport

Chapter 1 of this response covers Highways and Transportation matters.

Off Site Public Rights of Way Improvements

In order to mitigate the impact of this development, developer contributions will be required to improve off-site walking and cycling links and schemes with the development, as well as funding the construction of off-site Public Rights of Way improvements.

The provision for these improvements funded by the applicant should be secured within the Section 106 Agreement.

The County Council would welcome discussions with the applicant at the earliest opportunity on the list of priority network improvements that KCC has compiled. Chapter 5 of this response covers PRow matters.

Other Sustainable Transport Requirements

As set out in Appendix J, the site should also include provision for electric vehicle charging points and sub stations within the development as well as provision for car sharing. Chapter 1 and Chapter 3 of this response refers to the required provision of electric vehicle infrastructure. All dwellings with private off-street car parking should have an electric vehicle charging point installed. Where communal car parks are proposed (for the district centres, for apartment blocks and other uses) EV charging points should be provided at a rate of 10% active and 10% passive of the total car parking provision. KCC would also welcome discussions

regarding the need for on-street electric charging points as the travel plan has identified the need for 85 on street spaces to serve the development site.

Employment Space

The delivery of some of KCC's services, including public health and social care, will necessitate provision of employment space on site for professionals involved in the delivery of those services. This employment space could be provided as part of the proposed health hub.

The County Council would be grateful to receive further detail of the health hub and community facilities in light of this requirement for employment space and would welcome future discussions with the District Council and applicant to progress this.

The County Council would like to reiterate the importance of the delivery of employment space as part of a sustainable new community at Otterpool Park. Otterpool Park offers an opportunity to create a thriving hub of activity within the Gateway and Enterprise Quarter. The applicant should work with the District Council and County Council to ensure the delivery of a diverse range of employment spaces to meet the needs of different employment sectors. The employment spaces should provide high quality, flexible working spaces with access to sustainable transport options and gigabit capable broadband. The delivery of employment spaces within the Otterpool Park development, alongside residential development, should offer the opportunity for people to live and work sustainably at the new garden settlement.

Heritage

The County Council considers that there is an opportunity for people to become actively engaged in the site's heritage through participation in archaeological-led activities through the life of the development programme. The employment of a project specific community archaeologist would be necessary to facilitate the delivery of such activities. KCC recommends that this role is funded through developer contributions, secured through the Section 106 Agreement.

The archaeological works, which are required to be carried out across the Otterpool Park development, 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, secured through the Section 106 Agreement. Chapter 12 of this response covers heritage conservation matters.

Waste Disposal

Ashford Waste Transfer Station (WTS) and Folkestone Household Waste and Recycling Centre (HWRC) are constrained by location and neither have the ability to be expanded. As a result, KCC as Waste Disposal Authority requires a new co-located HWRC and WTS in the locality, in order to account and provide for the growth planned at Otterpool Park. A facility of this kind would have a capital cost of approximately £9 million to build at present, excluding

the cost of land purchase, which is expected to attract an industrial premium of around £3 million.

KCC has been working in partnership with Folkestone and Hythe District Council to identify a new WTS and HWRC site in the District; however, no suitable sites outside of Otterpool have been identified.

It is therefore KCC's preference that the co-located HWRC and WTS are provided within the applicant's red line boundary. A site of 2Ha is required as well as proportionate build costs. As this new facility would provide additional capacity beyond that required by Otterpool Park alone and an improved service benefitting the wider community the applicant would only be expected to fund a proportionate share of this new facility.

The provision for the applicant's share of the waste disposal infrastructure funded by the applicant, including both land and build costs, should be secured within the Section 106 Agreement. If a site is provided, KCC would seek land costs from future developments in the locality, reimbursed to the applicant, to ensure the applicant only mitigates proportionately to their impact. Chapter 8 and 9 of this response covers waste matters.

Country Parks

The proposed development is adjacent to Brockhill Country Park, a popular local park managed by the County Council, with a lake, open grassland and meadows, café, education and meeting facilities. Even if works begin upon commencement, the green infrastructure proposed by the development will take time to develop. In the interim, an upgrade to facilities at Brockhill Country Park will be required to mitigate the impact of additional visitors. The nature of this upgrade will need to be determined in discussions with the District Council and applicant.

Any upgrade to Brockhill Country Park would also have longer term benefits to the development, for example Otterpool Park Primary Schools accessing Education and Training programmes, including Forest Schools that are delivered at the park.

The provision for these improvements, funded by the applicant, should be secured within the Section 106 Agreement. Chapter 4 of this response covers Country Park matters.

Sports and Recreation

The County Council would be supportive of sports development and recreational infrastructure contributions within the Section 106 Agreement.

Digital Infrastructure

The County Council considers digital connectivity as crucial infrastructure. It requests that all new homes and developments have full fibre or gigabit capable connectivity (i.e. fibre to the premise). Similarly, all new housing schemes and developments should be planned for adequate and future proofed mobile connectivity (5G and enhanced 4G services).

The County Council would therefore expect the applicant to meet the above requirements and provide full Fibre to the Premises (FTTP) to all residential, commercial, business, educational and community premises in the Otterpool Park scheme.

The County Council would therefore recommend that the applicant engages with the County Council prior to entering into any agreements to ensure that the intention of the project can be realised with the chosen supplier. KCC is willing to advise on the detail of any project prior to any supplier being selected and to assist the applicant generally with telecommunications issues that may arise. Chapter 7 of this response covers digital infrastructure matters

Section 106 Agreement

The County Council is of the view that the developer contributions identified above and included as a table in Appendix D comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the Otterpool Park garden settlement proposal on the provision of those services for which the County Council has a statutory responsibility. It is requested that the Local Planning Authority seeks a Section 106 obligation with the applicant and any other interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, officer fees and expenses incurred in completing the Section 106 Agreement.

Providing certainty for the delivery and timing of the infrastructure needed to support the proposed development, through securing them in the Section 106 Agreement, is critical to the acceptability of the scheme. The matters which should be secured in the Section 106 Agreement will be subject to further detailed negotiations in which the County Council would expect to be fully involved as they will relate to the provision of services for which it is responsible. These services include infrastructure requirements outlined above and set out in Appendix D, summarised below:

- Education – nursery, primary, secondary, sixth form, further education, and Special Education Needs
- Transport infrastructure, including strategic transport improvements, public transport, walking and cycling provision off site
- Library services
- Community learning
- Early help (including youth services)
- Social Care
- Public health
- Employment space capable of accommodating KCC services as identified in this response, alongside other requirements
- Heritage
- Waste – land (2ha site) and build costs
- Country Parks

The Section 106 Agreement should make provision for:

- The transfer of freehold land at nil cost and in accordance with KCC's General Site Transfer Terms attached as Appendix F

- The full cost of construction, including build and fit out costs of necessary infrastructure
- Third party land acquisition, compensation and procurement costs
- Cost of Compulsory Purchase Order and similar procedures in respect of transport infrastructure
- Revenue contributions to fund the start of service delivery where appropriate
- County Officer monitoring and management fees

Further details of the specific requirements are as set out in the attached appendices. The County Council requires that these are set out in the next draft Heads of Terms submitted by the applicant.

Where appropriate, Section 106 obligations should be reinforced by Grampian conditions to prevent development from proceeding before the associated infrastructure is in place.

In recognition of both the scale and complexity of this project, the County Council is keen to contribute effectively to detailed negotiations, including the Section 106 and Section 278 Agreements, the drafting of relevant conditions, the evolution of the masterplan, details pursuant applications and infrastructure provision planning. Further discussions are required across a range of infrastructure requirements before determination of the planning application. The County Council will ensure that all relevant service departments engage at the appropriate stages. The County Council would consider appointing dedicated resources to support negotiations and legal support if the applicant funded this resource.

The County Council wishes to be fully involved in the negotiations with the developer especially in concluding a Section 106 Agreement, albeit recognising that it is for the District Council to ultimately agree. The County Council expects to be a signatory to these agreements. In the event that the applicant is unwilling to meet the requirements set out in this response, and KCC has not been party to agreeing the terms of the Section 106 Agreement, KCC would object to the proposal on the basis that:

- It would fail to satisfy the NPPF and its principles of sustainable development including those for infrastructure provision
- KCC would be unable to discharge its statutory duties for example as the Strategic Commissioner of Education Provision in Kent and as Local Highway Authority.

The County Council notes the complexity of land ownership at Otterpool Park and the dual role undertaken by the District Council, the County Council therefore asks for further detail, provided on a full and confidential basis, on the:

- Respective arrangements, including landownership and the proposal for enforcement given District Council's interest (as landowner and Local Planning Authority), so it is considered early in the process and any side agreements can be put in place alongside the Section 106 Agreement;
- Relationship between these various roles including any joint venture arrangements once determined; and
- Section 106 mechanisms, three tier planning arrangements and governance approach, beyond the basic outline submitted with the application.

Phasing and Housing Delivery

The applicant is proposing an ambitious quantum of housing and an equally ambitious annual rate of completion. The County Council notes that the Parameter Plans have been submitted as a document for approval, with the Phasing Plans submitted as a document in support of the application. The County Council supports the focus on the Parameter Plans at this stage, ensuring the flexibility required to accommodate the delivery of development on such a large scale.

The County Council would welcome early engagement during the development of the Phasing Plan, ahead of submission to ensure that the necessary infrastructure is planned for, funded and delivered in a timely manner, supporting the residential growth across the development.

Viability

KCC assumes that this site is viable, that the applicant has calculated values and costs to ensure these infrastructure requirements detailed in this response will be met through Section 106 and other legal agreements. The applicant is commended for their placemaking ambitions. However, there must be a recognition of the impact of these ambitions on site-wide viability, in both the short and longer term.

The District Council, the applicant and other stakeholders involved in delivering large scale housing growth must work together to secure any relevant infrastructure funding which may boost the viability of this development.

Stewardship Arrangements

The County Council notes the governance arrangements as set out within the applicant's Appendix 4.13 Governance and Stewardship Strategy. The County Council supports the approach to establish a new body or possibly bodies to manage a variety of assets within the development over the longer term. Discussions with the applicant to date have been at a very high level and the County Council requires further discussions with the District Council and the applicant in relation to governance and long-term stewardship, in particular in relation to public realm and managing community buildings which will be required to deliver KCC services.

KCC is supportive of applying the multi-speciality community providers approach at Otterpool Park but would require that any future discussion includes both county social care and public health service providers alongside health partners.

The County Council would welcome some principles of stewardship to be set out in the Section 106, rather than a fixed approach. This would enable the stewardship regime to evolve over time with further discussion to inform the stage (or stages) at which the stewardship regime is approved. This will require further consideration by the applicant of how community development and stewardship of the new development are connected. Going forward, the existing community could be more involved in shaping these two workstreams.

When developing the business model for the stewardship body, the applicant will need to consider the long-term cost of maintaining high quality public realm. The County Council agrees it is vital to determine the ownership of a range of assets alongside their maintenance regime early on in the application process.

It cannot be determined at this stage whether schools can secure additional revenue streams, and this cannot form an integral part of any business model.

The County Council is happy to discuss options for managing both the public realm and sharing community buildings providing these meet appropriate standards including safety requirements, accessibility and cost considerations. The County Council is willing to share previous experience from a range of sites from across the County to inform the stewardship arrangements.

Design and Layout

The internal layout of the new Garden Town at Otterpool should promote sustainable travel options above that of private car use. Streets and connections within the development should encompass direct and legible walking and cycling routes to all public transport muster points and community hubs – with a particular emphasis on sustainable school travel.

Footways and cycleways, where possible, will be separated from major roads within the site and will be a safe and welcoming environment in which to travel through green corridors and to promote social engagement at every opportunity.

Primary schools to be provided within the development will be required to provide sufficient car drop off/pick up facilities clear of the public highway in addition to staff parking and a robust travel plan. Opportunities should be sought to share parking across the site with daytime car parks for community uses acting as overnight parking facilities for visitors and unallocated residential provision.

In reviewing OP5 – Appendix 2.6 Commitments Register – under Health (page 32), KCC welcomes the commitment to ensure that any River Stour sites (drainage or protection of ecological assets) that fall within school site boundaries are made safe as appropriate – using fencing around open areas of water. KCC requests that any such river sites, areas of drainage, ecological river assets or open areas of water are clearly marked and annotated on future masterplans, including the proposed school site locations in order that KCC may provide comment as required.

