

Agenda Item: 005

Reference: EDC/17/0048

Site Address: Eastern Quarry, Watling Street, Swanscombe

Proposal: Application for variation of conditions 3 & 4 attached to planning permission reference no. 12/01451/EQVAR for a mixed use development of up to 6,250 dwellings & up to 231,000 square metres of non-residential floorspace with associated infrastructure and open space; to allow for the substitution of approved parameter plans and documents under condition 3 and revised strategies under condition 4.

Applicant: Land Securities (Eastern Quarry) Ltd.

Parish / Ward: Swanscombe and Greenhithe

SUMMARY:

Outline planning consent for Eastern Quarry was granted in 2007 for up to 6,250 dwellings, and floorspace of 120,000m² for business/office (Class B1), 26,000m² for retail (Class A1), 24,000m² for leisure (Class D2), 11,000m² for hotel and 50,000m² for education, community, social facilities and other support uses together with no less than 33% (89 hectares) of the site as open space. A subsequent S73 planning application was granted consent in 2013 which changed the disposition of development to the east of the site from employment to residential use with open space. Development has commenced on site under this permission. The approved masterplan identified three villages. Detailed consents for the first of these villages to the east of the site, Castle Hill, are almost completed for the whole village.

Planning permission is now sought for a minor amendment to vary conditions 3 and 4 of the outline consent under S73 of the Town and Country Planning Act 1990 (as amended) to secure changes to the parameter plans and strategies which underpin the consent and establish methodologies and identify details which guide development at the site.

The details initially submitted under this application proposed the relocation of the market centre from the central village to the western village by proposing a mixed use commercial area along the western boundary. The location and distribution of uses was a key component of the original consent and several issues were raised with these proposals. These issues included the principle of relocating the market centre such as the potential conflict with other retail centres, the impact on the strategic highway network and conflict with the local plan. Extensive discussions were held with the applicant and two sets of amended plans were submitted which has resulted in the current scheme now being considered. The current proposals include the market centre being relocated back to the central village and the masterplan aligning much more closely to that approved under the extant permission. Concerns raised by consultees on the initial plans are now considered to have been addressed largely by the return of the market centre to the central village.

The principal changes proposed to the parameter plans are: Internal road re-alignment; retention of a chalk spine and reconfiguration of the major urban park and ecological connectivity corridor; revision of finished land levels; education campus enlarged to reflect updated guidelines since the previous permission from 10ha to 13ha; alterations to land use disposition; and removal of two potential pedestrian and cycle linkages to the south-eastern corner of the site.

Concerns arising in respect of the potential conflict of uses within the open spaces where there appeared to be additional pressure on recreation and ecological protection have now been addressed where the applicant has demonstrated sufficient space within the site would be given to unrestricted public access outside the ecological mitigation areas. The size of land available for unrestricted public access is as per the extant permission. Clarification and commitment has also been provided by the applicant on the provision of off-site community pitches.

It is considered that the proposal would not result in any harmful impacts and the retention of the chalk spine would be an asset to the site and the major urban park, as endorsed in the EDC Implementation Framework. Additional benefits are also identified in the alterations to the land use disposition which discourages unnecessary car trips where commercial areas in the northwest corner and Washmills peninsula would be integrated into the village centres improving the critical mass, provision of enhanced connections and location of high density residential development been concentrated along the Fastrack corridor.

Subject to the approval of additional details safeguarded through the S106 and planning conditions, the proposed amendments to the parameters and strategies provide a framework to guide a high quality development of the site, which will make a significant contribution to the Garden City as the largest residential strategic site.

RECOMMENDATION:

Approve planning permission subject to the following:

- (i) imposition of the planning conditions and informatives as set out in Appendix 2 of this report with delegated authority to the Chief Planning Officer to make minor changes to the wording;
- (ii) completion of a deed of planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) in accordance with the summary note on the principles and approach to s106 obligations submitted with the application and as referred to in this report within 3 months of the date of the EDC planning committee resolution (unless an extended period is agreed in writing by the Chief Planning Officer) with delegated authority to the Chief Planning Officer to approve changes to relevant strategies for the purpose of ensuring consistency with the s106 deed; and
- (iii) the s106 deed reference in (ii) containing an obligation on the owner to provide 2 x Community Pitches at Craylands Lane Playing Fields with 2 further community pitches to be provided either at the Craylands Lane playing fields or within a defined search area or via financial developer contribution.

1.0 SITE CONTEXT AND PROPOSAL

Site Description

- 1.1 Eastern Quarry (EQ) is a former quarry site and area of brownfield land located within the Ebbsfleet Garden City. It is broadly rectangular in shape and includes the former route of a minerals railway in Craylands Gorge to the north of the quarry. The site is approximately 2.5km long (W-E) and 1.2km wide (N-S) and covers an area of approximately 270 hectares. The site is bounded to the south by the A2, the B255

and Bluewater shopping centre to the west, and Alkerden Lane and the settlements of Greenhithe, Knockhall and Swanscombe to the north. The eastern edge of the site, bounded by the B259 Southfleet Road, is approximately 500m from Ebbsfleet International railway station. Outside the boundary of EQ, the Northfleet West Grid Sub Station site (known as Ebbsfleet Green), which is being developed by Redrow, is located to the southwest.

- 1.2 Quarrying activity at the site has created a landscape with steep chalk cliffs around the quarry's southern, western and north-western boundaries. Much of the site has been backfilled with Thanet Sand over the worked chalk but there are still considerable land level differences between the quarry floor and the site's surroundings. The topography of the site generally falls from north to south. There are large bodies of water within the site comprising a large lake to the west resulting from quarrying activities and a man-made lake along the southern boundary.
- 1.3 The variations in levels limit access into the site. The main accesses are from Watling Street at the South which provides access to the Washmills area containing buildings associated with the quarry activities, and two accesses leading from East from Southfleet Road. There is also a footpath bridge which crosses Craylands Gorge. This is currently unsafe and closed and is the subject of a separate planning application.
- 1.4 Tunnels remain under Bean Road along the western boundary, connecting the quarry to what was Western Quarry and is now Bluewater. Other historic connections exist via an old railway tunnel connecting the Peninsula to Craylands Gorge, though the status of this is unknown. A water pipeline also runs through the Gorge carrying water from the Quarry to the Thames. The pipeline is understood to be partly buried underground.
- 1.5 An area of former agricultural land is located at Alkerden Farm off Alkerden Lane to the north of the site, which comprises a farmhouse and various outbuildings. This site is now vacant and unused. A smaller area of agricultural land is located at Western Cross Farm also off Alkerden Lane which comprises agricultural storage buildings and is currently being utilised by a third party under lease..
- 1.6 The eastern end of the site is currently under construction in an area known as Castle Hill. Residents are living within Phases 1 and 2 of Castle Hill and a Primary School has recently opened. When complete Castle Hill will consist of around 1,600 dwellings together with a village centre. There is therefore a large amount of construction traffic and associated activity. The Observatory, a building located within the EQ site, it located at an elevated position along the southern boundary at the top of the cliffs overlooking the development site and occupied by offices including Henley Camland, who are currently developing the site on behalf of Land Securities.

2.0 PROPOSAL

Background

- 2.1 Outline planning permission was granted for EQ for up to 6,250 dwellings and associated infrastructure on 13 November 2007. The planning permission was the subject of a section 106 legal agreement, which was subsequently amended by two Deeds of Variations relating to transport contributions and affordable housing.

- 2.2 A variation to the original outline permission was also subsequently granted under Section 73 ('S73') of the Town and Country Planning Act ('Act') which changed the disposition of development to the east of the site from employment to residential use. The parkland was repositioned to the far east of the site and enlarged (now Castle Hill Local Park now in situ) and the employment floorspace was redistributed primarily to the western village and partly to the Central Village mixed use area. .
- 2.3 A site-wide masterplan was approved pursuant to the permission for EQ which identified the development taking the form of three connected villages. The first to come forward is 'Castle Hill' at the eastern end of EQ.
- 2.4 Since the original consent granted in 2007 and subsequent S73 permissions granted in 2012 (now being implemented), the developers have reviewed the strategy for the development of the central and western parts of the site in the context of up-to-date development standards and more detailed understanding of the constraints of the site following detailed ground investigation, particularly since quarry activities being undertaken at the time of the original approval, have now ceased. The applicant has rationalised the submission of the application being driven by:
- Opportunity for enhanced masterplanning – Through the retention of striking features not previously revealed by ongoing quarrying activities at the time, which reduces delays, disruption and deliverability pressures. A reconfiguration of features such as the open spaces and lake areas increases amount of useable space and enhances biodiversity enhancements;
 - Changes to educational facility space standards – The building and open space requirements for certain education facilities was updated with the 'Area Guidelines for Mainstream Schools' (June 2014). The design of the proposed Education Campus and the required space has been expanded to reflect the updated guidelines since the previous permissions were granted.
 - Land Stability - Ground condition investigations have determined that there is an undevelopable area of the site associated with a band of chalk (the 'chalk spine') that runs north-south from Craylands Gorge towards a low point near the centre of the site. Ground condition investigations have determined that there areas of further undevelopable land, south of the Chalk Spine, associated with underground excavation and resultant ground instability.
 - Optimising Housing Area – Reduction in the land take required for commercial areas and increase in the residential areas to maximise the potential to deliver the full capacity of the site with housing of all sizes.

Structure of Extant Outline Consent

- 2.5 The extant outline planning permission reserves all matters for future consideration but fixes certain elements, which are known as the 'parameters' of the development. The Environmental Impact Assessment (EIA) submitted with the extant permission was carried out based on these parameters and therefore the assessment of the original planning application is fundamentally based upon them. The parameters set out the final ground levels of the site; the broad floorspace disposition across the site; the location of the key green zones and area for ecology and nature reserves; water features; principal accesses; built development; open space; heights of buildings;

and densities. Several plans were previously secured (under condition 4 of extant permission) to illustrate some of these parameters. A Land Use Disposition Plan was also approved as part of the permission and this shows, spatially, how the development could be masterplanned to meet the requirements of the parameters.

- 2.6 The extant planning permission was also subject to a series of strategies. These Strategies include requirements for community and leisure facilities, education, transport, open spaces and formal recreation, phasing, public art, sustainable development and community participation. Given the timescale for the delivery of the development, the strategies sought to set out how the development would be delivered and provide more detail than could be set out in the S106. The strategies are required to be implemented through the conditions and the S106 and form a fundamental element of the acceptability of the proposal.