Design Standards

In 2018, Kent County Council commissioned Design South East to provide advice on how the county's public and private sector could deliver higher design quality more consistently, particularly in housing development. As part of this exercise, two workshops were held to facilitate a county wide dialogue on how the county could raise design quality, and equally importantly, deliver high quality consistently across all scales, types and geographies. These

workshops attracted participation from local authorities, developers, housebuilders – including volume housebuilders – agents, consultants and statutory consultees. They identified a range of factors which would contribute to raising design quality across the County. Those factors most relevant to Otterpool Park are outlined below. The applicant is requested to consider these as the development progresses:

- Commit to and deliver collaboration in practice between stakeholders on the strategic decisions that impact on design quality at Otterpool Park - before, during and after the planning process.
- Ensure the Otterpool Park Place Panel is an integral part of the design discussions
- Work with the District Council to use design review as a tool for design dialogue and design quality management.
- Engage the existing and future communities at Otterpool Park more constructively in the design debate generally and in the development of this garden settlement. Realise the value of a truly engaged public.
- Ensure future proposal aligns with Kent's Design Guide. Consideration of National Design Guidance would also be encouraged.
- Strive to meet net zero carbon goals in all aspects of design and development goals for Otterpool Park.

As the applicant is seeking higher, exemplar design standards for community buildings (for example schools) then additional contributions may be required to fund these higher standards.

Appendix D Draft Kent County Council Infrastructure Requirements

Appendix A – Draft Kent County Council Infrastructure Requirements						
SITE: OTTERPOOL PARK, FOLKESTONE & HYTHE DISTRICT						
<i>DRAFT AND SUBJECT TO MEMBER APPROVAL</i>						
Homes (C2 units)		643		51		694
Homes (C3 Units)		7,857		1,449		9,306
Total Homes		8,500		1,500		10,000
Total Population		22,643		4,108		26,751
Service	Requirement	Quantum (8,500 homes)		Quantum (1,500 homes)		Quantum (10,000 homes)
Education	Nursery and pre-school provision	x 15 nursery settings (7 as part of primary school provision)		X 3.2 nursery setting		x 18.2 nursery settings
Education	Primary school provision	up to x 6.9 two form entry schools		up to x 1.5 two form entry schools		x 8.4 two form entry schools
Education	Off site and/or temporary primary provision	TBD		TBD		TBD
Education	Secondary school provision	up to 10.6 forms entry (single school to be no more than 8FE)		up to 2.2 form entry school		up to 12.8 forms entry school

Education	Off-site secondary provision	TBD	TBD	TBD	
Education	Sixth Form and Further Education	x 471 A-Level places	x 87 A-Level places	x 558 A-Level places	
Education	Sixth Form and Further Education	x 236 Further Education places	x 43 Further Education places	x 279 Further Education places	
Education	Specialist Provision	up to x 75 place specialist education provision	up to x 17 place specialist education provision	up to x 92 place specialist education provision	
Libraries	Fully equipped, dedicated space in a wifi enabled community facility including book stock, services, equipment and shelving, digital infrastructure, resourcing of initial offer	TBD – 200 sqm	TBD	TBD	
Social Care	Mix of residential, nursing, and extra care units	643 C2 units	51 C2 units	694 C2 units	
Social Care	Community and employment space	TBD – c.500 sqm	TBD	TBD	
Social Care	Contributions including capital fit out, maintenance charge, resourcing initial service	TBD	TBD	TBD	
Social Care	Social care requirements on and off-site may also include:	TBD	TBD	TBD	

	Assistive technology Community Facilities accessible for those with both mental and physical disabilities Sensory facilities Changing place Other requirements					
Social Care	Wheelchair adaptable housing	TBD – 170 dwellings built to M4(3) standards		TBD	TBD	
Public Health	Community health and well-being facilities and employment space	co-locate with social care and NHS		co-locate with social care and NHS	co-locate with social care and NHS	
Community Learning	Community classroom space & contributions	TBD – 3 x 60 sqm rooms (nil cost to KCC)		TBD	TBD	
Early Help	Community space & contributions including a medical room to allow for midwifery and health visitor services. Specification to include a hand basin and midwifery couch	TBD – c. 230 sqm to include a midwifery room to be 10.5m2 plus handwashing facilities		TBD	TBD	
Early Help	Other specialist family/ children services	TBD		TBD	TBD	

Waste	New co-located Household Waste and Recycling Facility and Waste Transfer Station	Land (2ha site) and build costs	TBD	TBD	
Transport	Public transport requirements - including travel planning and co-ordination	TBD	TBD	TBD	
Transport	Strategic highway network	TBD	TBD	TBD	
Transport	Off-site pedestrian, cycling and equestrian requirements	TBD	TBD	TBD	
Transport	Electric charging points	TBD	TBD	TBD	
Heritage	Preparation of Heritage Strategy	TBD	TBD	TBD	
Heritage	Heritage Interpretation	TBD	TBD	TBD	
Heritage	Archaeological storage	TBD	TBD	TBD	
Heritage	Heritage interpretation facility(ies) or within other community venues	TBD	TBD	TBD	
Heritage	Community archaeologist	TBD	TBD	TBD	
Heritage	Heritage assets - sustainable use, enhancement, and conservation	TBD	TBD	TBD	
Other	Country Parks	TBD	TBD	TBD	

Other	Drainage and flood defence	TBD		TBD		TBD	
Other	Ecological Mitigation	TBD		TBD		TBD	
Other	AONB Management Plan	TBD		TBD		TBD	
Other	Arts & Cultural delivery	TBD		TBD		TBD	
County Resource	Officer resource including education reviews, employment and skills co-ordination and section 106 monitoring	Lifetime of development		Lifetime of development		Lifetime of development	
Digital Infrastructure	Gigabit capable fibre to the premise Enhanced 4G and 5G mobile services	n/a		n/a		n/a	
Costs do not include capital cost of those assets developer/ infrastructure partner must build/ procure for example community buildings							
All costs will need to be index linked, subject to interest payments and late payment charges							

Appendix E Population Modelling

Assumption 2.8 people per household

Current ONS projections assume average household is 2.20 within Folkestone & Hythe District and will reduce to 2.08 by 2031

2.8 projection similar to seen in study sites (Park Farm and Kings Hill)

	8,500 homes	1,500 homes	10,000 homes	Percentage breakdown of age ranges
Home Types				
Residential (C2 and C3) homes	8,500	1,500	10,000	
Residential C3 homes	7,857	1,449	9,306	
Age Range				
0 to 3	1,760	325	2,085	8
4 to 10	2,640	487	3,127	12
11 to 15	1,540	284	1,824	7
16 to 64	14,080	2,597	16,676	64
65+	1,980	365	2,345	9
Total population from C3 units	22,000	4,057	26,057	100
Residential C2 Units	643	51	694	
Total population	22,643	4,108	26,751	

Appendix F KCC General Land Transfer Terms July 2020

KCC General Land Transfer Terms

1. The developer/landowner shall provide a formal desktop and if necessary intrusive land investigation report by a competent registered expert(s) confirming that the land and associated areas prior to transfer are:
 - i) free from the following, along with details of any works undertaken to mitigate:
 - contamination (including radiation),
 - protected species
 - ordnance
 - rubbish (including broken glass)
 - any adverse ground and soil conditions including subsidence, heave and land slip
 - occupation
 - archaeological remains
 - existing and planned noise generation from adjoining land that would require attenuation measures in the new school design.
 - poor air quality that would require mitigation measures in the new school design.
 - the presence of service mains that would impact on the ability of the land shall be developed for a new school, such as drains sewers, electricity cables, water mains, gas lines and other utility media crossing the land.
 - ii) above flood plain level, adequately drained and close to accessible public transport (bus stop or train station).
 - iii) If required, to a set of levels specified by County Council to allow construction of the new school to the requirements of the local planning authority.
2. Should any of the requirements in paragraph 1 not be satisfied the developer/owner shall implement at their own cost an agreed strategy of remediation/removal/rectification/diversion prior to transfer to KCC including liaison with all statutory authorities and obtaining necessary consents including those from neighbouring landowners if required.
3. Any remedial/removal/rectification/diversion works shall be designed prior to commencement by competent professional companies and with a collateral warranty in a standard industry form provided to and for the benefit of KCC or for the benefit of body nominated by KCC.
4. In the event that the site is used by the developer/land owner for construction or other activities after providing the report required under the provisions paragraph 1 of these terms (other than for the purposes of remedial/removal/rectification/diversion work), then the developer/land owner

is to provide additional reports to ensure that the above criteria have been met.

5. The land shall be transferred as a single undivided site, and in shape capable of accommodating sports pitches to the appropriate DfE guideline size and levels standard (Department for Education Technical Annex 2B: External Space and grounds – May 2019) for the type of school proposed.
6. The County Council shall be granted a Licence for access onto the land, prior to transfer for the purpose of surveying and carrying out technical investigations.
7. The land shall be clearly pegged out to the satisfaction of the delegated representative of KCC's Head of Property and fenced with GIS co-ordinates prior to completion of the transfer. The fencing shall be to a minimum standard of 1.80m high chain link security fencing on galvanised steel posts with double access gates secured by lock and key, or alternative specification agreed with KCC.
8. The land shall be transferred as freehold, unencumbered and conveyed to KCC with full title guarantee and vacant possession with no onerous covenants that would limit the use of the land as a school or restrict any ordinary activities of a school.
9. The land must not be within a consultation distance (CD) around a major hazard sites and major accident hazard pipelines, as determined by the Health and Safety Executive.
10. Prior to land transfer the developer/landowner is to provide, at their own cost and subject to KCC approval, suitable free and uninterrupted construction access to a suitable location on the site boundary. Haul roads should be constructed, at no cost to KCC, and maintained to a standard capable of accommodating HGV's and other construction traffic.
11. Prior to the land transfer the developer/landowner is to provide, at their own cost and subject to KCC approval adopted services and utilities to an agreed location(s) within the site boundary of sufficient capacity and depth to accommodate the maximum potential requirement without mechanical aid upon transfer. Utilities to include, fresh water, foul, surface water, gas, electricity and telecommunications with High Speed Fibre Optic Broadband (minimal internal speed of 1000mb) connections to multi point destinations and capable of connection to commercial broadband providers. Necessary statutory undertakers' plant (such as electricity sub-stations or transfer stations) shall be located outside of the site boundary and KCC shall not be liable for any costs (including legal costs) associated with the installation and commissioning of such plant.
12. The owner shall provide the County Council with full surface water drainage rights to allow discharge of all surface water from the land. The surface water management requirements for the school site must be subject to approval by

the County Council at design stage and in accordance with the flood risk assessment and/or the drainage strategy approved pursuant to the relevant planning approval.

13. The developer/landowner shall provide temporary electricity, drainage and water supplies to the site from the start of construction if formal permanent utilities are not yet present.
14. Prior to the use of the land shall be transferred for its intended purpose i.e. a school, an adopted highway for vehicular and pedestrian use (or capable of being adopted), which is suitable for the intended use of the site is to be provided up to a suitable point on the site boundary with cross over together with a suitable alternative vehicular access for deliveries etc., if required. The highway and any alternative access shall be subject to approval by KCC and no maintenance charges shall be borne by KCC should the developer chose not to adopt the road. The developer/landowner is to provide measures such as crossing points, pedestrian and cycling routes on the adjoining highway networks as required by the Highway and Local Planning Authority to service the land.
15. The developer/landowner shall provide separate entrance and exit points on to the adoptable highway from the school site, capable of satisfying the Highway Authority's 'in and out' access requirements, guided by the design of the layout of the land.
16. No mobile phone masts, overhead cables etc shall be located within 250m of a school site and where possible the developer/landowner shall impose a covenant that none will be erected within this distance of any site boundary.
17. Rights shall be granted to KCC to enter so much of the adjoining land within the ownership of the Developer as is reasonably necessary to carry out construction works on the site. KCC shall be responsible for making good any disturbance caused to the reasonable satisfaction of the adjoining owner in the exercise of these rights.
18. The landowner shall be responsible for KCC's legal costs and surveyor's fees together with administrative costs incurred during negotiations of the terms of the land transfer and in completing the Section 106 Agreement, taking transfer of the land including Land Registry costs, the granting of any easements/licences, or any other documentation and any Project Management agreements related to the transfer of the land.
19. Plans of the site to a scale of 1:1250 shall be supplied to KCC prior to transfer of the land showing site levels, access, boundaries and details of any adjoining development. The plan shall be provided to KCC in a suitable electronic format together with paper copies. GPS Coordinates shall be marked on the plan.