Proposal

- 2.7 This application seeks permission for minor alterations to the parameters previously secured by the outline permission. The proposal would alter the disposition of land uses to create a different development layout than previously approved in relation to the central and western villages of EQ

- 2.8 The main changes are as follows:

- **Internal Road Re-alignment:**

The proposal seeks alterations to key vehicular transport routes, in particular the east-west route to the north of the site. The approved parameter plan shows the movement corridor leading from Castle Hill Road running along the northern boundary, crossing the Major Urban Park and leading to the Hedge Place roundabout at the north-western corner of the site. There is a north-south chalk spine located within the Major Urban Park (MUP) which was proposed to be removed by the extant consent. Permission is now sought to retain this chalk spine (discussed below) and as a result, the section of the movement corridor through the MUP is proposed to be removed. Consequently, the internal road is proposed to be re-positioned to accommodate the chalk spine, aligning with the Fastrack corridor at the base of the spine and then turning north to continue to the north-western access point to the Site.

The principal Fastrack corridor is maintained as a central route through the middle of the site albeit re-positioned slightly further south to accommodate the retention of the chalk spine. However, it is also proposed the Fastrack corridor is extended to the western boundary of the site to reflect proposals that the public transport corridor should continue through tunnels into the Bluewater site. An alternative route to the Hedge Place roundabout is shown in the plans should these tunnels not come forward.

- **Reconfiguration of Open Spaces / Ecological Connectivity Corridor:**

The extant parameter plans identify a Major Urban Park (MUP) orientated east-west along the northern boundary. The MUP has been narrowed in the proposed plans to reflect the physical land form in this location and to allow for developable areas to be maximised. It has been realigned north-south through the site along the plateau atop a north-south chalk spine now sought to be retained, following north through Craylands Gorge and south connecting through to an area of open space to the southern side of the existing lake at the bottom of Castle Hill. The ecological and

Natural Reserve Areas previously secured remain unchanged. The zone which identifies the location in which the 'Ecological Connectivity Corridor' is to be located has been amended to reflect the reconfiguration of the open space.

The extant consent envisaged a single body of water along the southern edge of the site. The single waterbody is proposed to be divided into two separate lakes utilising the existing landform, with some minimal landforming works. The revised lake area now extends to 12.81ha in total. This is less than the 20 hectare minimum envisaged under the extant outline permission.

- **Finished Land Levels:**

The extant consent envisaged a gradual sloping landform within the site from high areas in the north east sloping down towards the south west, and to include a raised mound within the western part of the Site. It is now proposed to retain the existing chalk spine, with a cut back of its southern tip of some 150m to accommodate the movement network (as described above), making its exposed cliffs a focal point of the site within the western area.

- **Education Campus:**

The building and open space requirements for certain education facilities was updated with the 'Area Guidelines for Mainstream Schools' (June 2014). The design of the proposed Education Campus continues to be located within a central area in the central village but the required space has been expanded to reflect the updated guidelines since the previous permissions were granted from 10ha to 13ha.

- **Land use disposition**

The disposition of development has been altered to reflect the changes identified above. The designation of purely employment floorspace has been removed in favour of a full mixed use designation to include residential and has been integrated into the main villages, rather than at the periphery at the north-western corner and Washmills Peninsula, which are now both allocated as residential. High residential density has been reflected along the entire length of the Fastrack corridor where it previously ranged from low-high.

- **Pedestrian and Cycle Linkages:**

It is proposed to remove two connection points along the southern boundary of the site previously identified as opportunities for possible pedestrian or cycle links from Eastern Quarry to the surrounding area. The potential connection points were identified at the boundary with the Ebbsfleet Green site and southern side of the Castle Hill Lake crossing the A2 towards Bean.

2.9 It is important to note that the quantum of development (as set out in condition 5 of the outline permission) remains unchanged, the maxima of which are as follows:

- 6,250 residential dwellings (Class C3);
- 120,000m² gross floor space - Use Class B1(a)(b)(c) uses;
- 26,000m² gross floor space - Class A uses (of which floor space in use Class A1 shall not exceed 16,900m²);
- 24,000m² of gross floor space - Class D2 uses;
- 11,000m² hotel uses;

- 50,000m² of gross floor space for education, community, social facilities and other support uses; and
- no less than 33% (89 hectares) of the site as open space.

2.10 Castle Hill also remains unchanged as a result of the proposals. It is not proposed to make any changes to or have an effect on the proposed development at Castle Hill under the existing or emerging permissions. Castle Hill will continue to be built out under the existing permissions, alongside the Eastern Quarry development to the west of Castle Hill, which is intended to be brought forward under this new permission.

3.0 SUPPORTING PLANS AND DOCUMENTS

3.1 In order to implement the proposed changes, this application is made pursuant to Section 73 (S73) of the Town and Country Planning Act 1990 to vary conditions 3 and 4 which secured the parameter plans and strategies respectively which, with the S106, all together form the heart of the permission shaping the development of EQ.

3.2 As set out above, the parameter plans, conditions and strategies are intrinsically linked and form the basis of the permission to guide development of the site. In order to consider any changes to the disposition of the previously approved layout, all the strategies must be re-considered in light of the changes proposed.

3.3 As such, the following plans and documents have been submitted in support of the planning application:

- Plans:
 - 1B: Site Location Plan
 - 2B: Movement and Infrastructure Corridor
 - 3B: Building Heights
 - 4B: Green Zones Plan
 - 5B: Ecological and Natural Reserve Areas
 - 6B: Finished Ground Levels
 - 7B: Major Urban Park ('MUP') Plan
 - 8B: Linkages Plan
 - Phasing Plan
 - Land Use Disposition Plan ('LUDP')
- Strategies:
 - Site Wide Design and Access Strategy
 - Landscape and Open Space Strategy
 - Transport Strategy
 - Education Delivery Strategy
 - Community and Leisure Facilities Strategy
 - Public Art Strategy
 - Public Realm Strategy
 - Community Participation Strategy
 - Sustainable Development Strategy
- Biodiversity Action Plan
- Water Management Plan
- Development Parameters Schedule (& Disposition of Development Table)
- Environmental Statement Addendum
- Heads of Terms
- Supporting Documents:
 - Planning Statement
 - Site Wide Master Plan ('SWMP') (for indicative purposes only)

4.0 RELEVANT PLANNING HISTORY

4.1 DA/03/1134/OUT –

Outline permission for a mixed development comprising up to 6,250 dwellings and up to 231,000sq metres of built floorspace for: business premises; education; community & social facilities; hotels; theatre; & supporting retail & leisure facilities & associated works. Approved 13.11.07 subject to a S106 Agreement.

4.2 12/00758/EQVAR –

Section 73 application to vary DA/03/1134/OUT to change the minimum residential density levels required by the original outline permission and allow a different distribution of development floorspace across uses. Approved 8th October 2012.

4.3 12/01451/EQVAR –

Section 73 application to vary DA/03/1134/OUT to change the land disposition principally at the eastern corner of the site from employment to residential. Approved 18th January 2013.

4.4 The outline permission sets a structured approach to the consideration of planning matters as phases come forward over time. Initial permissions were granted in association with contamination assessment, groundworks and re-contouring of ground levels for Castle Hill. This work was carried out and has created the development platform for the first village. Subsequently various strategies and plans which form a framework for the development, Site Wide Master Plan (SWMP), Area Master Plans (AMPs) and Design Codes (DCs) together with detailed RMAs for residential parcels of land, open spaces and community infrastructure including a 2FE primary school and community centre have come forward for Castle Hill. The statuses of these applications are varied, some having been granted permission and others still under consideration currently.

5.0 PUBLICITY

5.1 As a result of ongoing discussions and negotiations with the applicant, three rounds of public consultation were undertaken in April, August and November 2017.

5.2 For each round of consultation, letters were sent to 535 local residents, a notice published in the local paper and several site notices displayed around the perimeter of the site.

5.3 First Round - April Expiry date : 26.04.17

5.4 Second Round – August Expiry date : 19.09.17

5.5 Third Round – November Expiry date : 07.12.17

6.0 REPRESENTATIONS

6.1 A total of 7 responses from 3 individual neighbours/resident groups were received and are summarised as follows:

First Round - April

6.2 Number responses = Objections x 2

- Comments :
 - Inadequate access
 - Increase danger of flooding
 - Increase in traffic
 - Information missing on plans
 - Insufficient information given on application
 - Application form errors including Ownership Certificate
 - Various other comments including no response from applicant to pre-app comments
 - Does not comply with utilities and water management approvals
 - Highways impacts on Watling Street and Roman Road – timing and proposals for improvements
 - Highways contribution to STIPS
 - Foul water treatment and pipelines are not shown
 - Long term management queries
 - Service charge arrangements
 - What will DBC fund?
 - Retention of north-south chalk spine differs from the original restoration plans and adversely effects permeability accords the site reducing options for sustainable travel
 - Creation of dangerous zone in the middle of the site that would need to be fenced off
 - Viability assessment should be provided if retention is due to cost
 - Major Urban Park design has been compromised due to level changes
 - Reduction in the width of the green corridor along the northern boundary is unacceptable
 - Unclear whether location of surface water/drainage pipes has been considered in SWMP
 - Demolition of Alkenden Farm – undesignated heritage asset
 - Location of Market Centre and relationship with policy CS5
 - Alteration to drainage strategy affecting western village

Second Round – August

6.3 Number responses = 2 x objections

- Comments :
 - Challenge suitability of S73 process
 - Retention chalk spine would cause severance and limit integration of communities and contrary to restoration of quarry
 - Major Urban Park design has been compromised due to level changes
 - Loss heritage value of Alkerden Farm
 - Impact from relocation of market centre not properly assessed and contrary to development plan
 - Traffic impacts from relocating market centre
 - Potential impact on flooding from proposed changes need to be assessed
 - Increase speed of delivery should not be given overriding weight and there is general lack of justification for need for proposed changes
 - Conflict with local Plan
 - General dislike of proposal
 - Increase in traffic
 - Information missing from plans (not specified)
 - Not enough info in application

- Out of keeping with character of area
- Over development
- Traffic / Highways concerns
- CBRE August Report fails to justify a Market Centre adjacent to Bluewater
- Do not accept argument that shops that are not visible will not attract non-EQ residents
- Land Securities will maximise revenue by advertising its existence
- Claim no traffic impact; Peter Brett reports states the change increases traffic at Bean and reduces at Ebbsfleet
- CBRE say their 15 page note suffices for a comprehensive assessment, whilst not revealing Land Sec vision for the Market Centre.