20. Subject to the above, adjoining uses should not cause interference, conflict or be inappropriate in any way to the use of the land i.e. the curriculum delivery for schools. This includes, but is not restricted to, adverse conditions, disruption and inconvenience by noise, dust, fumes, traffic circulation, artificial lighting, etc.

PRIMARY SCHOOL Service Requirements – 2 Form Entry

INCOMING SERVICES

ELECTRICITY – 200 kVA (280A)

Electric Vehicle Charging:

- All car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors (not including parents drop off) to have an electric charger installed.
- Electric Charger to be: Untethered, 22kwh Fast Charger, 34Amp AC, 3 Phase, smart.

GAS – 60 cu m/hr 430,000 kWh/year

WATER - 15 cu m / day, 4 l/s (63mm NB)

Fire hydrant: to be in the Highway adjacent to the School entrance and within 90m from an entrance to the school building. In accordance with the fire regulations: 200 dia 20 l/s fire supply.

BROADBAND – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

DRAINAGE

Surface water drainage shall be discharged in accordance with the approved surface water drainage strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

For general guidance on drainage design, it is required that surface water flows from the impermeable areas will discharge to the ground in the first instance per the drainage hierarchy set within Building Regulations H3; if underlying ground conditions are not acceptable, then the discharge rate from site shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed to equate to 4 l/s/ha from the total impermeable area or can be calculated per standard guidance approved by the LLFA.

There may be occasions where the management of the surface water runoff generated from within the school site may be included within the provision for the wider development site

through a strategic surface water drainage system. This however must comply with the allowances and provisions specified within the Drainage Strategy which was approved as part of the original site-wide planning application. The applicant must contact the LLFA if this approach is pursued.

It is required that the surface water drainage system provides a level of service such that the drainage network does not surcharge for 1 in 1 year event, does not result in flooding within the site for the 1 in 30 year event and manages the 1 in 100 year plus climate change event within the site boundaries. The drainage network arrangement must provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

NOTE

Clearly these are indicative, and KCC would need to confirm exact requirements at the detailed design stages.

SECONDARY SCHOOL Service Requirements – 8 Form Entry

INCOMING SERVICES

ELECTRICITY – 380 kVA for main base building with additional capacity/supplies for:

- 10% active and 10% passive electrical vehicle chargers as a minimum or in accordance with planning requirements if higher. This means electrical infrastructure to allow for 20% of parking spaces with EVCs and 10% installed on day
- External lighting (car parks, MUGAs etc)
- Life safety systems such as fireman's lifts, sprinklers, smoke ventilation.

GAS – 134 cu m/hr 1,440 kWh

WATER - 5.5 l/s (63mm NB)

Fire hydrant: to be in the Highway adjacent to the School entrance and within 90m from an entrance to the school building. In accordance with the fire regulations: 200 dia 20 l/s fire supply.

BROADBAND – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

DRAINAGE

Surface water drainage shall be discharged in accordance with the approved surface water drainage strategy agreed at planning and following review by the Lead Local Flood Authority (LLFA).

For general guidance on drainage design, it is required that surface water flows from the impermeable areas will discharge to the ground in the first instance per the drainage hierarchy set within Building Regulations H3; if underlying ground conditions are not acceptable, then the discharge rate from site shall be limited to greenfield runoff rates for appropriate design rainfall events. For initial design purposes, this may be assumed to equate to 4 l/s/ha from the total impermeable area or can be calculated per standard guidance approved by the LLFA.

There may be occasions where the management of the surface water runoff generated from within the school site may be included within the provision for the wider development site through a strategic surface water drainage system. This however must comply with the allowances and provisions specified within the Drainage Strategy which was approved as part of the original site-wide planning application. The applicant must contact the LLFA if this approach is pursued.

It is required that the surface water drainage system provides a level of service such that the drainage network does not surcharge for 1 in 1 year event, does not result in flooding within the site for the 1 in 30 year event and manages the 1 in 100 year plus climate change event within the site boundaries. The drainage network arrangement must provide adequate access for inspection and maintenance.

Any drainage strategy should comply with the latest version of Kent Drainage and Planning Policy.

July 2020

Appendix G Primary School Service Requirements (*2 Form Entry Primary School*)

INCOMING SERVICES Electricity – 200 kVA (280A) Gas – 60 cu m/hr 430,000 kWh/year
Water - 15 cu m / day, 4 l/s (63mm NB)

Fire hydrant: to be in the Highway adjacent to the School entrance and within 90m from an entrance to the school building. In accordance with the fire regulations: 200 dia 20 l/s fire supply.

Broadband – Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and gigabit capable connections to multi point destinations to all buildings. This shall provide sufficient capacity, including duct sizing, to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future educational delivery. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

DRAINAGE Foul water discharge is usually as water supply; with a 150mm dia outlet. Surface water is variable depending on ground conditions. For a typical school with a playground and small car park, a SW discharge rate of c. 60 l/s is required. Any restrictions on the flow will require attenuation tanks to be installed at no cost to the County Council.

NOTE Clearly these are indicative, and KCC would need to confirm exact requirements at the detailed design stages.

January 2017

Appendix H Education Land Take

School Type	Pupil Places	Land take required*
2 form entry primary school	420	2.05 ha**
3 form entry primary school	630	3.0 ha**
6 form entry secondary school	900 (excluding sixth form)	8.4 ha
8 form entry secondary school	1,200 (excluding sixth form)	10.5 ha
10 form entry secondary school	1,500 (excluding sixth form)	14.2 ha

* Whilst the total land take required for each school can be identified at this stage, any further breakdown of floorspace is subject to building regulations and building bulletins and cannot be specified within this planning application nor the section 106 agreement. In the case of primary schools, this land take includes space for nursery provision

** A 2.6 Ha site for a 3FE and nursery is below the minimum size acceptable to KCC

Appendix I Education Infrastructure Requirements

Education Type	Up to 8,500 homes	Up to 1,500 homes	Up to 10,000 homes
Nursery and pre-school provision	x 15 nursery settings*	x 3.2 nursery setting	x 18.2 nursery settings
Primary school provision	up to x 6.9 two form entry schools	up to x 1.5 two form entry schools	x 8.4 two form entry schools
Secondary school provision	up to 10.6 forms entry school**	up to 2.2 form entry school	up to 12.8 forms entry school
Sixth Form	x 471 A-Level places	x 87 A-Level places	x 558 A-Level places
Further Education	x 236 Further Education places	x 43 Further Education places	x 279 Further Education places
Specialist Provision	up to x 75 place specialist education provision	up to x 17 place specialist education provision	up to x 92 place specialist education provision

*7 nurseries to be included in each new 2FE primary school

** each new secondary school to be no more than 8FE

Appendix J Electric Vehicle Charging Specification for Schools and Community Buildings

The following specification for EV charge points meets current KCC's standards. Underpinning KCC's recommended standards is a new set of national requirements that have been put in place to support the projected increase in EV ownership. This legislation comes into effect on 15th June 2022.

Schools

- 100% of car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors (not including parents dropping off children) should have an electric charger installed.
- Recommended spec: Untethered, 22kwh Fast charger, 34Amp AC, Single Phase, smart (to enable school to monitor charging and recoup charging costs later or for users to pay at time of use)

Community Buildings

- 100% of car parking spaces for staff and visitors to have passive provision (i.e. ducting installed)
- 10% of all car parking spaces for staff and visitors should have an electric charger installed.
- Recommended spec: Untethered, 22kwh Fast charger, 34Amp AC, Single Phase, smart (to enable school to monitor charging and recoup charging costs later or for users to pay at time of use)

7. Digital Infrastructure

In reference to OP5 Appendix 4.8 of the Utilities Strategy, the County Council requests the integration of the Government's current targets to rollout gigabit capable (full-fibre or fibre to the premises (FTTP)), to 85% of UK premises by 2025, with the remaining premises to receive gigabit capable upgrades as soon as possible thereafter. Currently, over 65% of premises across Kent can now access gigabit-capable connections.

The County Council notes that the Government is also in the process of amending Building Regulations to require new developments to have gigabit-capable connections. For a development of this scale, full fibre connections must be achieved and not be an intent, as specified in paragraph 3.5.3 of the Utilities Strategy.

The County Council agrees that the planned telecommunications infrastructure should provide opportunities for properties outside the Otterpool Park development. Although, given the pace that full fibre is being deployed, most properties across Kent should already have gigabit capable connections by the time this build is complete. Nevertheless, KCC agrees that it is important not to limit future customer options in terms of a choice of providers. The County Council would also highlight that some multiple service companies (MUSCO's) do not offer the option to connect existing premises to their new telecommunications networks, should this be required to achieve connectivity upgrades for the wider area.

It is noted that full fibre is also vital to support mobile telecommunications and it is essential that full engagement is undertaken with Mobile Network Operators to ensure that mobile coverage and capacity meets Otterpool Park's needs.

8. **Minerals and Waste**

This chapter is in respect of the County Council's role as Minerals and Waste Planning Authority. Commentary in respect of the County Council's role as Waste Disposal Authority is considered in Chapter 9.

The County Council, as Minerals and Waste Planning Authority has reviewed the revised application material and provides the following commentary.

The main issues to consider from a Kent Minerals and Waste Local Plan 2013-30 (KMWLP) policy viewpoint are:

- Waste management capacity requirements and facility safeguarding
- Waste reduction
- Landwon minerals safeguarding.

Waste Management Capacity Requirements and Facility Safeguarding

The permitted waste management capacity at Otterpool Quarry (lawfully implemented but not developed out) is safeguarded by Policy CSW 16: Safeguarding of Existing Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30.

The application detail shows this as being part of the wider developable area, as shown on the extract below from Drawing No: OPM (P) 400_rev YY Development Areas & Movement Corridors from the submitted document OP5 Appendix 4.1 – Development Specification.



The site of the safeguarded waste facility is within the CP.3 area above, referred to as the 'Proposed Development Area'. The County Council as Minerals and Waste Planning Authority therefore assumes that the site will cease to be available for a waste management facility. The loss of this use requires justification against the policy requirements of Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30. An Infrastructure Assessment (IA) is required to consider and demonstrate if the loss of this safeguarded facility is justified against the exemption requirements of Policy DM 8: Safeguarding Minerals Management, Transportation, Production, & Waste Management Facilities. The applicant has prepared an IA (OP5 Appendix 2.7 - Infrastructure Assessment (regarding the permitted waste facility) March 2022).

The IA argues a justification to depart from the presumption to safeguard (as set out in Policy CSW 16: Safeguarding of Existing Waste Management Facilities) by invoking exemption criterion 6 of Policy DM 8 of the adopted Kent Minerals and Waste Local Plan 2013-30. This states:

6. material considerations indicate that the need for development overrides the presumption for safeguarding; or

The IA argues that a departure from the presumption to safeguard is essential and necessary to enable the delivery of 14,557 new dwellings by 2037. The delivery of this quantum of new dwellings was identified in the 2017 Strategic Housing Market Assessment (SHMA). It was also tested through the 2022 Folkestone and Hythe District Council Core Strategy Review Examination in Public with the new garden settlement at Otterpool Park providing some 8,500 new dwellings alongside employment, commercial, retail, leisure and community uses. The IA makes the case that the retention of the Otterpool Quarry waste management facility would be incompatible with the objectives around the delivery of a new settlement, as it is located within the development area. Its retention would necessitate reconsideration of the assumptions in the masterplan and a potential reduction in housing supply (scale unspecified).

The case argued to override the presumption to safeguard to deliver a new settlement in the IA is noted. However, the exact nature of the impact of re-designing and/or expanding the area or the layout of the proposed garden settlement to both deliver the housing and economic benefits, while retaining the waste management facility, is not explored or fully considered within the IA. It therefore remains unclear as to whether this is possible. There has only been a partial attempt to examine and assess whether it is acceptable to retain the safeguarded facility in its current location whilst not allowing any development within a 250m zone (as shown on Parameter Plans ref 5001-5003). The application concluded that the retention would undermine the applicant's objective to ensure a sustainable pattern of development. The application does not demonstrate any potential to either re-locate the safeguarded facility to a nearby location, or increase the overall size of the proposal to ensure that its retention did not cause an unacceptable impact on the delivery of housing and other features (such as the educational infrastructure nearby). In addition, there is inadequate consideration of the waste needs arising from the proposed development and the role that waste infrastructure plays in the deliverability of sustainable communities.