Third Round – November

6.4 Number responses = 1 x neither objection or supporting; 2 x objections

- Comments :
 - Road access from Knockhall should be accommodated to enable direct access to planned facilities
 - Comparison between extant and proposed SWMP; Transport Strategy (no questions raised)
 - Query why Fastrack route via tunnels to Bluewater is uncertain
 - Identify changes in Parameter Schedule and request assurance no change in quantum secured by outline
 - Query what effect proposal has on off-site highways
 - Changes probably sufficient for S73 process to be followed
 - Proposal fails to properly restore the quarry by leaving the central north-south chalk spine in place
 - Reorientation of the major urban park fails to integrate existing communities through shared green infrastructure
 - Open space proposed is of little practical utility and reduced accessibility would disadvantage those of limited mobility or vulnerable persons
 - Insufficient allotment provision
 - Potential heritage value of Alkerden Farm has not been addressed
 - Risk from flooding as a result of changes to lake provision should be assessed

7.0 CONSULTATION RESPONSES

7.1 Similarly to the public consultation, three rounds of consultation were also undertaken with the consultees in April, August and November 2017. A summary of changes to the plans for each of the submissions is described in the Appraisal section below.

7.2 The following organisations were consulted:

- Dartford Borough Council
- Environment Agency
- Gravesham Borough Council
- Highways England
- KCC Ecology
- KCC Economic Development
- KCC Highways
- KCC Local Lead Floor Authority

- KCC Public Rights of Way
- Natural England
- Sport England
- Southern Water
- Swanscombe & Greenhithe Town Council

7.3 A summary of the responses received can be found at Appendix 1.

8.0 PLANNING POLICY

8.1 National Policy & Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

8.2 Development Plan

- Dartford Borough Local Development Framework – Core Strategy (2011):

CS1	-	Spatial Pattern of Development
CS4	-	Ebbsfleet to Stone Priority Area
CS5	-	Ebbsfleet Valley Strategic Site
CS7	-	Employment Land and Jobs
CS9	-	Skills and Training
CS10	-	Housing Provision
CS11	-	Housing Delivery
CS12	-	Network of Shopping Centres
CS14	-	Green Space
CS15	-	Managing Transport Demand
CS16	-	Transport Investment
CS17	-	Design of Homes
CS19	-	Affordable Housing
CS21	-	Community Services
CS22	-	Sports, Recreation and Culture Facilities
CS23	-	Minimising Carbon Emissions
CS24	-	Flood Risk
CS25	-	Water Management
CS26	-	Delivery and Infrastructure

- Dartford Development Policies Plan (DDPP) (July 2017):

DP1	-	Presumption in Favour of Sustainable Development
DP2	-	Good Design
DP3	-	Transport Impacts
DP4	-	Transport Access and Design
DP5	-	Environmental and Amenity Protection
DP8	-	Residential Space and Design in New Development
DP9	-	Local Housing Needs
DP11	-	Sustainable Technology and Construction
DP12	-	Historic Environment Strategy
DP21	-	Securing Community Facilities
DP25	-	Nature Conservation and Enhancement

8.3 Other Guidance

EDC Implementation Framework 2017

9.0 **PLANNING APPRAISAL**

- 9.1 The main issues to be considered in connection with this proposal are the principle of the proposed development and application of the S73 process, the scope and acceptability of proposed changes to the parameter plans and strategies previously secured by the extant outline consent, together with flood risk and drainage, environmental and amenity issues, impact on the European designated sites for ecology outside EQ, and the implications of development for planning obligations.

Evolution of Proposal

- 9.2 The proposal has undergone significant change since its initial submission. The first set of submitted plans identified a large area of mixed use commercial development to the western end of the site, relocating the 'market centre' that was previously identified in the central village in the extant permission to a less sustainable location. A high number of consultation responses raised concerns with this element of the proposal, particularly in relation to the spatial impact where no residential use was integrated into the commercial area and the potential effect it would have on vehicle trips and the off-site highway network where the relocated commercial area might be used as a location in its own right (Consultation responses can be viewed in the appended consultation matrix).
- 9.3 These concerns were discussed with the applicant and a revised proposal submitted which relocated a nominal amount of the western commercial mixed use area to the central village, changing a small section to the north of the proposed commercial mixed use area to high density residential and introducing a mixed use with residential strip along the Fastrack corridor in the western village. Following a second round of consultation, consultees expressed ongoing concerns and did not consider their earlier objections had been satisfactorily addressed.
- 9.4 Further discussion and negotiation were therefore undertaken with the applicant and a third set of plans was submitted which included those changes as set out in section 2.0 of the report above but set out a proposal which aligned itself much more closely to the extant permission. This third submission of amended plans is the scheme now under consideration and appraised below. No further reference will be made to the schemes proposed previously.

Section 73 Process

- 9.5 Some concerns regarding the use of the S73 process had been expressed by consultees in the initial rounds of consultation but it is considered that this has now been resolved through the amended plans.
- 9.6 Section 73 of the Town and Country Planning Act 1990 applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. As a matter of law, a s73 permission amounts to the grant of a new planning permission and only confers upon the local planning authority the power to amend or remove conditions rather than any other part of the permission (for example the description of development). Given that a s73 permission is a fresh planning permission, a s73

application must be determined according to the current development plan and other material considerations. Section 73 itself does not prescribe any thresholds, parameters or other matters that are outside or within its scope.

- 9.7 It is noted that the description of the development has remained the same since the grant of the original permission, and that it would still adequately describe the development proposed under the s73 application. Accordingly, this indicates that the s73 does not amount to a re-writing of the permission (which would not be permissible under relevant case law). It is also necessary to consider whether the conditions could have been lawfully imposed on the original permission such that they do not amount to a fundamental alteration of the proposal. The principle of development, maximum residential numbers, maximum additional built floorspace, range of land uses and infrastructure were all established by the original permission and the maximum floorspace limits for each proposed use remain unchanged. It should also be borne in mind that the proposed changes (some of which are significant) need to be considered in the context of the development as a whole, which is itself of considerable scale as originally consented. The fundamental elements of the original permission have remained constant through previous variations, and through this application.
- 9.8 This view is backed by a written opinion provided to the EDC by Counsel on 2 May 2017, which was clear in concluding that “it is both appropriate and lawful to use s.73 of the TCPA to determine the March Application” (para 30) and that “...the changes would not amount to a fundamental alteration of the proposal” (para 42). It should also be noted that Counsel was giving an opinion based on an application containing a greater level of change than is now currently before EDC for determination.

Principle of Development

- 9.9 The delivery of high quality development which significantly boosts the supply of housing is at the heart of the NPPF and Central Government Policy. Eastern Quarry is identified in Core Strategy policy CS4 as falling within the Ebbsfleet to Stone Priority Area as a Key Development Site and as a strategic development site within the Ebbsfleet Valley as identified in policy CS5. The EDC Implementation Framework identifies EQ as providing essential development contribution to the creation of the Garden City in its vision to deliver a new benchmark for 21st century development including up to 15,000 high quality new homes. The outline consent previously approved for EQ (12/01451/EQVAR) is extant and has been implemented with construction well underway.
- 9.10 The principle of development of EQ is therefore compliant with local and national policies of the local plan which identify the site as being of strategic importance to the area. The principle is also supported through the Ebbsfleet Implementation Framework. The principal of re-examining extant permissions and maximising development is a key role of the EDC and the opportunity to review the extant permission at EQ is therefore supported.

Parameter Plans (Condition 3)

- 9.11 As previously identified, all of the parameter plans which form the basis of the extant planning permission have been submitted for consideration in light of the proposed changes. The changes to each of the plans are examined below:
- Plan 1B: Site Location Plan
- 9.12 Remains unchanged, in accordance with the S73 process.

- Plan 2B: Movement and Infrastructure Corridor
- 9.13 The originally approved plan indicates substantial areas of the site as being acceptable to accommodate the major infrastructure and movement corridor. Within these areas, some indicative routes are shown to represent how this corridor might be connected. There is some vagueness in how this plan should be interpreted since no indicative routes are shown through some of the identified corridor zones, the provision of the road network in relation to Castle Hill is known to be slightly different than represented in the plan and large areas in the south-western and south-eastern corners have been left empty. Principally, however, the plan shows the major infrastructure and movement corridor as two east-west routes, one located along the northern boundary and another through the centre of the site, joined or crossed at various points by north-south connections, with connections outside the site via Southfleet Road, Watling Street (via the Washmills Peninsula), Mounts Road and Hedge Place roundabout. More detail on how this movement corridor would come forward is known through detail contained in the Transport Strategy which was approved at the same time as the plan. The Strategy identifies, for example, the central ribbon would come forward as the Fastrack corridor.
- 9.14 The proposed plan reflects the as-built position of routes within Castle Hill, particularly in relation to the provision of a southern loop road, and also to reflect the new proposed internal road layout in the western part of the Site. The principal changes to the plan show a section of the movement corridor which ran along the extent of the northern boundary in the extant plan, now excluding a section where it previously cut across the MUP and an indicative route aligned next to what we know as the Fastrack corridor to accommodate the proposed retention of the chalk spine. Additional indicative routes have been set out in the western portion of the site to reflect the highway network anticipated to come forward (for example as set out in the proposed LUDP) in far more detail than had been secured in the previously approved plan. A new potential access point has been added along the northern boundary connecting the site to Alkerden Lane, which formalises the temporary public transport link that emerged from the extant SWMP. While the proposed movement corridor was shown in the extant plan as extending up to the western boundary, the indicative route within the corridor zone did not extend up to the boundary. The proposed plan now shows this route extended right up to the tunnels to reflect the connection which is being sought by EDC under a separate project.
- 9.15 Essentially, the updated plan continues to provide for three east-west connections and can accommodate a grid system as endorsed by the Transport Strategy. The additional routes depicted in the plan enhance connectivity within and outside the site, in accordance with the EDC Implementation Framework and avoid cutting across a key expanse of open space where it avoids the MUP which would segregate the open space and cause an urbanising effect. Neither Highways England nor Kent Highways consider that the proposals would undermine the assumptions incorporated into the original Transport Assessment and do not anticipate a significant increase in traffic generation associated with the proposed revisions to the parameters.
- Plan 3B: Building Heights Plan
- 9.16 There are no changes proposed to the previously approved plan. The applicant is satisfied that the building heights parameter will remain unchanged as a result of the proposal and the development will therefore have no greater impact in this respect.
- Plan 4B: Green Zones Plan