It is noted that the effect of the loss of the waste management facility, is considered in the submitted Environmental Statement Volume 2: Main ES Chapter 17: Waste and Resource Management March 2022 by Arcadis.

This report considers what waste arisings from the proposed development may be and the requirements to ensure that these materials, during construction and use, are sustainably managed. Its main conclusion is:

17.6.11 If the Permitted Waste Facility, comprising a MRF and Anaerobic Digestion (AD) plant (SH/08/124) were built as part of the proposed Development, the waste assessment would show an improvement, as the new facilities would provide greater capacity to deal with local and regional waste arisings. However, this chapter has also illustrated in Section 17.3 (2019 Remaining Landfill Capacity dataset) that with the introduction of a local Waste Transfer Station, there is both capacity and infrastructure within Kent to manage the waste arisings forecast, as detailed in the Kent Waste Needs Assessment 2017 and therefore the permitted waste facility is not required to address current or future waste generation in Kent.

The Environmental Statement rightly recognises the need to have a sustainable waste management strategy, that utilises the site's existing permitted and safeguarded capacity, in line with the principles of proximity and the defined waste hierarchy - as identified by the National Planning Policy for Waste 2014, and required by the National Planning Policy Framework. However, it then rejects this finding by saying "*there is both capacity and infrastructure within Kent to manage the waste arisings forecast*". While this may be correct in overall capacity terms, the question of proximity appears to have not been given any weight in this conclusion. It is not being argued that the waste capacity needs and identified capacity requirements respect the proximity principle adequately in this instance. The EU Directive 2008/98/EC is transposed into the Waste (England and Wales) Regulations 2011-S.I. 2011/988 in the UK at this time. Directive says, in Article 16: Principles of proximity and self-sufficiency regarding proximity:

The principle of proximity implies that waste should generally be managed as near as possible to its place of production, mainly because transporting waste has a significant environmental impact.

In this instance the proximity principle, with regard to the proposal's waste arisings and their ongoing management has not been adequately considered in the applicant's waste needs assessment. In determining the application, the planning authority should be clear and concise on the matter of proximity and the reasons why the safeguarded waste facility could not have been designed into the proposed new settlement to increase its overall sustainability. This is necessary in order that the Development Plan and national waste planning policies are properly applied.

Waste Reduction

Though the application is in outline, and therefore does not contain urban design details, the need to design in waste reduction and its facilitation, should be recognised in line with the

requirements set out in Policy CSW 3 of the Kent Minerals and Waste Local Plan. This policy states:

“Waste Reduction

All new development should minimise the production of construction, demolition and excavation waste and manage any waste in accordance with the objectives of Policy CSW 2.

The following details shall be submitted with the planning application, except for householder applications:

- 1. the measures to be taken to show compliance with this policy*
- 2. the details of the nature and quantity of any construction, demolition and excavation waste and its subsequent management*

New development should include detailed consideration of waste arising from the occupation of the development including consideration of how waste will be stored, collected and managed. In particular proposals should ensure that:

- 1. there is adequate temporary storage space for waste generated by that development allowing for the separate storage of recyclable materials; and*
- 2. as necessary, there is adequate communal storage for waste, including separate recyclables, pending its collection; and*
- 3. storage and collection systems (e.g. any dedicated rooms, storage areas and chutes or underground waste collection systems), for waste are of high quality design and are incorporated in a manner which will ensure there is adequate and convenient access for users and waste collection operatives and will contribute to the achievement of waste management targets; and*
- 4. adequate contingency measures are in place to manage any mechanical breakdowns. All relevant proposals should be accompanied by a recycling & waste management strategy which considers the above matters and demonstrates the ability to meet local authority waste management targets.”*

In relation to this policy, the submitted Environmental Statement OP5 Chapter 17 – Waste and Resource Management states:

“The assessment has considered modern methods of construction to minimise construction waste; reuse of demolition waste on site such as hardcore; and a neutral cut and fill of excavation waste. A Detailed Code of Construction Practice (CoCP) would be developed detailing the management of waste during construction. An Outline CoCP is included in ES Appendix 4.17. The assessment considers the types and quantity of waste and recyclables collected and how it is stored. It assesses where the collected waste will be taken for bulking, the capacity/availability of local Waste Transfer Station- and associated logistical arrangements. A Site Waste Management Plan (SWMP)(ES Appendix 17.3) has been prepared for as best practice during construction to management and minimise waste generated.”

Other parts of the document detail the demolition and construction waste arisings (and other relevant waste streams). The anticipated arisings are noted. However, the document does not provide detail regarding the policy's requirement to consider the four points for detailed "*consideration of how waste will be stored, collected and managed.*" Though the proposal is in outline, the matter is fundamental to ensuring a sustainable pattern of development. It is considered that the document, or other parts of the submission, should elaborate further on how waste reduction will be a fundamental part of the design philosophy.

In conclusion, the application has not satisfactorily addressed the loss of the safeguarded permitted waste management capacity that exists. The IA does not appear to have explored alternative designs to retain the waste management facility, that would have provided the new settlement with proximate and sustainable waste management capacity. The IA should have tested this and if necessary provided justification as to why it is not feasible and to demonstrate an exemption to Policy DM8. The application has not applied the proximity principle or explained how it has considered this to maintain good proximity for the management of waste that will arise from the development when assessing what the future waste management needs of the proposed development. Waste reduction design matters appear to have been left to the detailed planning application stage, when arguably, the principle of waste reduction and how it will be achieved by design should be given more emphasis and explanation at this stage given the scale of the new settlement as proposed.

Landwon Mineral Safeguarding

The application details include a Minerals Assessment (MA) by SLR that addresses the safeguarded minerals at the site, this is both extensive and comprehensive.

The MA considers the potential economic importance, or basic viability of all the identified safeguarded minerals coincident with the proposed development. They are grouped into those that are of little/marginal or no economic value (the superficial Sub-Alluvial River Terrace sands and gravels and the Sandgate Formation) and those that have potential economic importance (the Hythe Formation [Ragstone] and the Folkstone Formation [Soft sand]).

With regard to the landwon mineral safeguarding assessments, the application identifies those minerals that can be exempted from further safeguarding consideration on lack of economic viability grounds. However, the County Council does not consider that the application adequately demonstrates an exemption from the presumption to safeguard for those minerals that have significant economic potential against the exemption criteria of Policy DM 7 and further work is necessary to satisfy national and local mineral safeguarding policy. In terms of the detail, attention is drawn to the following:

Minerals that are considered of little/marginal or no economic value

The superficial Sub-Alluvial River Terrace sands and gravels are of limited occurrence and have a significant degree of silt (clay) content at 29%. Therefore, it is reasonable to conclude that exemption criterion 1 of Policy DM 7: Safeguarding Mineral Resources applies.

The Sandgate Formation is safeguarded as it has had historically (but not in Kent) an importance as an industrial sand resource. The MA concludes that this deposit is more characterised as a clay material in the Otterpool location. Which has some record of local brick and tile manufacture in the Westenhangar area. There is no modern mineral industry utilising the Sandgate formation in Kent. It is a reasonable conclusion that the deposit is of no economic value and that that exemption criterion 1 of Policy DM 7: Safeguarding Mineral Resources applies.

Minerals that are considered of to have potential economic value

Hythe Formation (Ragstone)

The **Hythe Formation** is an important aggregate forming mineral. In the application site area, the deposit is coincident with some two thirds of the site. It has not been investigated by bore hole exploration techniques. Therefore, the nature of the formation is estimated as at least potentially suitable for crushed hard rock aggregate production. The MA states:

“Given the lack of site specific data on the distribution and nature of ragstone beds within the Hythe Formation, it is not possible to give an accurate assessment on the mineral quality and volume within the site, however, given the extensive regional quarrying and localised extraction at Otterpool, it is fair to assume that the Hythe Formation could be exploited as a source of crushed rock. Conservative parameters can be used to estimate the potential ragstone thickness and proportion for an outline resource estimate. In this report, an average thickness of 10m, and an average ragstone proportion of 30% has been used. As the site area is large, the resource estimates will be highly sensitive to these two factors, and thus any volumes estimated will be highly prospective.”

Given various assumptions of overburden, and the above description, it is estimated that some 17.2 million tonnes of Ragstone resources may be available for prior extraction and are potentially sterilised by the development. The MA states that extraction would have a detrimental impact on the viability of existing consented extraction. It also states that the deposit in the east of the formation, in the Otterpool area is considered to be generally of lower quality than the operation further to the west that is currently ongoing. This may be the case; however, the mineral safeguarding policy presumption does not consider the existence of permitted reserves to be a significant factor in assessing viability. Operations could, if commercially attractive, switch to the area where the mineral for prior extraction is to occur as ‘windfall site’ operation, thus preserving the consented reserves for future extraction and sustainably ensuring important minerals are not sterilised. The policy issue to be addressed is would this be viable and practicable or are there other factors that would render this prior extraction capable of being considered exempt by the exemption criteria of Policy DM 7.

The MA states:

“Development of a large new hard rock quarrying operation, as would be required by the extraction of the Ragstone resource at Otterpool Park in the timescale of the proposed development, would have a significant negative impact on the aggregate prices and economic viability of the existing sites as well as any new proposed site.”

And then goes on to state:

“The report on the examination of the Early Partial Review of the Kent Mineral and Waste Local Plan and Mineral Sites Plan (Palmer, 2019)¹² states the verdict made by the Inspector of the Maidstone Borough Local Plan (2017) who concluded that “non-mineral development on allocations within the Limestone Hythe Formation (Kentish Ragstone) and the Sandstone Sandgate Formation would not result in a material inconsistency with national policy since these minerals are not likely to be needed.” (Paragraph 45).”

Both arguments are essentially based on the assumption that existing permitted reserves of the mineral render any prior extraction as inappropriate as it is not ‘needed’ and thus the mineral in question can be discarded and subsequently sterilised. This approach, if it were to be followed, would then undermine the future safeguarding of any identified economic mineral (such as the Ragstone) resource as unimportant or ‘unnecessary’ against permitted reserves where they exist in some volume. This would be a misapplication of mineral safeguarding policy. It is not a material consideration to investigate or consider the permitted landbank or reserves, as all economic landwon minerals are finite resources, and this approach would undermine their conservation required for future generations, as set out in the National Planning Policy Framework (NPPF) (2021) part 17, para. 209:

“It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation”

Even if the adopted mineral local plan identified mineral requirement can be met from permitted reserves now; this may not be the case in the future. Both extraction rates and available reserves can change over time, given economic cycles, and with the re-evaluation of reserves. Therefore, the approach taken to consider mineral safeguarding against permitted mineral reserves would be too short term and inflexible in response to future change. In undertaking a MA, the recommended approach is to explore prior extraction of an economically important mineral irrespective of permitted reserves. Where this is not practicable, then the safeguarding policy exemptions set out in policy DM7 of the Kent Minerals and Waste Local Plan need to be tested. Whilst the submitted MA does not follow this approach, there is a possibility that the Ragstone material is not sufficiently economically attractive, given doubts about the Ragstone Formation in the eastern extremities of the formation in Kent, and the impact of prior extraction upon the deliverability of the wider Otterpool development, such that an exemption(s) of the safeguarding policy may apply. Should the development seek to benefit from a mineral safeguarding exemption, further information should be provided to demonstrate this in a supplementary MA.

Folkstone Formation (Soft Sand)

The MA’s consideration of the **Folkstone Formation** [Soft Sand] similarly is considered against the availability of the available permitted reserves, for the reasons given above this is a misapplication of the safeguarding requirement for finite economic minerals as set out by the NPPF. The MA identifies that a potential resource of 0.84 million tonnes of potentially

economically important Soft Sand. It concludes that criterion 1 of the Kent Minerals and Waste Local Plan applies, in that it would not be economically viable to extract the mineral resource given the existence of significant reserves (7 million tonnes) of permitted mineral of this type in Kent. This is not considered a viable argument and correct interpretation of national and local safeguarding policy. Similarly, the MA considers criterion 3 and states that extraction rates would be low given supply and demand profile within Kent. This is not considered a sound conclusion, as it is based on an assumption that permitted reserves elsewhere would prevent an economic prior extraction. The MA also discusses exemption criteria 2,4,6 and 7 and 5 where in the case of the latter, the MA states:

“The proposed development and the potential sterilisation of minerals should be considered in the light of the need for housing, other alternatives, and the scarcity of the mineral deposits. Information presented in previous sections of this report shows the relative lack of scarcity of available mineral resources (i.e. the large outcrop of the Hythe and Folkestone Formations) and the current and future reserves / landbanks which are able to meet demand. The current steady supply and the ease of increasing supply of imported crushed rock and marine sand and gravel are a distinct contrast to the potential environmental impacts of the prior extraction of the potentially sterilised mineral resources.”