- 9.17 The original outline consent identified green zones as contributing to the disposition of open space through the site via north-south links which provide natural separations for the new communities, provide green routes through the development for both pedestrians and cyclists which will in turn create links between the proposed villages and provide opportunities for Sustainable Urban Drainage Systems (SUDS). The design requirements of these areas are set out in the Landscape and Open Space Strategy. The previously approved plan showed 3 green zones which would separate the site into the three villages within which open space requirements would be catered for, utilising key routes and vistas through the site and terminating at the a proposed lake area and the retained chalk cliffs along the south of the site. The westernmost zones (Zones 1 and 2) were connected along the northern boundary and Zone 1 extended through Craylands Gorge. The Washmills peninsula was identified as having 'Green Grid Continuity'. The detailed delivery of this continuity would have been agreed at AMP stage but the designation suggests it was intended to provide a spatial connection where the peninsula was otherwise disconnected from the rest of the site by the proposed lake.
- 9.18 Green Zones 2 and 3 to the east remain unchanged in the proposed plan. The alignment of Zone 1 to the west has been altered slightly to reflect more closely the positioning of the raised plateau along the north-south chalk spine now proposed to be retained and is angled at the southern end, joining Zone 2 at the Castle Hill Lake. This emphasises the lake feature and provides an enhanced recreational and ecological offer in that part of the site. The application states that the realignment provides a greater overall area from a combined area of 805,793m² for zones 1 and 2 to 849,871m². Overall it is considered the changes to the Green Zones are relatively minimal and continue to serve the purpose as set out in the extant permission to no lesser degree.
- 9.19 The 'possible lake area' has now been divided into two separate lakes within the Green Zones Plan. It is acknowledged the total lake area has consequently been reduced to 12.81ha where the original consent secured a minimum area of 20ha. The previous position of the single lake segregated the Washmills Peninsula and required significant earthworks and vehicular bridges or causeways to link it to the rest of the site. It is considered by EDC Officers that separation of the lake allows Washmills to be better integrated into the rest of the development, enhancing connectivity as advocated by the Implementation Framework, and helps maximises development potential. The attenuation function of the lakes has been recalculated and is discussed in relation to flooding below (paragraph 9.99).
- *Plan 5B: Ecological and Natural Reserve Areas*
- 9.20 Similarly to the approved plan, the proposed parameter plan shows an Ecological and Natural Reserve Area running from Craylands Gorge into the site and aligning to the site boundary in an anti-clockwise direction as far as the southeast corner adjacent to the Observatory building. An Ecological Connectivity Zone is adjoined to the southern edge of the Ecological and Natural Reserve Area and runs across the extent of the northern boundary as far as, and including, the Castle Hill local park.
- 9.21 The proposed plan replicates the Ecological and Natural Reserve Areas as depicted in the extant plan with very slight adjustments to the alignment to the south of Western Cross Farm. This alteration is barely discernible and considered unlikely to have any material impact on the function of this zone. Similarly, the broad location indicated on the plan as a Great Crested Newt Translocation area remains the same with some minor alterations to the alignment of its boundary. Notably, however, the depths of the Ecological and Natural Reserve Areas have been extended to the southern side of Castle Hill Lake and the Area has also been extended along the

boundary in front of the Observatory building. The plan indicates points at which the Ecological Corridor is crossed by the proposed movement corridor and this remains unchanged from the extant plan.

- 9.22 More notable changes to this parameter plan have been made in respect of the 'Zone within which Ecological Connectivity Corridor to be located'. The proposed plan shows a narrowing of this Connectivity Corridor in the northwest corner but it has been reconfigured to introduce a central ecological connectivity corridor running south from Craylands Gorge to the southern boundary, following the proposed Major Urban Park along the north-south chalk spine.
- 9.23 The revised plan therefore enhances the Ecological and Natural Reserve Area and maintains an east-west connection while also increasing ecological connectivity in general across the site by creating a north-south connection and linking connectivity around the entire perimeter of the site boundary. The increased water-side area which has been facilitated by the formation of two separate lakes to the south of the site has also allowed for the maximisation of biodiversity value through additional water-edge habitat and planting with native aquatic species.
- 9.24 KCC Ecology has reviewed the submission and raised no specific comments in relation to this parameter plan. More detailed ecological advice is set out in the BAP section below (paragraph 9.81).
- Plan 6B: Finished Ground Levels
- 9.25 The previously approved plan identified a sloping gradient from 5m to the south of the site, increasing steadily to 45m to the northern boundary. The western village was identified as having an elevated section in the middle where the village centre was proposed to be located. The plan identified significant step changes around the perimeter of the site reflecting the cliff edges and notably the entrances into the site at the Washmills area and Hedge Place roundabout.
- 9.26 The plans have been updated to provide a level plateau in the central village to accommodate the proposed education campus and associated playing fields. A plateau is also proposed across the western village. It is acknowledged the level differences within the site presented considerable challenges to the development of the site and the proposed alterations enable the developable areas to be maximised.
- 9.27 The previously approved plan depicted removal of the existing north-south chalk spine and creating a more undulating land form across the entire site. The chalk spine is recognised by the applicant as being an iconic and attractive physical feature within the site, as well as representing a challenging and costly landforming operation. The submitted plan now under consideration seeks to retain the existing chalk spine, where the exposed cliff would become a focal point of the site, reminiscent of the site's industrial heritage and assisting placemaking by providing a distinct focal point. The retention of this feature is promoted by the Implementation Framework in the creation of Eastern Quarry Lakes City Park which seeks to provide landmark open spaces exemplifying the beauty of Ebbsfleet's diverse landscapes. The retention of the chalk spine is therefore supported.
- Plan 7B: Major Urban Park Plan
- 9.28 The extant parameter plan identified a zone within which the Major Urban Park (MUP) would be located. This zone was concentrated along the northern boundary reaching from the western to the eastern ends of the site and terminating in enlarged spaces at either end (with the eastern end represented by the Castle Hill Local Park).

The size of the MUP was identified in the approved Landscape and Open Space Strategy as being 12ha with 9ha of usable open space.

- 9.29 The proposed plan re-orientates the MUP retaining the east-west orientation at a reduced depth to reflect the physical land form in this location and to allow for developable areas to be maximised. A north-south element through Craylands Gorge and through the middle of the site linking to the southern side of the lake has been introduced to create a linear MUP which encompasses the chalk spine.
- 9.30 The extension of the MUP to the southern side of the lake complies with discussions held with the applicant in respect of the AMP for Castle Hill South which secured details of a leisure walking route around the south of the lake accessed via bridges from the northern bank. The application for these details has now been submitted and is under consideration (EDC/17/0164).
- 9.31 It is considered that the proposed re-orientation of the MUP offers greater accessibility and an enhanced experience for users of the park by connecting the park through the various open space characters within the site. The principle is supported by the aim of providing a Green Grid as set out in the Implementation Framework which identifies connectivity between the cliffs in the south of EQ with Craylands Gorge in the north, incorporating a number of potential water bodies and forming part of a major connection envisaged beyond the site between the open countryside and the River Thames.
- 9.32 The amount of overall open space provision and that which is accessible to the public is a matter that has been raised by consultees. This is discussed in the sections below relating to the Landscape and Open Space Strategy and in relation to ecology, the Biodiversity Action Plan (paragraphs 9.57 and 9.81).
- *Plan 8B: Linkages Plan*
- 9.33 The original outline consent identified that pedestrian and cycle links will be provided throughout the development linking to the surrounding area and connecting the different communities within the development. The approved linkages plan identified several opportunities for possible pedestrian/cycle links around the entire perimeter of the site.
- 9.34 The current plan proposes removal of two linkages along the southern boundary of the site: the first in the southeastern corner aligning with the existing public footpath DR128 along the boundary with Ebbsfleet Green; and the second further west emerging from within the Quarry and crossing the A2 via the existing footbridge into Bean to the south. A link through the tunnels connecting the site to Bluewater has been added to the plan.
- 9.35 Consultation with KCC PROW confirms the first link aligns with the public footpath and therefore does not provide any particular benefit to being included within the parameter plan. The second is not feasible given the chalk cliff face and the significant level changes in this part of the site which would require an over-engineered solution that would detract from the visually aesthetic appearance of the cliff face. The AMP for this area did not include linkages in this location and the removal of this linkage would therefore be consistent with the previously approved plans.
- 9.36 It is not considered that the removal of these two linkages would be detrimental to the overall level of connectivity and links into the surrounding communities have been

retained. Furthermore, connectivity has been enhanced by the inclusion of the Bluewater tunnel connection.

o Development Parameters Schedule / Disposition of Development Table

- 9.37 While the parameter plans broadly identify the location of various zones to inform development, the Parameters Schedule secures particular elements of the scheme, fixing specific parameters than can be discerned from the plans. However, amendments to the document have been kept to a minimum.
- 9.38 The Schedule has been updated to reflect what has come forward for Castle Hill and to incorporate the changes listed above. For example, particular parameters in respect of connecting Washmills to the rest of the site have now been removed and the size of the lake area has been updated from between 20-30ha to 10-15ha. In addition residential density banding (low; medium; high) has been introduced. Initial concerns raised by Dartford Borough Council identified that the low banding which was identified in the initial submission as below 30dph would likely drive the overall average downwards and there was no absolute requirement in the upper banding which would drive densities upwards to compensate. Concern was raised therefore that the revised parameters would not secure the Core Strategy requirement of 'an average net density' of 'over 50dph' across the site. This has been amended so the low density does not fall below 30dph. Additional adjustments were also made to ensure that high density development would be delivered close to primary public transport stops to ensure the public transport corridor is supported by a critical mass of 'front doors' within close walking distance.
- 9.39 The document contains a table which sets out the disposition of development (in m2). Originally, this table was divided into 5 areas (West Village; Central Village/Market Centre; East Village; Eastern Gateway; and Peninsula). Due to changes in the layout, these categories are no longer representative of the development. The Peninsula now forms part of the Western Village, the Eastern Gateway was revised under the previous permission in 2013 and the Eastern Village is known as Castle Hill. The categories now represent each of the 3 villages (West Village; Central Village/Market Centre; and Castle Hill). The figures have therefore been combined to represent the 3-village format and identify the maximum possible areas for each use class within each of the 3 villages. This builds in flexibility to enable the development to respond to market conditions at the time the relevant phase of the site comes forward.
- 9.40 However, it is important to note that the maximum floorspace for each use class has been secured by condition 5 and this remains unchanged as part of the current proposal.