This is not a persuasive argument for an exemption. The Folkestone Formation is an important economic mineral as it serves a distinct market, that being a building sand for mortar production, its physical and chemical characteristics are distinct to this application. Crushed rock and marine sand and gravels importation serve entirely different markets and is an irrelevance, as is the existence of the Soft Sand permitted reserves in the County.

The Otterpool Park Development has a 30 year time horizon and on the evidence currently available, has the potential to deliver important soft sand reserves as a windfall site alongside the Otterpool Park development. Whilst the quality of the material has not been evidenced in the MA, soft sand has historically been worked in the area, an indication of its previous quality and viability. The identified 0.84 million tonnes (estimated) within the site is a considerable reserve to sterilise and a robust case is needed to set aside the presumption to safeguard the mineral. Careful consideration on phasing and design may facilitate some prior extraction development. Not only would this ensure that finite economic minerals would not be sterilised it has the potential to deliver sustainable development where sand needed for the construction phase of the development could be provided on site. In light of the above, further evidence is required to demonstrate compliance with Policy DM 7 and in particular that prior extraction has been fully explored and is not an option in this instance.

Summary

The submission of the outline planning application does not consider the loss of the permitted waste management facility capacity at Otterpool Quarry against the waste management capacity safeguarding exemption criteria of Policy DM 8. The proposal's waste management needs assessment must also explain the requirement to apply the proximity principle appropriately.

Waste reduction is considered an important consideration to achieve a sustainable pattern of development. The application must demonstrate how the proposed development will accord with the requirements of Kent Minerals and Waste Local Plan Policy CSW 3 .

With regard to the landwon mineral safeguarding assessments, the application identifies those minerals that can be exempt from further safeguarding consideration on lack of economic viability grounds. However, the County Council does not consider that the application adequately demonstrates an exemption from the presumption to safeguard for those minerals that have significant economic potential against the exemption criteria of Policy DM 7. In particular the potential for prior extraction of the Soft Sand has not been adequately demonstrated.

The County Council as the Mineral and Waste Planning Authority for Kent would be happy to continue a dialogue on these safeguarding matters if it would assist.

9. Waste Management

The County Council, as Waste Disposal Authority has provided comments directly relating to the Environmental Statement OP5 Chapter 17 – Waste and Resource Management and the Environmental Statement Appendix 17.1 Waste Strategy. For ease of review, the extract of the text has been provided alongside County Council commentary.

The County Council, as Waste Disposal Authority would welcome further discussions with the applicant and District Council in respect of the matters raised.

Environmental Statement OP5 Chapter 17 – Waste and Resource Management		
17.2 Assessment Methodology <u>Table 17-1 Summary of Relevant Adopted Policies</u>	Document: A Green Future: Our 25 Year Plan to Improve the Environment (2018) Policy/Reference: Chapter 4: Increasing resource efficiency and reducing pollution and waste Description of Resource Management: i. Maximising resource efficiency and minimising environmental impacts at end of life. ii. Reducing food supply chain emissions and waste iii. Reducing litter and littering iv. Improving management of residual waste Project Response: The assessment has considered the existing and future waste capacities of local and regional facilities including associated logistics; incorporates re-purpose bring sites and surveillance through the Otterpool Stewardship scheme; and, underground waste storage. Policy CSW2 (Waste Hierarchy) Description of Resource Management: To deliver sustainable waste management solutions for Kent, proposals for waste management must demonstrate how the proposal will help drive waste to ascend the Waste Hierarchy whenever possible Project Response	The County Council requests further information on this matter as 'bring' sites are not supported by the County Council as Waste Disposal Authority (WDA). Existing arrangements include comprehensive kerbside collection services and use of waste transfer operation. KCC will use its statutory powers of direction to dispose of waste through its own contracted arrangement for waste services.

	The assessment proposes a community closed-loop composting initiative and a reuse/re-purpose site. The accompanying waste strategy commits to fully segregate waste streams – across all building categories. It also details recommended floor space allocation for waste storage for each building type that needs to be factored into design.	The County Council requests further information on this matter and how this will integrate with the current Waste Collection Authority (WCA) and WDA infrastructure. The County Council supports this ambition but would raise a question over the practicalities of delivery. Kerbside collection will be by FHDC as WCA and taken to a KCC Waste Transfer Station (WTS). Further details are required to ensure fully segregated waste streams can be accommodated.
17.2 Assessment Methodology <u>Consultation and Scoping</u>	Summary of consultation issue: Update following meeting held on 16 November to discuss WTS requirements within F&HDC. Outcome: A discussion was undertaken with Otterpool LLP regarding the use of a WTS outside of the district, namely Ashford and Thanet.	Whilst this option was raised by Arcadis, the County Council has confirmed that there is no capacity at Ashford; and logistics around hauling to Thanet would need further consideration, as the facility within Thanet is a mercantile facility that may not be contractually or practically available in the future. Hauling waste outside the district will be more costly and contrary to a decarbonisation targets.
17.2 Assessment Methodology <u>Table 17-3 Summary of Scoping Opinion</u>	Consultee: FHDC Summary of Scoping Opinion Response: The site for the materials recycling facility and anaerobic digestion plant at Otterpool Quarry (granted planning permission by KCC under reference SH/08/124) lies within the site of the proposed Development.....	It should be noted that this site also includes/allows for WTS facilities to be developed, which are very much needed as waste arisings from Otterpool cannot be accommodated at the existing WTS in Ashford or Thanet.
17.3 Baseline <u>KCC Waste facilities</u>	17.3.19 Co-located at 5 of these sites are Waste Transfer Station (WTS) for the deposit and bulk loading of waste materials collected and delivered by the District and Borough councils of Kent, as well as trade waste from businesses. There are also 2 transfer stations at Allington.	It should be noted that not all Waste Transfer Stations accept trade waste, these are limited to the west of the County. There is also only one WTS at Allington, as well as an Energy from Waste facility.
17.3 Baseline	17.3.24 A Permitted Waste Facility (PWF), comprise a MRF with WTS and AD plant, was granted planning permission by KCC (SH/08/124) on a site within the proposed Development, at Otterpool Quarry. The planning application has assessed the need for the joint facility and this chapter	

	illustrates that there is insufficient WTS provision in Folkestone & Hythe to accommodate the proposed Development's forecast waste. Therefore, should the Permitted Waste Facility not come forward there will be insufficient local transfer capacity to manage the waste generated. The above planning permission provides provision for a WTS onsite, the findings of this assessment show that in the absence of any wider provision of a WTS within F&H this permitted waste facility is required to address both current and future waste generation in Kent.	This is a very important statement and one KCC, as Waste Disposal Authority fully supports and agrees with. There is presently insufficient WTS capacity within the district.
17.4 Design and Mitigation <u>Additional Mitigation Operation</u>	17.4.32 In the short term, (first 3-5 years of occupation) Otterpool LLP would make a proportional financial contribution to KCC to secure the use of Ashford and/or Thanet WTS, this would be secured through a S106 agreement.	This position has not been formally discussed or agreed with KCC as Waste Disposal Authority. The Section 106 discussions to date only relate to contribution of new infrastructure within the district. Such funding cannot be used to support revenue operations out of District. There is no spare capacity at Ashford WTS to accommodate existing FHDC waste arisings, nor any future Otterpool waste. Neither is there a contract to use mercantile facility in Thanet for FHDC waste or guarantee of future capacity. Within the short term period stated, three to five years, this is sufficient time to build the new in WTS within the Folkestone and Hythe District to negate the need for this mitigation, should a facility be constructed at Otterpool Quarry or another site deemed suitable in the area.
17.4 Design and Mitigation	17.4.33 For a long-term solution, discussions are currently ongoing between F&HDC, KCC and Otterpool LLP to find a suitable site for a WTS within F&H. Otterpool LLP would make a proportional financial contribution to the WTS. This would be secured through a S106 agreement.	The County Council agrees with this statement, but without a site to deliver new waste infrastructure, this will not progress. KCC has secured circa £6M funding to date, however, the Section 106 contribution from this development will not fund the gap. Additional funds are still required.

17.5 Assessment of Residual and Cumulative Effects	17.5.21 The operational waste generated by the proposed Development would be collected by F&HDC and taken to Ashford WTS (as per existing arrangement) or Thanet WTS for bulking, before being disposed of at one of the MRFs in Kent, with residual waste being taken to Allington EfW facility for recovery. The impact would be greatest when the proposed Development is fully occupied.	The County Council as Waste Disposal Authority considers that this cannot be assumed nor achieved as there is no capacity or contract to accommodate this proposal. The County Council considers that it is not practical to identify either mitigations as reasonable alternatives. The County Council also considers that the timeframe of three to five years is enough time to build a sustainable new WTS within District.
17.5 Assessment of Residual and Cumulative Effects	17.5.22 With a marked increase against the existing baseline, the current issue of insufficient WTS facilities in F&H and the logistical constraints at Ashford WTS, the generation of operational waste from the proposed Development would place added pressure on the already constrained local bulking infrastructure. In the short term, (first 3-5 years of occupation) Otterpool LLP would make a proportional financial contribution to KCC to secure the use of Ashford and/or Thanet WTS. For a long-term solution, discussions are currently ongoing between F&HDC, KCC and Otterpool LLP to find a suitable site for a WTS within F&H. Otterpool LLP would make a proportional financial contribution to the WTS. It is assumed that a WTS in F&H will be in operation when the greatest impact from the proposed Development is felt.	It should be noted that financial payments will not secure/create capacity at Ashford WTS as Section 106 monies cannot be used for revenue purposes. Tipping away payments potentially payable by the WDA would be a budget pressure and further avoidable public expense. The County Council does not agree that an assumption can be made as no site is agreed upon, therefore there is a risk that this new facility will not be built in time when the greatest impact is felt. The County Council does not consider this to be a reasonable assumption to make/rely upon given that sustainable waste management is a matter of critical importance for the growth of the whole District. It should also be noted that no such agreement to make a proportional contribution has been discussed with KCC.
17.5 Assessment of Residual and Cumulative Effects	17.5.23 Due to lower occupancy rates in the first 5 years (Table 17-20), the forecast maximum operational waste is 15% of that calculated per year during full occupation (2044). That, in conjunction with secured but limited capacity at Ashford/Thanet WTS would result in a significant effect. The waste facility capacity is medium sensitivity and magnitude of impact from operational waste is medium also, therefore would result in a moderate adverse effect There would be a short-term increase in demand on local WTS	As stated, capacity is not and cannot be secured at Ashford and logistics of sending only Otterpool waste / Refuse Collection Vehicles (RCVs) from Otterpool to Thanet is untested as no contract exists to facilitate this, this is a mercantile facility. The County Council considers that the result would be higher than a moderate adverse impact. Given the important of a sustainable waste strategy, the County Council would suggest a high magnitude of impact and therefore, a severe adverse effect as per the following text: <i>'Substantial increase in waste generation comparative to existing regional/local generation rates, resulting</i>

		<i>in the need for the expansion of regional collection or waste disposal sites and hindering the achievement of regional/local recycling/re-use targets.'</i>
17.5 Assessment of Residual and Cumulative Effects	17.5.24 In the long term, a new WTS in F&H would address the growing demand for household waste disposal in the district. With a local WTS, the proposed Development would result in a nonsignificant effect on waste management facilities. With the WTS, the waste facility capacity is low sensitivity and magnitude of impact from operational waste is medium and therefore would result in a minor adverse effect (not significant)	The County Council considers that this would only be the case if a site is agreed and the facility can be built in time. This is currently a risk as presently there is no available capacity nor sustainable facility in the District. There is presently insufficient sustainable waste transfer facilities in the District.
17.5 Assessment of Residual and Cumulative Effects	17.5.30 The proposed Development would produce a noticeable increase in quantities of municipal waste compared to the existing site but this will be managed through a fully segregated collection service . This chapter has also illustrated in Section 17.3 (2019 Remaining Landfill Capacity dataset) that there is both capacity and infrastructure within Kent to manage the waste arisings forecast, as detailed in the Kent Waste Needs Assessment 2017 . As noted above, there is an extant permission on the Site for a permitted waste facility (application ref: SH/08/124). The findings of this assessment show that the proposed Development would use less than 5% of the local waste facility capacity available, or less than 1% of the void capacity, and therefore illustrates that the permitted waste facility is not required to address current or future waste generation in Kent. The sensitivity of the receptor is low and the magnitude of impact is medium. Therefore, at the site level it is considered that the proposed Development's effect would be minor adverse (not significant).	The County Council notes that this statement contradicts previous paragraph 17.5.27 which says FHDC will collect as per existing arrangements. This is not a fully segregated service, only twin stream. This also contradicts waste minimisation as per; Policy/Reference: Chapter 4: Increasing resource efficiency and reducing pollution and waste. The Kent Waste Needs Assessment 2017 was undertaken prior to detail being available regarding the Otterpool Park proposal, therefore, this statement cannot be justified. It is understood that the Materials Recovery Facility (MRF) and Anaerobic Digestion elements are not required; however, the WTS element of the permitted waste facility is required. The County Council would draw reference to commentary regarding 17.3.21 which states permitted site is required if no other WTS in FHDC can be provided in a timely manner.
17.5 Assessment of Residual and	17.5.35 There is a short-term significant residual effect for residential operational waste on waste facility capacity. However, with	There is complete reliance on new WTS in FHDC, which is not secured or a site identified, and there is a risk that this will

Cumulative Effects	the introduction of a WTS to Folkestone and Hythe the residual effect will reduce to non-significant.	not be realised so this conclusion may not be feasible.
17.6 Cumulative Effects <u>Cumulative Effects with the Permitted Waste Facility</u>	17.6.11 If the Permitted Waste Facility, comprising a MRF and Anaerobic Digestion (AD) plant (SH/08/124) were built as part of the proposed Development, the waste assessment would show an improvement, as the new facilities would provide greater capacity to deal with local and regional waste arisings. However, this chapter has also illustrated in Section 17.3 (2019 Remaining Landfill Capacity dataset) that with the introduction of a local WTS, there is both capacity and infrastructure within Kent to manage the waste arisings forecast, as detailed in the Kent Waste Needs Assessment 2017 and therefore the permitted waste facility is not required to address current or future waste generation in Kent.	The County Council disagrees with this statement as existing contracts will need to be honoured and waste sent to established facilities and developed infrastructure. It is not possible to simply switch to this facility even though it would be physically close. It is understood that this consented site SH/08/124 may be developed for residential uses, as opposed to waste infrastructure. The County Council agrees with this statement as AD & MRF arrangements already exist, however for the avoidance of doubt, a WTS element within the District is certainly required.
	<u>Embedded Design Measures:</u> A Waste Strategy would be included for the operational management of the Proposed Development, to best practice guidance. Provision of sufficient waste storage areas. <u>Additional Mitigation:</u> Short term ie First 3-5 years, financial contribution to KCC to secure the use of Ashford and/or Thanet Waste Transfer Station Long-term, a financial contribution to provision of a WTS in Folkestone and Hythe. <u>Residual Effect Significance:</u> Short term: Moderate. Adverse – site level. Significant Moderate Adverse – local level Significant Long term: Minor Adverse – site level. Not Significant Minor Adverse – local level Not Significant.	The County Council suggests this is severe adverse effect as capacity cannot be bought at Ashford and unknown at Thanet. Three to five years is enough time to develop an essential WTS in the District – so the mitigation is unnecessary and would not be environmentally beneficial i.e. high carbon footprint of hauling waste out of District when an in District solution could be found from the start. There is not capacity at Ashford Transfer Station and Thanet Transfer Station would rely upon capacity and externally commissioning of a new operational contracts.

Environmental Statement Appendix 17.1 Waste Strategy

Chapter Section /	Paragraph	Waste Management Comments
2. The Strategy	2.1.2 The Strategy should be used to help form the design of the Proposed development, identifying innovative principles (See Otterpool Strategic Design Principles) to support ambitious targets to make Otterpool Park community an exemplary development in relation to sustainability and waste reduction/management.	There is no detail in respect of innovative waste ideas.
2. The Strategy	2.1.3 This Strategy sets the road map for a 10-year period, between 2025 and 2035. It details targets for 2025, the first year of the Strategy and then more ambitious targets for 2035, aligning with Government legislation, local plans and the need to improve upon current recycling rates	The County Council considers that if a Strategy is to be produced for a ten year period, this should include the provision of a WTS from the start of occupation at Otterpool. Whilst meeting increased recycling rates is important, fundamentally, the Strategy needs to consider how the growth and management of waste arisings brought about by this development will be met.
2. The Strategy	2.1.10 Kent County Council (KCC) administrative area currently has a residual waste per household (NI191) of 549kg1, which is just below the UK average of 553kg1. Folkestone and Hythe District Council (F&HDC) has a marginally lower residual waste per household of 437kg1. A target of 476kg per household was set for KCC for 2020/21.	The County Council would question why only residual waste has been considered. No figures for kerbside recycling, food, bulky waste and fly tipped collections, street sweepings and HWRC tonnages. The County Council recommends that the strategy should be broader to include these elements of all household waste.
2. The Strategy	2.1.11 Kent County Council administrative area currently sends 44%2 of household waste for reuse, recycling or composting (NI192), which is below the national 2020 target of 50%. F&HDC sends 48%2, which is just below the 2020 national target. Whilst they missed the national target, they were both higher than the England average of 42.3%2. A target of 50% was set for KCC for 2020/21. Values for both KCC and F&HDC have been inconsistent over the last 5 years, with little overall progress in increasing total reuse and recycling.	This is not correct as no reuse is measured, and this does not cover HWRC deposited waste. The County Council recommends that this section provides details of a strategy to increase levels of recycling in line with the circular economy targets rather than reflect on the past.

3. Vision, Objectives and Targets <u>3.1 Vision</u>	3.1.1 The vision of this Strategy is: To provide a safe, clean and green development where people want to live and invest. To promote a circular economy approach, which supports the sustainable design and construction, and communities of the Proposed development in generating the minimum amount of waste that is practicable, maximising reuse, recycling and recovery of energy from the remaining waste, to reduce the impact on the environment and encourage more sustainable use of resources for the benefit of society and the planet.	The County Council does not consider that this vision fully encompasses the principles of the Resources and Waste Strategy around waste minimisation and carbon reduction through reduced vehicle movements of collection and hauling waste outside of the district. The Masterplan does not include any waste facilities and this strategy/ES chapter argues that existing planning permission for a waste facility within the Otterpool is not required (ref table 17.9) – which is not agreed by the County Council.
3. Vision, Objectives and Targets <u>3.5 Achieving the household waste target</u>	3.5.1 Currently households within the F&HDC administrative area produce 401kg residual waste per household.	The County Council notes that this is only half of the total waste arisings in FHDC as no recycling volumes and no HWRC arisings have been considered.
3. Vision, Objectives and Targets <u>3.5 Achieving the household waste target</u>	3.5.2 In line with the requirements of the Environment Act 2021, and the objectives of this Strategy the Proposed development will seek to provide facilities and space for all development types to fully segregate all household (including flats), commercial and industrial waste at source. This will allow for cleaner higher quality recyclate, that can be reprocessed into higher circularity value materials, and remain in the supply chain for longer. This will enable more waste materials to be recycled.	Fully segregate implies kerbside sort of recyclable materials, which is not the same as the FHDC current twin stream collection system. To collect in such an ambitious matter creates further pressure on waste infrastructure that does not exist or is able to be processed through the mitigations that have been offered. This will require accommodation from the Waste Collection Authority (WCA) and WDA and it should be considered that there is currently no capacity at WTS to receive further segregated waste streams.
3. Vision, Objectives and Targets <u>3.5 Achieving the household waste target</u>	3.5.3 As a guide, the provision of spaces for operational waste segregation and storage in design should be calculated using 10m² per 1,000m² 3 of net floor area.	The County Council raises a question whether this links to waste infrastructure floorspace, such as WTS.
3. Vision, Objectives and Targets	3.5.6 Kent County Council's Reduce Waste, Recycle More campaign will facilitate the drive to educate	It should be noted that this is not a campaign but a single page on KCC website with hints and tips. There is no

<u>3.5 Achieving the household waste target</u>	residents and businesses about best practices. This will be in addition to the stewardship programme and Community Trust provided and managed by Otterpool LLP.	funding for outreach/educational programmes as this is dealt with by WCA.
3. Vision, Objectives and Targets <u>3.5 Achieving the household waste target</u>	3.5.8 Currently, no specific provision has been made for a Household Waste Recycling Centre (HWRC) within the Proposed development. The nearest HWRCs are located at Folkestone, approximately 8 – 12 km away, and Ashford, at approximately 12 – 20km. At the time of writing, F&HDC are reviewing further options for an additional HWRC.	HWRC provision is WDA statutory duty. KCC welcomes this review, although as WDA, KCC is not aware of it. The HWRC at Folkestone is already at operational capacity and cannot be expanded to accommodate growth from residents at Otterpool or any further waste growth. There is no funding foreseeably available for new HWRC infrastructure.
3. Vision, Objectives and Targets <u>3.5 Achieving the household waste target</u>	3.5.9 The ES chapter acknowledges the need for a Waste Transfer Station within F&H to manage the growing demands placed on the district from current household waste generation and that forecast from Otterpool Park and other committed developments. At the time of writing, a number of [phased] options are being looked at, including; a new WTS within F&H, and a financial contribution from Otterpool LLP to manage the transfer of waste generated from the development outside of the district, in the short term.	KCC has indeed been looking for a new site for a WTS in FHDC since 2019 to deal with existing pressures. The County Council's initial preferred site was to enact the existing planning permission for a waste facility at Otterpool Quarry. See Section 17.9 of the ES Chapter 17. However, an exercise to seek an alternative site is currently ongoing. Otterpool financial contributions towards the scheme are well received and endorsed by KCC however, land provision is the prohibiting factor to developing the WTS for existing and ensuring future sustainable development. Allowing waste to travel outside the district even short term is not in accordance with the Otterpool Park sustainable ambitions and will contribute to a higher carbon footprint. It should also be noted that there is no identified capacity outside of the District to take FHDC's current or additional waste.
3. Vision, Objectives and Targets <u>3.5 Achieving the household waste target</u>	3.5.10 To assist local residents and the collection authority in maximising reuse and recycling, Otterpool LLP will trial a reuse/repurpose bring site, where residents can bring items they no longer want for disposal, or for others to utilise or upcycle. This will be a stewardship initiative.	KCC requests clarification regarding how the stewardship initiative works, and reliance on WCA/WDA input. Bring sites are not likely to be supported through the development of current legislation. Current Inter Authority Agreements (IAA) will not remunerate WCAs for bring sites. This is not currently demonstrated within

		any version of the Masterplan illustrations and unlikely to appear in reformed legislation.
3. Vision, Objectives and Targets <u>3.5 Achieving the household waste target</u>	3.5.11 Other possible initiatives include: • Community composting project - compliant with the third tier of the waste hierarchy (recycling) Public Incentives Scheme - a scheme could be implemented to incentivise participation in recycling including performance-based charging schemes.	The County Council does not consider that these can be judged as firm commitments to the strategy as there may be negative impacts on the WDA's existing waste processing contracts. All green waste collected in FHDC becomes KCC title with supporting operational contracts for composting. The County Council requests clarity on this scheme. If this constitutes charging residents for the collection of waste, then legislation does not permit this and reverse incentivisation is not possible.
4. Raising awareness and promoting sustainability	4.1.3 The environmental benefits from an effective recycling scheme are tangible and long reaching. F&HDC will implement a fully segregated collection scheme, but it can only be truly effective if it meets the [design] needs of all residents, and they actively participate and initiate improvement.	KCC WTS cannot accommodate a true fully segregated collection scheme i.e. kerbside sort. It should be noted that the existing twin stream collection service is not wholly sustainable at present form due to lack of WTS facility in the district.
4. Raising awareness and promoting sustainability	4.1.5 A systematic approach is important to identify and deliver effective communications and marketing opportunities, raising awareness and knowledge of waste management and related issues and services. Effective participation will be enhanced by providing information on the benefits of improving waste management performance. Effective communication from Otterpool LLP, F&HDC and KCC, and positive messages about the development's achievements in resource and waste management and local benefits will be promoted. The Stewardship programme, together with F&HDC will facilitate this through letter drops, publication of recycling rates and waste arisings.	The County Council considers that there is no detail or provision within this Waste Strategy (so far as foreseeable) to provide any benefits of improving waste management performance let alone provide a sustainable waste management service to residents. The County Council considers that the Strategy does not accord with impending legislation or requirements of the Environment Act.