Extant: Eastern Quarry - Disposition of Development (sq m) 2012

Use Class		West Village	Central Village/Market Centre	East Village	Eastern Gateway	Peninsula
B1	Office	80,000	57,000	2,000	0	3,000
C3	Residential (no. of units)	3,000	2,900	2,850	250	120
	(gross floor area)	300,000	290,000	285,000	25,000	12,000
C1	Hotel	0	11,000	0	0	0
A1	Retail	2,500	25,000	2,500	0	2,000
D2*	Leisure	2,000	4,000	2,000	0	21,000
D1, D2 and other	Community Facilities	9,000	30,000	9,000	2,000	5,000
Maxima per Village		393,500	417,000	300,500	27,000	43,000

*Excludes D2 in Community Facilities

Proposed: Eastern Quarry - Disposition of Development (sq m) 2017

Use Class		West Village	Central Village/Market Centre	Castle Hill	TOTALS	Maxima per use as per Condition 5 of permission
B1	Office	80,000	60,000	2,000	142,000	120,000
C3	Residential (no. of units)	4,020	2,000	2,000	8,020	6,250
	(gross floorspace)	402,000	200,000	200,000	802,000	-
C1	Hotel	0	11,000	0	11,000	11,000
A1-A5	Retail	2,500	27,000	2,500	32,000	26,000
D2*	Leisure	2,000	25,000	2,000	29,000	24,000
D1, D2 and other	Community Facilities	9,000	35,000	11,000	55,000	50,000
Total floorspace per Area (excluding housing units)		495,500	358,000	217,500	1,071,000	856,000 (total floorspace incl resi)

*Excludes D2 in Community Facilities

o Land Use Disposition Plan (LUDP)

9.41 The LUDP identifies broad locations for the various use classes to come forward, as required by the parameters. It shows only one of a number of development parameter compliant layouts and there is some flexibility for the layout to change (subject to compliance with the development parameters). An updated LUDP has

been submitted for consideration reflecting the proposed changes to the parameters that are sought under this application.

- 9.42 The plan continues to depict three separate villages as secured by the outline consent and established by the Parameter Schedule. Across the site, the disposition of development is very similar to that secured under the outline permission. The eastern village has been updated to reflect the disposition of development secured through the AMPs for Castle Hill. The alignment of the western and central villages has changed slightly in response to the enlargement of the education campus and retention of the chalk spine and the altered finished ground levels and subsequent increased developable area, as well as the revised internal road alignment and the altered layout of open space. The central village is now slightly smaller in size but the education campus has been retained in the same position in the northern portion of the central village. The majority of commercial mixed used floorspace, including residential use, is also provided in the central village as part of the market centre, which was a key consideration of the outline consent.
- 9.43 A principal change in the LUDP is the location of the mixed use floorspace to the Washmills Peninsula to the south and employment floorspace to the northwest corner is now being combined within the market centre. Both these areas are now shown to be high density housing. Core Strategy policy CS5 identifies Washmills as a leisure use. Dartford Borough Council considers the proposed relocation of the commercial areas is compliant with the development plan since any leisure floorspace in this area would be amalgamated with the proposed retail and community floorspace in the central village to provide a central hub. EDC Officers agree with Dartford's assessment that this would be an improvement from extant outline consent since it will create a mixed use market centre in the middle of the development, which will provide a strong focus in the centre of the site and provide facilities for residents and employees which is not easily accessible from the key vehicular access points off the strategic road network thereby discouraging external visitors. It is intended by the applicant that the high density residential development around Washmills will enable a quality and individual form of residential development to come forward which makes the most of the topography which will be subject to detailed design to ensure it is well-connected to the main development. Provision of high density housing to the northwest corner will form an appropriate entrance into the site.
- 9.44 The LUDP makes provision for the Fastrack connection through the Bluewater tunnels and shows how the movement corridor could be delivered at this point. It also identifies another option for Fastrack should these tunnels not come forward. High density residential floorspace is identified along the Fastrack corridor to deliver the front doors necessary to encourage a modal shift towards public transport.
- 9.45 The proposed layout set out in the LUDP aligns to the Implementation Framework in respect of the proportion of the 3 villages, location of two lakes, tunnel connection to Bluewater, central green zone, major urban park and location of the market centre and local centre in the western village.
- Site Wide Masterplan (SWMP) – for information only
- 9.46 The Parameter plans built in a degree of flexibility which means the proposed development could come forward in a variety of potential scenarios. The SWMP represents a possible scenario of how the parameters might be delivered, informed by the LUDP. A SWMP plan has been submitted to identify how the developer envisages development coming forward but is submitted for information purposes only. Members attention is drawn to the fact they are not being asked to approve this

document but can use it to inform considerations of how the proposed changes to the parameters might be brought forward on site.

- 9.47 The proposed plan identifies the land distribution across Castle Hill as secured by the approved AMPs, which remains unchanged as a result of this application. The layout corresponds with the LUDP identifying 3 villages each separated by green corridors, Fastrack corridor through the centre of the site linking with the Bluewater tunnels, and a mixed use local centre in the middle of each village including residential and education. The roads are based on a permeable grid pattern characterised by a hierarchy of streets which seeks to avoid rat running through the site from the wider strategic network. Development within each village is based on perimeter blocks with primary frontages addressing the Fastrack corridor and major roads. High density residential development is located along the Fastrack corridor and in sustainable locations close to the village centres and at strategic entrances into the site. A good mix of different types of open spaces is distributed throughout the site including local parks, village greens, neighbourhood greens and local- and neighbourhood-equipped areas for play (LEAP and NEAP). Community and leisure facilities are located in central and accessible locations and connections to Swanscombe indicated in several locations along the northern boundary. Offsite community pitches are indicated at the Swanscombe heritage park to the east of Craylands Gorge.

Strategies (Condition 4 & S106)

- 9.48 As previously identified, the Strategies secured under the outline permission sought to identify how the development would be delivered and provide more detail than could be set out in the S106. They form a fundamental element of the acceptability of the proposal and the proposal cannot be considered independently from them. Some of the Strategies were secured by the outline consent under condition 4 while others have been secured under the S106. As such all strategies, secured by both condition and the legal agreement, have been submitted for consideration and are examined in turn below.
- 9.49 As a general note, since there are limited changes proposed to the parameter plans and the overall nature of the development is not changing, the strategies have not changed significantly either. There are, however, some areas which are known to have changed since they were previously approved and these details have been reflected. Many of the details in the extant strategies had been duplicated, over-complicating the documents. They have now been stripped back to be more useable and streamlined.
- 9.50 It is acknowledged that should a positive resolution be made in respect of this application, a new S106 agreement will be secured in agreement with KCC and DBC. It is possible that decisions made in respect of the S106 may require some minor changes to be made to the strategies. Members as therefore requested to acknowledge this and agree that delegated authority be given to the Chief Planning Officer to agree such minor changes to the strategies as a result of these discussions, in accordance with the recommendation set out above.
- Education Delivery Strategy (S106)
- 9.51 This document describes the strategy for delivery of education facilities for children living within the EQ development. Much of the detail of this strategy sets out the obligations secured by the S106 in clearer terms and identifies how the facilities are proposed to be delivered by the applicant. It identifies triggers for delivery, locations of facilities within the site, sizes (in FE) and specifications according to relevant guidelines and delivery mechanisms and funding. The Strategy identifies procedures

for establishing a new school which shall include provision of an Education Review Group that will monitor progress on site and secure the necessary liaison between relevant parties and have a regulatory role to ensure the correct procedures are followed according to the requirements of the permission.

- 9.52 On the basis of the forecasts set out in the County Council's Guide, sites have been planned for at EQ capable of accommodating school facilities for both the primary and secondary educational phases. The forecast need for the western portion of EQ, as established in the extant permission, provides for a primary school of up to 2 FE together with Maintained Early Years provision and Multi-Agency Space in the western village and an education campus in the central village. The education campus covering an area of up to 13 hectares will be master-planned for up to an 8FE secondary school plus a 2 FE primary school together with Maintained Early Years provision and Multi-Agency Space and the Life Long Learning Centre (if developed as one entity on this site).
- 9.53 The previous strategy identified an education campus of up to 10ha. The increase in area has principally been borne out of changes in relevant standards for school buildings with the introduction of the Government's Building Bulletin 103 in 2014. A comparison between the Education Strategy area sizes compared to those required by Building Bulletin 103 is set out in the table below. This include a range to reflect the minimum – maximum provision established in BB103 –

	Education Delivery Strategy 2007 (GEA)	BB103 Requirement	Difference Compared to BB103
6FE Secondary School	65,070 m ²	90,000 – 72,000 m ²	+24,930 – 6,930 m ²
2 FE Primary School + Multi Agency Space	14,450 m ²	18,745 – 15,038 m ²	+4,295 – 588 m ²
LLLC	1,475 m ²	2075 m ²	600 m ²
TOTAL GEA	80,995 m ²	110,820 – 89,113 m ²	29,825 – 8,118 m ²

- 9.54 The above calculations are based on a 6FE secondary school. The s106 includes provision for 8FE subject to the demand arising from EQ and the adjacent Ebbsfleet Green development site (where a contribution to education provision at EQ is built in to the S106). If this additional provision is also accounted for, the provision against BB103 Standards would be 135,595 – 108,638 m². These figures do not incorporate the required pitches (Community and Leisure Facilities Strategy identifies a total of 6 - 4 grass senior pitches, 1 artificial hockey pitch, 1 cricket square). The additional size required for the education campus contributes to the change in land use distribution for which planning permission is now sought.
- 9.55 The extant S106 secures delivery of the education facilities but outlines different possibilities for the facilities coming forward depending on whether the owner constructed the schools directly or paid a contribution, which was unknown at the time. A number of possible delivery scenarios were therefore identified in the approved Strategy to reflect the funding options. The applicant is now committed to delivering both the education campus in the central village and the primary school in the western village. As such, the Strategy has changed considerably from the extant version, principally removing the option for the Owner's electing not to build and Fair & Equitable Proportion Principle that would be applied to the Owner's contribution.