5. Delivering the Strategy Table 2 Action Table <u>Otterpool LLP & KCC</u>	Otterpool LLP / Designers in conjunction with KCC to explore opportunities to provide a bring site/repurposing site within the Proposed development. Otterpool LLP/ Designers in conjunction with KCC to secure a contract with a suitable Materials Recycling Facility, to sort the recyclables collected through the fully segregated kerbside recycling collection to maximise recycling.	The proposal does not feature within KCC's Waste Strategy and at the time of writing has not been discussed with KCC. The proposal would need to be a privately run and funded site, yet does not feature in the Masterplan illustrations. This pays no regard to the existing Inter Authority Agreement held between both Authorities. Otterpool do not have title for recyclable waste, this lies with KCC as the statutory WDA. KCC are not looking to let a separate MRF contract for only Otterpool kerbside recycling. KCC has existing contracts for MRF for the whole of Kent. The existing contract for bulking FHDC dry recycle within District at Ross Way WTS is unsustainable. The ES Chapter 17 argues against the provision of a MRF within Otterpool, stating it is not required. If it is an action to secure a MRF contract by 2025 then achieving the same for a WTS should be readily achievable.
5. Delivering the Strategy Table 2 Action Table <u>F&HDC</u>	Otterpool Park maintenance contractors to have the opportunity to purchase soil improver made from garden waste collected from the Proposed development, as part of closed-loop initiative.	All kerbside collected garden waste from domestic properties will be taken to KCC final disposal outlets and composted in accordance with existing contractual arrangements.
5. Delivering the Strategy Table 2 Action Table <u>KCC</u>	KCC will continue to reduce the amount of waste from the Proposed development that is sent to landfill.	Waste to landfill at the time of writing is at its lowest possible levels therefore it is not possible to commit further reductions of waste landfilled.

10. **Sustainable Urban Drainage Systems**

The County Council, as Lead Local Flood Authority has reviewed the latest submitted information and the considerable amount of historic correspondence on this project to date and would like to raise the following commentary.

The Flood Risk Assessment and Drainage Strategy (FRADS) submitted to support this application demonstrates how surface water will be managed within the scale of development; and is generally reflective of what has been discussed and agreed during preapplication discussions. It is proposed that surface water will discharge from the site at rates which will not exceed greenfield runoff rates. It is agreed that this is an appropriate approach to ensure flood risk is managed. The FRADS states principles which need to be assessed as further detail design is undertaken for the next stages of planning.

As noted within the FRADS, it is particularly important that downstream flood volumes on the River East Stour are not increased. The application identifies areas where infiltration can be utilised, and these opportunities should be maximised within detailed design. Re-use of surface water provides additional benefit in management of surface water volumes and reduction of potential flood risk downstream of the proposed development and this must be incorporated into the proposed development.

The County Council, as Lead Local Flood Authority raises the following specific concerns in relation to level of detail provided for a development of this magnitude:

- a) The delivery time frame occurs over a lengthy planning horizon. It would be expected that changes will occur within the development delivered per phase. Any strategic drainage provision must be sufficiently flexible to provide for changes within the contributing catchment and also evaluate the timing of contributions to the River Stour.
- b) A phasing plan has been included within the planning application - it must be clear how different phases and areas contribute strategically to the strategic surface water drainage network.
- c) With delivery over a lengthy period of time and with possible changes in development which comes forward, there should be a mechanism which confirms that the baseline conditions in the Stour have not been exceeded. If surface water volumes have increased, then mitigation should be proposed to ensure that the impacts to surface water flows and potential flood risk are mitigated.

In addition to the above, KCC would further advise that:

- As of 10 May 2022, the Environment Agency updated the peak rainfall flow allowances in [‘Flood risk assessments: climate change allowances’](#) so as to reflect the latest projections in UK Climate Projections Local (2.2km) and subsequent research [‘FUTURE-DRAINAGE: Ensemble climate change rainfall estimates for sustainable drainage’](#) (referred to as ‘FUTURE-DRAINAGE herein). The new allowances for peak rainfall intensities have implications for drainage design and should be included within any future drainage strategies prepared to accompany a planning application.

- Appendix F of the FRADS provides details of the half drain times for the various catchments within the development site for the 1:100 + 40% rain fall event. Whilst it is appreciated that further detailed design submissions are to be forthcoming, in alignment with the tiered approach, the Lead Local Flood Authority will require details of the half drain times in association with the 1 and 30 year events also. A number of the half drain times provided exceed 24 hours, and whilst not a requirement for those in association with the 1:100 year event to achieve half drained within 24 hours, KCC would expect for the time to be as close to this as possible. If it is not possible to achieve a half drain time of under 24 hours, KCC requests a further 10 year event to be run consecutively to the 1:100 in order to demonstrate the operational functionality of the features and possible issues of exceedance. This can be dealt with as part of the more detailed forthcoming submissions.
- Whilst it is appreciated that table 12 of the FRADS demonstrates the functionality of the features assigned to the catchments with regards to Pollution Hazard Indices, KCC requests for any future submissions to specifically reference the associated mitigation index scores. KCC will expect for these to show that a factor of 0.5 has been used to account for the reduced performance of secondary or tertiary components, as associated with already reduced inflow concentrations as recommend in the Ciria SUDS Design Manual.
- Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and KCC would urge the applicant to contact the County Council, as Lead Local Flood Authority prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defense consent (including culvert removal, access culverts and outfall structures).

The County Council recommends the following conditions should be applied should FDHC be minded to grant planning permission:

Condition:

No development within each phase or Reserved Matter site shall be commenced until a surface water drainage scheme for the relevant phase has been approved in writing by the Local Planning Authority. The surface water drainage scheme shall comply with the principles and strategy as defined by the detailed water cycle study and water cycle strategy, incorporating sustainable drainage systems and maximising infiltration. The surface water scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site and without resulting in any changes to the baseline conditions in the River East Stour.

The drainage scheme shall also demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters. Appropriate operational,

maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason:

To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

Condition:

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

Condition:

Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. Nutrient Neutrality

The County Council is pleased to note that the development achieves the nutrient neutrality requirements by integrating on-site wastewater treatment and wetlands. However, effluent reuse should have been fully assessed at this stage. The County Council understands that the requirements of nutrient neutrality have placed constraints on wastewater options and that the Planning Inspector does not permit water consumption targets below 110 litres per person per day. However, the County Council considers that the water cycle study must include a wastewater recycling option in the assessment, as there is still a need to achieve lower water consumption targets. Wastewater recycling will reduce the water demand for the site and have long-term benefits in an area that the study defines as having “known to have limited surface water or groundwater resources and is considered a water-stressed area”. The County Council appreciates that the option for wastewater reuse remains open for future phases, however, these issues will become more complex over time and without a robust assessment at this stage, the prospect becomes less feasible as the development progresses.

12. Heritage Conservation

The County Council notes the size and scale of the application and continues to appraise the material submitted. The County Council acts as the Local Planning Authority's archaeological advisors so will provide detail comments direct to FHDC in due course. High level comments based on the initial conclusions are provided below:

The County Council welcomes the opportunity to comment on the application and acknowledges the significant amount of pre-application dialogue, discussion and consultation that underpins and informs the application documentation now provided.

The County Council welcomes the principle of ensuring that Otterpool Park has a clear sense of identity. It is agreed 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. It is essential that Westenhanger Castle plays a major role in defining the identity of the new town.

The application is accompanied by a Heritage Strategy, which includes details of a range of heritage benefits that might be delivered by development at Otterpool Park. It is essential that any planning permission includes appropriate mechanisms to ensure that these heritage benefits are defined, secured, and trigger points clearly set out for their delivery. Where benefits are not yet securely defined, then a clear pathway for how such benefits will be realised must be agreed in any decision taking.

Given the timescales over which Otterpool Park will be delivered, it is essential that heritage benefits are delivered from the start so that the important role that the historic environment must play in helping to create a community with a sense of place, identity and memory is fostered from the outset. For Westenhanger Castle, consideration should be given to securing 'early win' / 'meantime' benefits, so that the castle anchors the new community from start of occupation¹¹. Such benefits could be delivered in advance of agreement on solutions to secure the long-term future management of the castle. However, securing a long-term sustainable use for the castle at the heart of Otterpool Park remains an absolute priority.

The County Council recommends the applicant takes advantage of the 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.

¹¹ Examples of such early actions might include, but are not limited to: a) securing preliminary consolidation and repair work without prejudice to any future re-use, b) the provision of interim management regimes to ensure that no further deterioration of the asset occurs, c) removal of intrusive harmful elements, such as the modern racecourse stables within the scheduled area, d) enhanced public access, pop-up uses and interim interpretation, and e) vegetation clearance and tree-thinning to better reveal significance.

Opportunities should be taken to allow new and existing residents to interact with and enjoy the heritage of the site. The County Council welcome commitments within the application for the creation of on-site heritage interpretation, trails, and walks.

Whilst there are clearly significant opportunities it must also be acknowledged that the proposed development will result in harmful impacts to the historic environment, including the loss of buried archaeological remains.

The adverse effect of the development on the setting of (now designated) Bronze Age barrows at Otterpool Park is of particular concern. The Environmental Statement notes that “*overall, most residual effects to heritage assets are non-significant*” (paragraph 9.7.3). However, for some of the barrows, which are designated heritage assets of the highest significance, the proposed development will result significant adverse effects.

The County Council considers that revisions should be made to the proposals being brought forward to reduce or remove these significant adverse environmental effects. The County Council does not agree that only one heritage asset (known as Barrow 44) will experience significant adverse environmental effects - other barrows will be similarly affected. KCC considers that the harm caused to the setting of barrows 44 and 131 has the potential to amount to substantial harm as defined by the NPPF¹². Substantial harm to designated heritage assets of the highest significance to be wholly exceptional. Even if the level of harm is deemed to be less than substantial then the NPPF is clear that such harm requires clear and convincing justification and this is not considered to have been provided.

The Otterpool Park Heritage Strategy includes (as Appendix A) a Cultural Heritage Mitigation Strategy. KCC recommends that changes are necessary to this mitigation strategy before it can be agreed (and these changes should be made before the outline application is determined). At present there are significant gaps in the mitigation strategy. Some mitigation requirements have been entirely overlooked, whilst there are also archaeological mitigation measures identified in the ES which are not included in the mitigation strategy. The mitigation strategy needs to clearly define the full range of archaeological mitigation measures that might be required at Otterpool, the trigger points for these mitigation options and the standards for such work.

Finally, KCC notes that the proposed archaeological mitigation 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,

¹² The ES suggests that because the identified significant adverse effect do not lead to a total loss of significance the harm caused, in NPPF terms, cannot be considered substantial. Such an approach does not accord with the NPPF which clearly differentiates substantial harm from total loss (see for example NPPF 201 which refers to substantial harm or total loss of significance). It must therefore stand that substantial harm can occur independent of total loss. It might be more appropriate to consider substantial harm as occurring when an adverse impact causes a major adverse effect on a key element of an asset's significance or special interest. The applicant has provided a Statement of Significance for the barrows at Otterpool Park. This statement of significance identifies the importance of intervisibility between barrows and their group value and states that setting of the barrows is an important or key element of their significance. For barrow 44 the view towards barrow 136 is noted as being particularly important. The applicant describes how barrow 44 will “be surrounded by high built development and the open space will only be large enough to preserve the barrow itself and a narrow buffer and not any of its setting”. The development will therefore result in the total loss of an important element of the barrow's significance, and this could be considered to amount to substantial harm. Barrow 131 is treated in a similar fashion, although the surrounding development is not as high.

and public access to, the archaeological archive, funding for which should be secured through developer contributions or other defined means.

13. Biodiversity

The County Council notes that detailed comments on the most recent submission of the Otterpool Park planning application will be provided in due course directly to Folkestone and Hythe District Council.

The County Council recognises that a large range of ecological surveys have been undertaken and is satisfied that they will be sufficient to assess the ecological impact of the proposed development. The submitted Parameter Plans demonstrate that large areas of open space are proposed; and habitat connectivity is to be maintained through the site. Therefore, KCC advises that the ecological interest of the site can likely be maintained and enhanced, as indicated by the Biodiversity Net Gain (BNG) assessment.

If planning permission is granted, the ecological surveys will have to be updated at each phase to inform detailed mitigation strategies and ongoing management plans. The proposal will take a number of years to build out, therefore, KCC highlights that the site must continue to be managed as it is currently. This will ensure the continued ecological interest of the site prior to each phase commencing.

Where habitat creation is required for the species mitigation, KCC recommends that these works are carried out as soon as possible to ensure that the habitat will be established in sufficient time to be utilised. The County Council also advises that the ecological enhancement features are incorporated into all buildings and gardens, as the enhancements must not be located only within the open space areas.

14. Country Parks

The County Council considers that although Brockhill Country Park is not particularly large, it is heavily used, especially in peak times. The potential development and associated population increase may potentially cause further strain on the resource. The County Council would welcome engagement with the applicant to consider opportunities for improved facilities at the County Park to support the new residents at Otterpool Park, as well as a potential expansion of the park area.

The County Council recognises that Brockhill Country Park is a Local Wildlife Site (LWS), with details of its designation in Appendix K. KCC notes, that as a result of growth within the area, there may be an impact on the land and wildlife of the Country Park if not carefully managed. These impacts include:

- Potential disturbance of conservation interest and associated wildlife by the increase in human activity.
- Deterioration of paths, tracks and path edges that may require remediation and mitigation to maintain an accessible environment.
- Bridges and other park furniture may more frequently require repair and replacement due to increased use.
- Further issues with availability of parking, which is considered at present to be insufficient at peak times. Ticketed events, currently carried out at the Park, may not be able to continue due to further increased parking constraints, which may reduce availability of these events to the local community, or could lead to inappropriate parking.
- The café and toilet facilities may not be sufficient manage increased used from growth in the area.

At Brockhill, there is a necessity to maintain site character, and its designation as an LWS. The County Council and Kent Country Parks are obliged as a landowner and manager of a LWS and country park, to care and protect its natural features and make the land accessible for any visitors. The County Council notes the positive health and wellbeing benefits which result from access to open green spaces and parks and that opportunities to sustainably access these spaces should be maximised. The County Council would therefore welcome engagement with the applicant regarding potential mitigation to reduce impacts of growth at Otterpool Park on Brockhill County Park and seek out opportunities for enhancements to benefit new and existing residents in the area.

The County Council recognises that the site has several UK Biodiversity Action Plan (BAP) Priority habitats. These are habitats which have been identified by the Joint Nature Conservation Committee (JNCC) as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan. The site also has a number of Red List Species, designated with threat of extinction by the International Union for Conservation of Nature (IUCN). KCC, under the Natural England and the Commission for Rural Communities (NERC) Act 2006, has a duty to preserve and enhance biodiversity and make it a key part of decision making.

Due to usage, in recent years, measures have been taken to maintain and enhance ecological richness and increase visitor experience and understanding. Further expansion of these measures, including zoning, guiding visitors away from vulnerable and degraded areas with rails and fences, and extending surfaced paths are likely to change the character of the site and risk status of associated ecosystem services. Alternatives must be explored, such as ensuring further provision of seminatural areas being accessible to the public. This would largely support Brockhill Country Park in meeting the UK's long term sustainability objectives in protecting and restoring terrestrial ecosystems and take pressure from existing sites and the County Council would welcome the applicant's support on this matter.

Appendix K SH33 – Brockhill Country Park, Saltwood

KENT LOCAL WILDLIFE SITE*KWT File Ref.: 149355*

Site Name:	Brockhill Country Park, Saltwood	Site Ref. No:	SH33
LPA:	Shepway	Central Grid Ref:	TR 149355
Parish:	Saltwood	Category:	Woodland, grassland, parkland trees, scrub, open water, marsh, running water
Owner:	KCC/Private	Natural Area:	Wealden Greensand
Area:	24.68 ha	AONB:	Yes
Date first notified:	1986	TPO:	No
Dates revised:	2004 (map), July 2012		
Date last approved:	January 2013		

REASON FOR DESIGNATION

This site contains a variety of habitats including unimproved neutral grassland, which supports at least seven vascular plant indicator species. A small area of semi-natural ancient woodland shown on the ancient woodland inventory is found within the site adjacent to secondary woodland shaws. A large pond and stream, contiguous with the other habitats are also included within the site.

RATIONALE FOR SITE BOUNDARY

The site is bordered to the north, east and south by urban development including a school, college and farm. To the west the site boundary follows the edge of the woodland shaw alongside an area of arable land.

DESCRIPTION

A river valley is present, with a deep ravine and more gentle slopes surrounding the river, cutting through the Greensand Series above Saltwood. The ravine is wooded with large unmanaged alder *Alnus glutinosa* and ash *Fraxinus excelsior* stools and mature oak along the stream and floodplain. Mixed beech *Fagus sylvatica* and oak *Quercus robur* high forest occurs on drier ground on the ravine sides. Above the ravine, the slopes are semi improved, sheep and cattle grazed pastures, which buffer the ravine from the surrounding arable land. Marshy grassland, with several wide marshy flushes emerges from a series of springs. Mature oak, ash and walnut *Juglans regia* are scattered throughout the grassland areas. Small shaws and scrubby areas are present along the upper boundaries of the site. The majority of the area is managed by Kent County Council as a Country Park (it was formerly part of a large estate). An ornamental lake with an island (probably late-Victorian) is present within the gill and relict, exotic plantings of trees, shrubs and spring bulbs is present in this area. An area of damp alder woodland occurs at the extreme southern end of the site.



The ground flora along the more natural parts of the stream sides and floodplain is dominated by native, damp-loving species. There is much golden saxifrage *Chrysosplenium oppositifolium*, moschatel *Adoxa moschatellina*, pendulous sedge *Carex pendula* and remote sedge *C. Remota*, along with cuckooflower *Cardamine pratensis*, wavy bitter-cress *Cardamine flexuosa*, ramsons *Allium ursinum* and lesser celandine *Ranunculus ficaria*. Thin-spiked wood-sedge ¹ *Carex strigosa* occurs along the damp woodland paths. A good variety of common woodland herbs occur on the drier ground with dog's mercury *Mercurialis perennis*, yellow archangel *Lamium galeobdolon*, common dog-violet *Viola riviniana* and primrose *Primula vulgaris*.

The pastures contain a variety of common grass and herb species. Ant hills are present at the southern end of the site. The marshy flushes, some of which are very wet, are dominated by hard rush *Juncus inflexus* but many other damp-loving species occur. These include water mint *Mentha aquatic*, marsh-bedstraw *Galium palustre*, lesser spearwort *Ranunculus flammula*, bog stitchwort *Stellaria alsine*, greater bird's-foot-trefoil *Lotus pedunculatus* and square-stalked St John's-wort *Hypericum tetrapterum*. Taller marshy plants include swaths of great horsetail *Equisetum telmateia*, marsh thistle *Cirsium palustre*, and great willowherb *Epilobium hirsutum*. A richer, unimproved area of grassland is present at the southern end of the site with quaking-grass *Briza media*, burnet-saxifrage *Pimpinella saxifraga*, cowslip *Primula veris*, common knapweed *Centaurea nigra* and several common orchids.

An important feature of the site as a whole is the lower/non-flowering plant flora which has developed in the sheltered unpolluted valley. Ferns are common and include hart's tongue *Asplenium scolopendrium*, soft shield fern *Polystichum setiferum* and polypody *Polypodium vulgare* which occurs as an epiphyte along branches of oak in the ravine. The lichen and bryophyte flora is outstanding with large numbers of both lichen and bryophyte species. Eighty five lichen species have been recorded including some which are locally uncommon. Corticolous lichens, associated with parkland and mature and veteran oaks are found here, including both *Schismatomma decolorans* and *S. niveum* ² and also *Calicium viride*. Other lichens of county importance include *Pertusaria flavida* found on an old walnut tree, and *Pyrenula macrospora* and *Pertusaria multipunctata* on an ash tree. *Parmelia acetabulum* has been recorded in the recent past on an old sycamore on the plateau area, on the eastern side of the valley.

Over sixty species of bryophyte have been recorded including many associated with the stream and marshy areas, in addition to those found in the woodland and grassland areas. The occasional ragstone boulders support several mosses associated with base rich rock.

The area is known to be outstanding for Diptera (flies and midges). About 450 species were recorded between 1984 and 1986, including 13 notable species. Craneflies are a particularly important group and 45 species are recorded, including *Lipsothrix nervosa* ^{4,5,6}. The area as a whole is likely to be the best in the country for this order. Other invertebrates have not been investigated but are likely to be of interest.

Common frog ⁷ and viviparous lizard ^{5,6,7} are both present at the park.

Mammals present include mole, stoat, badger ⁸ and fox. Rabbits are very common in the dry sandy areas. There are records of noctule ^{5,6,7}, serotine ⁷, brown long-eared ^{5,6,7}, common pipistrelle ⁷ and soprano pipistrelle ⁵ bats from 2009 or 2010 and a record of Daubenton's ⁷ bats from 2000.



The bird fauna are also interesting. Hole-nesting species include great spotted woodpecker, green woodpecker ², lesser spotted woodpecker ^{5, 6, 9}, nuthatch, treecreeper and jackdaw. Records include hawfinch ^{5, 6, 9}, marsh tit ^{5, 6, 9} and firecrest ^{3, 7}, as well as common woodland birds.

- 1 County Scarce. Atlas of Kent Flora. Philp. 1982.
- 2 Kent Red Data Book Status 1. A. Waite (Ed.) 2000.
- 3 Amber List. Birds of Conservation Concern. RSPB. 2009.
- 4 Kent Red Data Book Status 3. A. Waite (Ed.) 2000.
- 5 Priority Species, UK Biodiversity Action Plan. 1998.
- 6 S.41 Species NERC Act 2006.
- 7 Protected under Wildlife & Countryside Act 1981.
- 8 Badger Protection Act 1992
- 9 Red List. Birds of Conservation Concern 3. 2009.



15. Landscape

The County Council recognises that due to its scale and location, the proposal will have an impact on the setting of the Area of Outstanding Natural Beauty (AONB) and would refer to the Kent Downs AONB Unit and Natural England on this matter.

16. **Sports and Recreation**

The County Council would recommend consideration of the following guidance:

- [Sport England Active Design principles](#): in particular: Walkable Communities, Connected walking and cycling routes, Co-location of community facilities, Active Buildings and Putting Health into Place (10 Principles for healthy place-making)
- [Healthy Streets](#) principals, in particular: People chose to walk and cycle, Easy to cross, Shade and shelter, Places to stop and rest.
- [LTN 1/20](#) guidance on high quality cycle infrastructure.

The County Council would welcome engagement with the applicant in respect of the production of new homes start-up packs, to ensure new residents are aware of the sustainable transport opportunities available to them. [Explore Kent](#) promotes active travel and connection with nature and can support in producing.

The County Council would also welcome engagement with the applicant to ensure that active and healthy lifestyles, as well as the encouragement of modal shift and active travel is integrated into the masterplan.

17. Cultural Strategy

The County Council notes the Cultural Strategy and is keen to engage with the applicant to ensure that culture and the arts are embedded across the planning and delivery of the new community. In particular, building on emerging models of co-location in Ebbsfleet, embedding cultural activity into education, health, community facilities and wellbeing.

18. Engagement

In the County Council's previous response to the Outline Planning Application consultation for the proposed development dated 11 July 2019, KCC raised concern for the over reliance of limited face to face engagement. For example, there were two public exhibitions on consecutive days. However, the Phase 1 Tier 2 Consultation had two virtual public events on the same day and targeted meetings, which were followed up by a 6-week period where people could view the presentation and complete a survey. The County Council is supportive of this approach as it enabled people to participate in the consultation, even if they could not attend the event.

The County Council would recommend that paragraphs 4.11 and 4.12 in OP16 - Supplemental Statement of Community Involvement include the number of attendees to the in-person events, to fully assess the level of engagement. It is also advised that the Feedback Report in Appendix 19 includes responses to the open questions in addition to the sample comments.

In regard to the question:

*'Westenhanger Castle Park - how important are 1. Natural spaces. 2. Play areas 3. Formal areas for sports. 4. Informal areas for activities. 5. Quiet areas for seating and walking
Most important: natural spaces (74%)
Least important: formal areas for sports including cricket and football (54%)'*

KCC would request that further detail is included on where all of the elements were placed, instead of showing the most and least important aspect.