- 9.56 KCC raise no objection to these changes but welcome the opportunity to discuss the implications of the changes to the Strategy more fully and made some recommendations for minor improvements and clarifications to details. Some of the suggestions have already been discussed with the applicant by EDC Officers and it is considered that their request for further discussion will be addressed by the negotiations required to secure a new S106 Agreement. They would also welcome the opportunity to discuss the provision for Special Educational Need & Disability (SEND) which is an emerging issue not previously covered under the original outline consent. Members are requested to allow delegated authority to the Chief Planning Officer to include this in the ongoing discussion via the S106.
- Landscape and Open Space Strategy (S106)
- 9.57 The extant planning permission requires that 33% of EQ will be set aside for open space. The Landscape and Open Space Strategy (LOSS) is an essential Strategy providing strategic guidance on the open space typologies and landscape character within EQ but also identifying how the objectives of the objectives of the EQ Biodiversity Action Plan (BAP) will be provided together with sufficient provision for recreation for residents of EQ.
- 9.58 The Strategy outlines the design character of local parks, village greens and neighbourhood greens and their sizes and position through the site, ensuring an appropriate mix of different types of open spaces are distributed evenly.
- 9.59 The principal area of open space within EQ is the Major Urban Park (MUP). The changes in the parameter plan for the MUP are discussed above. The quantum of open space required by the extant permission, and compliant with local policy CS14 (which requires sites of 20ha and over to provide at least 30% of the site area), is 33%. The quantum of development secured by the extant permission will not change and exceeds policy requirements.
- 9.60 A key consideration of the extant permission was the provision of a sufficient amount of open space that was publicly accessible and useable. Policy CS14 requires the provision of multi-functional high quality varied open space and requires new development to contribute to the Green Grid network. The policy also requires significant biodiversity improvements at the Ebbsfleet Valley development sites. Concerns have been raised by DBC and by KCC Ecology (discussed in the BAP section below) regarding the usability of some parts of the open space. It is recognised all formal open spaces (local parks, village/neighbourhood greens) accommodate public access and are not ecologically sensitive. The concerns therefore relate primarily to the MUP which, in accordance with the previously approved LOSS, is required to provide a minimum of 12ha with 9ha of useable publicly accessible space. The proposed disposition of land use gives rise to some concern that the open spaces serve different conflicting uses, such as ecological corridors and formal parks and that the reduced width of these open spaces, steep topography and the number of busy pedestrian, cycle and vehicular routes crossing the spaces may put further pressure on these spaces to the detriment of informal use of open spaces and the ecological corridors required. It is also acknowledged that while the proposals would meet the required amount of open space, this is now smaller than secured under the previous LUDP.
- 9.61 The applicant was advised of these concerns and further detailed discussion undertaken with EDC Officers. Consequently, the LOSS has been updated providing greater detail on the MUP. The extent of the MUP has been set out in the MUP parameter plan described above. The applicant has confirmed this area covers a

total of 40ha excluding all formal open spaces. The LOSS sets out in plan those areas that will have full, managed and restricted public access. Of the 40ha of MUP, 26.7ha are identified as managed and restricted access and 13.3ha as full public access. EDC Officers are satisfied that sufficient information has been provided to demonstrate the proposed change in parameter plans would secure an appropriate amount of publically open and accessible space, separate to any ecologically sensitive areas and in addition to any formal play spaces.

9.62 It is considered the re-alignment of the MUP from the extant permission provides benefits where the MUP is no longer interrupted by a principal road and provides an unbroken linear path through the middle of the site, providing different types of spaces and character for a fulfilling experience. The Strategy is consistent with the aims of the Implementation Framework which seeks to provide diverse and interesting open spaces that respect the character of the site.

○ Community & Leisure Facilities Strategy (S106)

9.63 This Strategy identifies the approach to be taken for the provision of education, community, health and social care and recreation facilities that have been secured through the S106. The Strategy sets out the specification, timing of delivery, funding, management, application of the multi-use approach; and opportunities for the provision of temporary facilities. The general approach remains unchanged from the previously approved document.

9.64 The Strategy has been updated to reflect current building standards (e.g. Building Bulletins); removal of the specification for educational building provision that do not have a multi-use dimension and have therefore been replicated in the Education Strategy; provide greater certainty on the provision of a multi-agency space within the primary schools to reflect KCC's current thinking; and the timing of delivery of facilities has been updated to reflect what has already been secured at Castle Hill. KCC have commented on the application seeking some additional clarification and detailing. It is considered these details will emerge as discussions on the S106 are taken forward in association with KCC, in the event of a positive resolution from Members.

9.65 The Strategy identifies the provision of sports pitches, as secured by the S106. It sets out that two types of provision will be made: firstly the dual use pitches to be located in the education campus with the secondary school; and secondly, two sets of 2 community pitches. The S106 sets out trigger points for the provision of the community pitches preferable on site but otherwise within an identified zone in the surrounding area. It was identified that the community sports pitches had not been identified within the site and it was acknowledged that due to other constraints such as the increase in size of the education campus, additional land take to provide the 6,250 dwellings and the topography of the site, the community pitches could not be accommodated within the boundary of the site.

9.66 The applicant proposes the first set of community pitches would be provided within Swanscombe Heritage Park off Craylands Lane, within the zone identified in the S106. The second set of community pitches is intended to be secured either at Craylands Lane or within an identified zone and if they cannot be secured, the applicant (and Owner) will commit to providing a financial contribution. This trigger for payments is consistent with the existing S106. Some concern had been raised previously by DBC that that the community pitches had not been identified on the masterplan and off-site provision had not been secured. However, the applicant has

confirmed ownership of the land and agrees that it can be tied down by through the S106.

- 9.67 It is acknowledged that this solution does not secure the preferred option of the facilities on-site. However, the Craylands Lane site is in close proximity to EQ and easily accessible, accommodated by identified pedestrian and cycle links in the parameter plans and the benefits to the wider community are also advantageous.
- 9.68 Sport England was consulted on the application as a non-statutory body. Aside from comments referring to CIL contributions which are not relevant to a S73 application process, recommendations were made for the provision of additional natural grass pitches, additional clarity on the location of the off-site pitches, consideration of particular design standards for the size and construction method for each pitch and the proposed sports pavilion, provision of appropriate car parking and a community use agreement to be developed with a local football club which details the intended usage levels of the facility in agreement with Sport England. Reference is also made to the fact no specific provision is made for hockey and that local hockey teams only benefit from a single sand pitch which would cause a problem if it were resurfaced and the provision of an alternative would be beneficial.
- 9.69 In respect of the provision of pitches, the proposed number corresponds to the provision secured under the extant outline consent. Since the quantum of development is not changing under this application, it is not appropriate to suggest an alternative. The applicant has responded on the points raised by Sport England identifying the proposed location of the community pitches, and advising the specification of pitches and pavilion are secured under the Strategies in accordance with the latest Sport England guidelines. It is acknowledged the applicant is in discussion with a local sport group for the provision of the offsite pitches and a balanced approach will be sought to ensure the facilities are equally available to this group as well as open to members of the public. The reference to the hockey club does not bear any relevant to this application but it was drawn to their attention that a grass pitch within the education campus, which would be provided to their own standards, would accommodate hockey. No response has been received from Sport England.
- Sustainable Development Strategy (S106)
- 9.70 This strategy sets out the overall principles across the whole site to ensure development at Eastern Quarry uses sustainable methods in accordance with relevant Government policy. It was amended in September 2016 with a supplement in response to the Government withdrawing the Code for Sustainable Homes initiative. The submitted strategy therefore rationalises the original strategy and energy supplement into a single documents. There have been no significant changes since the last update and the content has not therefore been changed.
- Public Realm (S106)
- 9.71 Whereas the Landscape and Open Space Strategy provides guidance on the landscape infrastructure, green spaces and parks, the Public Realm Strategy provides strategic guidance on the character of the public realm streetscape and urban spaces within EQ. The main principles of the document are to establish methodologies to design legible and identifiable streets / spaces at a 'human scale'; engender a strong sense of place that reflects local identity and character; and ensure a high quality of materials, street furniture and finish. The document identifies key public realm areas within the site and the principles that should be designed into

these spaces such as integrating movement corridors, consideration of level changes and incorporation of soft landscaping.

- 9.72 The Strategy presents a simple set of appropriate principles and considerations for informing the design of public spaces within the site. The principles follow good urban design rules which are appropriate at the site. The document has therefore not changed significantly since the previous permission.
- Transport Strategy (Condition 4)
- 9.73 The Transport Strategy aims to demonstrate how the necessary supporting transport infrastructure and services will be provided, both directly and through financial contribution mechanisms, as development progresses at EQ. The Strategy develops 5 main principles: development to be orientated towards public transport and “soft” modes (i.e. non-motorised); provide part of the wider Kent Thameside transport network (via S106 contributions); follow principles of permeable grid layouts & limit “funnelling” of traffic onto single corridors; access to facilities provided within EQ from outside only to be convenient by public transport and “soft” modes; and unrestrained car use from EQ to be limited and managed. Various methodologies are identified to help deliver these objectives.
- 9.74 The proposed Transport Strategy is broadly the same as that approved previously. Both Highways England and Kent Highways do not object to the proposed changes to the parameters and do not anticipate a significant increase in traffic generation as a result. As such, they consider the Transport Strategy is still fit for purpose.
- 9.75 It has been noted that the retention of the chalk spine results in the loss of an east-west vehicle route in the northern part of the site and this gives rise to some concerns from Kent Highways: 1) funnelling of traffic through the central part of the site which may exacerbate general issues arising from rat-running (which has always been a concern for EQ); 2) locating a key vehicle route next to the Fastrack route.
- 9.76 They also raise concerns with the depiction of several direct straight vehicle routes within the site as identified in the SWMP. Long straight sections of road within the site will not be acceptable to the highway authority, without appropriate measures to manage vehicle speeds. This concern is also shared by DBC who identify the need to emphasise slower vehicular traffic routes through the site since the straight roads and significant lengths of “main streets” could result in fast routes for cars encouraging rat-running and use of the car over other modes.
- 9.77 It is acknowledged that rat-running through the site from the strategic transport corridor on the outskirts has always been of concern and cannot be eliminated altogether. Notwithstanding these comments Kent Highways are of the opinion that while they have concerns regarding the future operation of the on-site road network and the straight sections of roads, they are satisfied that further detailed design work can be undertaken at the Area Masterplanning stage in order to address these.
- 9.78 It is also acknowledged the relatively remote location of high density development in the north east corner and at Washmills could potentially conflict with the objectives of the Transport Strategy but again it is considered that problems could be carefully designed out if provision is made for easy to use pedestrian and cycle routes from these areas to facilities within the site.

- 9.79 Notwithstanding the problems identified with aligning the road to the Fastrack corridor at the base of the chalk spine, a balance must be struck against the enhancements it makes to the public open space of the MUP and quality of ecological areas that results from relocating this road. Other improvements are also identified in the revised submission layout and the need to discourage unnecessary car trips through the proposed land use disposition and centralisation of local services, public transport prioritisation and provision of enhanced connections to encourage other modes of travel. It is therefore considered the Transport Strategy sufficiently set a framework through the objectives which will inform detailed design of the highway network to address the comments made.
- 9.80 Some minor amendments to the wording of the Strategy have been recommended and passed on to the applicant to amend.
- *Biodiversity Action Plan (Condition 4)*
- 9.81 Ecological works to monitor site biodiversity and implement appropriate mitigation measures has been ongoing at the site since the previous Biodiversity Action Plan (BAP) was secured under the extant consent. An updated BAP has been submitted with the current application which provides an up-to-date assessment of the biodiversity on site and identify whether the previously identified mitigation measures are still appropriate to maintain or enhance the important ecological features of EQ in light of the changes to the parameter plans now proposed. The document details action plans and objectives for a range of species and animal and plant groups; guidelines for habitat conservation and enhancement; a series of detailed habitat and area action plans; and a range of scheme wide ecological initiatives. The BAP targets particular areas/habitats and species that require protection and conservation. A series of actions have been set for each of the management compartments. Particular species that have international and national importance have been given particular attention and methodologies identified to either protect any population on site or provide habitats to accommodate them in the future. The BAP also identifies timetables to ensure the actions are achieved and the conservation value of areas and species are maintained and monitoring / management schemes to maintain and improve the habitats and species diversity.
- 9.82 While the application will meet with required quantum and amount of open space required by the permission, it is acknowledged that the proposed changes to the parameters would result in a reduction in amount of open space then secured by the previous SWMP. Consequently, the application sets out that this will involve both a reduction in the area of habitat previously proposed for retention and a small decrease in the area of mitigation landscaping to be provided (e.g. a small reduction in the area of proposed standing water to be provided in the southwestern region of the site).
- 9.83 Ongoing discussions with the site ecologist and KCC have been held in respect of biodiversity measures across the site. They are satisfied that the applicant has a good understanding of the ecological interest of the proposed development site as survey monitoring has been carried out for over 5 years. However, they have raised concerns that the reduction in open space would put added pressure on ecological mitigation and may be detrimental to the long term success of the mitigation areas. The potential conflicting uses and effectiveness of ecological corridors is also a concern expressed by DBC Officers.
- 9.84 They acknowledge the Landscape and Open Space Strategy identifies areas which will have full, managed and restricted public access, though raise concerns at the amount space within the site with restricted access (see discussion on Landscape

and Open Space Strategy above). They do acknowledge, however, that it could be possible that the recreational impact associated with the proposed development could be addressed as part of the ongoing monitoring and management of the site, provided this is implemented in a timely manner.

- 9.85 In order to ensure the satisfactory implementation of the BAP, a condition was imposed on the extant permission requiring detailed mitigation and enhancement proposals, a programme for their implementation to be provided for each AMP area, management plans for areas of biodiversity and a scheme for monitoring. This is condition 15 on the extant decision notice.
- 9.86 As discussed in the Landscape and Open Space Strategy above, the extant permission secured a certain amount of publically accessible open space within the MUP, together with other formal areas (local parks, village greens, neighbourhood greens) and this was considered an appropriate amount of open space for recreational purposes to serve the population of EQ. It is reasonable, therefore, that any spaces with restricted public access, as identified in the Landscape and Open Space Strategy, can be managed appropriately so as to protect the ecologically sensitive areas located within them. This can be controlled by reinstating condition 15.
- 9.87 The applicant was advised of KCC's concerns and provided a response that demonstrated the potential conflict between recreational activity and ecology had already been considered and methods to limit access to particular areas would be implemented by providing pathways, passive boundary treatments etc. It has been acknowledged that the wording of condition 15 could be improved to provide greater clarity and KCC have suggested alternative wording.
- 9.88 On balance, therefore, it is not considered the scheme would cause demonstrable harm to biodiversity. It has been demonstrated that there is sufficient space within the site to balance recreation and ecology and the concerns raised can be properly managed through the ongoing monitoring, mitigation and enhancement programme as required by the current condition 15 (which will be re-worded as per KCC's recommendation). It should also be noted that a suitably qualified Ecological Clerk of Works is secured through the S106 and the Landscape and Open Space Strategy has been allocated to the site to supervise and coordinate advance works and construction operations in respect of ecological protection and enhancement.
- Site Wide Design Strategy (Condition 4)
- 9.89 The purpose of Site Wide Design Strategy (SWDAS) is to set out the vision for EQ and the overarching design strategy for development of the site. It sets the context for development of EQ; provides a review of the site analysis; outlines design principles that have guided the approach and led to the Site Wide Master Plan; describes the key components of the Site Wide Master Plan; and identifies relevant character references to create a distinctive development.
- 9.90 Much of the Strategy remains unchanged since key characteristics and design approaches established previously remain unchanged. It has been updated to reflect the role of the EDC and developments at Ebbsfleet Green. Since the previous Strategy, additional ground investigation has been undertaken as a result; zones of geological uncertainty and the presence of deep holes/ravines from the old quarrying operations have been identified which the applicant has identified as being unsuitable for development. One of these areas being the chalk spine. These areas are identified within the SWDAS, together with other constraints which have significant

influence on shaping development at EQ such as overburden, chalk cliffs, cliff shadow and so on. Design analysis has been updated to reflect how the creation of creating developable landform, public transport orientated development, walkable and mixed use neighbourhoods can be achieved in the context of the proposed retention of the chalk spine and re-distribution of land uses.

- 9.91 The Strategy establishes strong design guidance to inform more detailed design analysis to come through at area masterplanning stage which responds to the current proposals and instil strong urban design principles to EQ.
- Community Participation Strategy (Condition 4)
- 9.92 This strategy sets out the procedures for engaging with the community on development at EQ to encourage suitable engagement to facilitate community building. The strategy sets out key objectives to ensure that any consultation processes are accessible, transparent, iterative, inclusive and measurable through monitoring. The principles align with Dartford Borough Councils adopted Statement of Community Involvement and identifies the Community Liaison Officer as required by the S106. Methods of reaching out to the community are identified as well as various stakeholders. The principles set out in the strategy have not been changed from the previously approved document since they are still considered appropriate and relevant. Housebuilders are directed to this document during pre-application discussions.
- Phasing Strategy (Condition 4)
- 9.93 Under the extant consent, this phasing strategy was approved as a lengthy document that set out several possible scenarios for how the site could be divided into phases and in what order they would come forward on the basis of various factors which were discussed in the document. Circumstances have moved on significantly since this time: the delivery of Castle Hill is well underway and the applicant has a lot more certainty about which areas of the site will be delivered before others based on funding and commercial arrangements.
- 9.94 The revised strategy is therefore submitted as a single plan. This simplistic approach is welcomed since it cuts out unnecessary discussion and clearly identifies in large chunks which areas of the site will come forward in accordance with a timetable as set out on the drawing.
- 9.95 Broadly speaking, the plan identifies delivery of Castle Hill to 2021; Phase 2 (Central Village – northern portion) 2018-2023; Education Campus within the Central Village 2021-2024; Phase 3 (northwestern portion of the Western Village including primary school and Craylands Gorge) 2019-2024; and Phase 4 (southern portion of the Western and Central Village) 2021-2027.
- 9.96 It is considered this is a practical timescale which provides a balanced approach to delivering the critical mass and required services to accommodate the residents that will populate the site.
- Public Art Strategy (Condition 4)
- 9.97 Public art is obligated through the S106. The purpose of the strategy is to set a broad framework for bringing pieces forward in a way that responds to the site character. Condition 19 of the outline consent for the submission of AMPs requires the broad locations and timeframes for commissioning public art.

- 9.98 Previous work was undertaken by the applicant to engage with members of existing communities surrounding EQ to establish key themes that would provide a brief for individual pieces. Due to the structure of the strategy and the evolving nature of the themes/design briefs, it was necessary to secure these design themes through several separate submission updates to the Strategy. In practice, this was a cumbersome procedure. It was therefore agreed with the applicant a stripped back version of the Strategy would be submitted to form the basis to inform more detailed design themes that would come forward with the AMP and condition 19 would be updated slightly to include details of specific themes.

Flood Risk and Drainage

- 9.99 The application site is located within a Groundwater Source Protection Zone as designated by the Environment Agency and does not fall within an area identified as being at risk from flooding. Due to the major size of the site, consideration of the impact of the development on flooding is a material consideration. The original outline consent considered flooding matters in association with a flood risk assessment which was submitted with the application. The outline consent identified that in order to ensure groundwater quality is not affected by construction work, a Water Management Strategy was required prior to development starting on site in order to ensure that appropriate mitigation is carried out. Condition 12 of the outline consent secures a Water Management Strategy which covers issues such as surface water and ground water control, discharge to water bodies outside the site, SUDS and monitoring and management. A Water Management Strategy was secured in 2008 which identified the lake to the south of Castle Hill as an attenuation basin for surface water.
- 9.100 Since the previous consent was secured, new legislation from the Government required that the provision of sustainable drainage within new development became a material consideration in planning decisions from 15 April 2015. The Lead Local Flood Authority (LLFA) at KCC is now a statutory consultee. Although KCC had not been set up at the time this Plan was received, detailed information on the surface water drainage scheme design for Castle Hill had been supplied in association with the RMA submissions and KCC were satisfied that the use of the lake to the south of Castle Hill was sufficiently large to act as an attenuation basin for surface water for this village. They did identify, however, that further details would be required as development progressed into the western villages of EQ.
- 9.101 An updated Water Management Plan has been submitted as part of this application to cover the western portion of the site. Similarly to Castle Hill, it identifies that infiltration is unlikely to be a suitable surface water drainage solution at the site. This is partly due to concerns regarding the reuse of Thanet Sand overburden and leaching of iron by infiltrating water which may affect the water quality within the chalk aquifer. Surface water attenuation will therefore be required prior to discharge in order to address the additional volume of runoff generated by the developed area and to meet the discharge limits imposed by the EA.
- 9.102 The proposed water management and drainage strategy for the Western Cross and Alkerden development will be similar in concept to the Castle Hill development. It will incorporate a SUDS management train as part of an integrated masterplan in order to achieve the overall design objectives of the site. The drainage design includes a combination of large diameter pipes, vegetated swales and two proposed large lakes which will attenuate runoff before discharge to Swanscombe Marshes via Craylands Gorge. Attenuation storage will be provided above the lakes' normal operating water

level where runoff will be retained for a period of time before discharging at a peak combined rate of 230l/s to the Swanscombe Marshes in accordance with the EA discharge consent for the site. The proposed large lakes will be located on the southern and northern boundary of the site and will be fully lined to minimise any loss via infiltration. The lake attenuation calculations have been re-profiled in light of the current proposal to separate the lake to the south into two portions where the extant permission envisaged a single lake.

- 9.103 KCC LLFA initial comments on the proposal identified the need for the calculations produced from the microdrainage modelling. These have now been updated and their latest comments raise no objection to the scheme. Comments have been made requesting evidence that there is sufficient capacity within the network for future connections when the detailed design of the primary network infrastructure is submitted. This can be advised in the decision notice as an informative.

Environmental Statement

- 9.104 The outline permission was identified as being EIA development and the requisite assessments made. It follows therefore that variations sought to the extant outline permission must consider the implications for the EIA and be accompanied by relevant material.
- 9.105 Prior to the submission of this application, informal EIA Scoping was undertaken with the EDC to identify the appropriate scope of the environmental information to accompany this application and the level of assessment undertaken on the proposals. This process has informed the ES Addendum submitted with this application.
- 9.106 The ES comprises a series of studies, surveys and consultations that have informed the design of the proposed development to seek to minimise its environmental effects and to identify measures to ensure that the proposed development is built and 'operated' in a sustainable way. Some technical areas have been scoped out of the ES on the basis that they have not changed from the original, not because they are not deemed relevant. The focus of the ES has therefore been on transport (since the proposed scheme includes amendments to the road layout and the movement of one access point a revised transport assessment has been undertaken) and ecology & nature conservation (since amendments are proposed to the green zones and ecological and natural reserve area application plans a revised assessment has been undertaken, which has also included an updated baseline as a result of ongoing ecological surveys and monitoring work). The ES provides a detailed appraisal of the potential and likely significant effects of the proposed development during construction and operation.
- 9.107 In respect of transport, the ES identifies residential unit numbers and commercial floorspace will remain unchanged from the previously secured parameters and only minor changes to the transport network is proposed. It is therefore considered that the total traffic generation from the proposed development would not exceed that previously assessed in the extant permission.
- 9.108 In respect of ecology & nature conservation the potential for significant effects have been considered in respect of protected and notable species and designated nature conservation areas and habitats and takes into account changes in the application site since the original outline consent in terms of the ecological baseline and the

mitigation and development that has already been completed. It concludes that there would be no increased adverse effects during the operational stage and in many cases more minor beneficial effects as vegetation re-establishes at the application site

- 9.109 The ES has been reviewed by an external consultant. Initial comments were made seeking additional clarification which have been addressed by the applicant and the consultants have no further comments to make. It is considered that the application has satisfactorily demonstrated that the proposal would have no greater impact on amenity than the extant permission.

Habitats Regulations Assessment (HRA) Screening

- 9.110 Policy DP25 of the DDPP requires large residential developments located within 10km from the North Kent European Protected sites that are located outside the Borough to undertake a Habitats Regulation Assessment to demonstrate that the mitigation measures proposed are satisfactory to avoid potential adverse recreational effects to protected features.
- 9.111 Progress in understanding potential recreational impact in north Kent has enabled a study (the Dartford Study) of the approach that could be taken to protecting European sites in Dartford. The Dartford study sets out a practical approach that the planning authorities in Dartford Borough could incorporate into planning determinations that would enable development proposals to meet regulatory requirements. The principle of a bespoke approach for applicable developments in Dartford Borough, which would be required to undertake a Habitats Regulation Assessment, is confirmed in policy DP25 as set out above.
- 9.112 Consequently, where mitigating measures are not screened out of a tariff of £15 per house is applied in accordance with the Strategic Access Management and Monitoring Strategy (SAMMS).
- 9.113 A HRA Screening process has been undertaken and formally submitted alongside this application. This document puts forward the principle that once EQ is built out, recreational disturbance is unlikely to the wider protected areas since sufficient recreational opportunities will be provided within the site. However, the applicant has committed to pay the tariff due to the phasing of the delivery of the open space as a precautionary approach.
- 9.114 Natural England welcomes the commitment from the applicant that they will make the appropriate financial contribution to the SAMMS. Providing this tariff is secured their advice is that a likely significant effect on the SPAs and Ramsar Sites is unlikely to occur. Similarly, impacts the SSSIs will also be unlikely to occur with the appropriate financial contribution to the SAMMS being made. This payment will be secured by the S106 which the applicant accepts.

Planning Obligations

- 9.115 The site is bound by an existing s106 agreement dated 13 November 2007 in relation to the original outline planning permission reference DA/03/01134/OUT. The original agreement was subsequently varied twice, firstly on 17 August 2012 and then again on 11 August 2014.

- 9.116 It is proposed by the applicant that it will enter into a s106 agreement in connection with this application which leaves in place the obligations from original agreement together with the 2012 and 2014 variations, but which modifies the responsibility for complying with the existing obligations and makes certain amendments to reflect changes to the scheme arising from the s73 proposals which form the basis of this application.
- 9.117 The requirement to modify responsibility for complying with the obligations arises principally in order to reflect that development at Castle Hill has already commenced pursuant to the original outline permission. The remainder of the development at Eastern Quarry, lying to the west of Castle Hill, is proposed to be carried out in accordance with the now revised Site Wide Masterplan submitted as part of this application, which acknowledges that the development at Castle Hill is currently in the course of construction.
- 9.118 A consequence of this application is that the Eastern Quarry development (as a whole) will be delivered through both the implemented original permission and this s73 consent in combination. The new s106 agreement therefore proposes to ensure that liability for compliance with the obligations on Castle Hill and on the remainder of Eastern Quarry is clear and separate, but that obligations which are necessarily site-wide will bind all owners.
- 9.119 One of the effects of both of the s106 deeds of variation (referred to above) is that the original s106, as varied, is expressed as applying to the original planning permission as well as any subsequent consents granted under s73 of the Town and Country Planning Act 1990. As a result, the existing planning obligations contained in the original agreement (as varied) are already in force and would be enforceable in relation to the development comprised in this application. EDC is not required to reimpose or release those existing obligations. Amendments to the s106 are sought on the basis of ensuring that the deed reflects the development already carried out, to modify responsibility for performing the obligations and to reflect the changes that arise as a result of this s73 application.
- 9.120 It is not intended that the new s106 agreement should impose liabilities that are greater than those imposed under the existing agreement, except in relation to a SAMM payment required as a result of a change in policy. In requesting this additional obligation, the Local Planning Authority is satisfied that it is necessary to make the development acceptable in planning terms, that it is directly related to the development and that it is fairly and reasonably related in scale and kind to the development.
- 9.121 In addition to the SAMM payment, other changes to the existing s106 wording are proposed and these are principally intended to update the document to reflect the practicalities of delivering the obligations. In outline, the proposed changes cover:
- (a) simplification of the affordable housing provisions for clarity whilst retaining the same quantum of affordable housing delivery;
 - (b) amendments to the on-site transport provisions particularly in relation to the Northfleet Grid West Substation access (that site has since been consented and differing site levels would now make these obligations unnecessary and unreasonable);
 - (c) amendments to the education provisions to reflect that the site owner is to be deliver education facilities on site;

- (d) amendments to the wording relating to dual use pitches, dual use sports hall/community sports hall and community pitches to reflect the delivery of the secondary school on site; and
- (e) changes to the delivery of the first and second set of community pitches to more closely define the areas in which the pitches are to be provided.

9.122 Since the completion of the original s106 agreement in 2007, Dartford Borough Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule, with an accompanying list of infrastructure published under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), which took effect from 1 April 2014. Regulation 123(2) provides that a planning obligation may not constitute a reason for granting planning permission for the development to the extent that the obligation provides for the funding or provision of relevant infrastructure.

9.123 The existing planning agreement as varied includes obligations in respect of certain pieces of relevant infrastructure which are included in Dartford Borough Council's list under regulation 123, being the Kent Thameside Contribution and obligations relating to the provision of the secondary school at the Eastern Quarry site. Accordingly the inclusion of these matters within the proposed s106 deed should be given no weight in the determination of this application and should not constitute a reason for granting permission.

10.0 FINANCIAL CONSIDERATIONS

10.1 Whilst this is not material to the decision, financial benefits will accrue to the area if permission is granted. The Government wishes to ensure that the decision making process for major applications is as transparent as possible, so that local communities are more aware of the financial benefits that development can bring to their area. In this area the following benefits to the public purse accrue from development - New Homes Bonus and Council Tax for new dwellings.

11.0 HUMAN RIGHTS

11.1 The application has been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

12.0 PUBLIC SECTOR DUTY

12.1 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to –

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

12.2 It is considered that the application proposals would not conflict with objectives of the Duty.

13.0 RECOMMENDATIONS AND CONCLUSIONS

13.1 In conclusion, it is considered that the amendments to the parameters of the extant planning permission and the Land Use Disposition Plan are acceptable. The proposal would not result in any adverse impact and the application is therefore recommended for approval.