



Katherine Parkin
Planning and Regeneration Services
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
DA12 1AU

**Growth, Environment
& Transport**

Sessions House
MAIDSTONE
Kent ME14 1XQ

Phone: 03000 411683
Ask for: Simon Jones
Email: Simon.Jones@kent.gov.uk

BY EMAIL ONLY

23 November 2023

Dear Katherine,

Re: Outline Planning Application for a proposed development at Land Surrounding Ebbsfleet United Football Club, bounded By Lower Road, Railway Line, Grove Road and The River Thames, Northfleet, Gravesend (Ref: 20221064)

Thank you for consulting Kent County Council (KCC) on the outline planning application for a phased mixed-use redevelopment involving the demolition of existing buildings and structures including site preparation / remediation works, and the development of residential units (Use Class C3), Class E uses including floorspace for retail Class E(a)), food/beverage and drinking establishments (Use Class E(b)), local services (Use Class E(c)), indoor sport / recreation / fitness (use Class E(d)), healthcare space (Use Class E(e)), creche/nursery uses (Use Class E(f)), office floorspace (Use Class E(g)(i)), a new multi-use stadium with associated business and leisure facilities (sui generis), hotel (Use Class C1), community uses floorspace (Use Class F2). The phased redevelopment will include other sui generis uses, delivery of open space and significant realignment of the road network including the A226 Galley Hill Road / Stonebridge Road / Lower Road with hard / soft landscaping, car and cycle parking provisions, infrastructure works, ancillary and associated works.

In summary, and after considering the revised application material, the County Council, as Minerals and Waste Planning Authority, raises an **objection** on the following grounds:

Minerals and Waste: The application has not demonstrated that it has met the exemption criteria of Policy DM 8 of the [Kent Minerals and Waste Local Plan 2013-30 \[Early Partial Review 2020\]](#) in relation to mineral and related infrastructure safeguarding, to the satisfaction of the County Council, as Minerals and Waste Planning Authority.

The County Council, as Local Highway Authority, raises a **holding objection** on the following grounds:

Highways and Transportation: The application fails to provide sufficient detail and consideration relating to the Road Safety Audit and the Fastrack link. Additional modelling and highway mitigation is required alongside necessary amendments to the Framework Travel Plan. In respect of the proposal for a tunnel, alternative options are required to be explored to address concerns relating to construction and maintenance liability.

Public Rights of Way (PRoW): The application does not sufficiently address the significant impacts of the proposed development on Public Footpath NU1 and the National Trail; including the adverse effect on user amenity and visual impacts. The proposed alternative PRoW routes that have been provided are not acceptable to the County Council.

The County Council has reviewed the planning application material and sets out its comments below:

Highways and Transportation

The County Council, as Local Highway Authority has reviewed the Transport Assessment, Design Code and Technical Note 226728/N17 and continues to raise a holding objection on the application until the matters raised in this response are resolved.

Technical Note 226728/N17

The County Council notes and appreciates the confirmation that all units will be delivered in line with the County Council's design guidance (including emergency / secondary access points).

Pedestrian and Cycle Routes

The confirmation provided regarding the extension of the cycle route on Thames Way West, southbound towards the NU2 PROW connection (as shown on 226728/PD101/Rev A) is welcomed by the County Council, as Local Highway Authority.

With regard to the Road Safety Audit, the auditor requested additional crossing facilities at junctions, yet the locations are not shown in the appendices. The County Council questions whether this plan was included in the original report from the Auditor. In line with issue two, the location of the bus stops on Galley Hill Road must be reviewed, although this can be undertaken at Reserved Matters Application stage if required. Confirmation that this will be addressed at this stage is required.

With regard to the lack of pedestrian and cycle crossing to Station Road, the Note states "There is a dedicated signalised pedestrian crossing point provided as part of the development proposals on the B2175 to facilitate access to location south of the carriageway". The County Council questions whether this is referring to the crossing at Junction one. This is significantly off the desire line (approximately 200m detour). An

additional crossing should be provided so that a direct connection to Station Road can be made.

Junctions and Modelling

There are a number of comments from the County Council Signals Team that remain outstanding, and the applicant proposes to address these at detailed design. This is considered acceptable to the County Council.

Drawing 226728/PD106 Rev A shows the distance between the Grove Road and Site Access priority junctions is 32m. The Kent Design Guide requires 60m for local distributor / district distributor roads and the plan should be revised to accommodate this. No dimension is shown for the distance between the B2175 and the car park access, but this is approximately 15m. The County Council requires a minimum of 20m between a minor arm and major road, but this may need to be increased further to prevent cars accessing the car park from backing up onto the B2175. As this junction is internal, this can be revised at detailed design if required, providing the parameter plans allow for relocation.

With regard to the right turn lanes for Grove Road and the Site Access, DMRB CD123 states “2.12 Priority junctions shall include a major road central treatment when the minor road flow exceeds 300 vehicles 2-way annual average daily traffic (AADT), or the major road flow exceeds 13,000 vehicles 2-way AADT”. The two minor arms are likely to attract over 300 two-way AADT trips each and therefore right turn bays are required.

The County Council is liaising with Jacobs regarding the reduction in turning movements and may provide further comments in due course and the County Council reserves the right to provide further commentary on this as may be necessary.

The additional modelling reflecting the Ebbsfleet Central junction proposals is welcome. However, the Thames Way / Tarmac junction has not been modelled and is required, particularly given the high PRC shown in the Ebbsfleet Central modelling outputs.

The junction modelling results show junction 8 (A226 London Road / A206 / B255) is predicted to operate over desired (and approaching theoretical) capacity during the weekday AM and PM peak periods with max RFCs of 0.94 and 0.98 and increased delays of 32 seconds and 60 seconds, respectively. Mitigation is therefore required for this junction and the County Council requests details of the proposals.

Fastrack

The County Council welcomes the Fastrack link through the site as this will provide a high quality, high frequency service to site users, and also increase the attractiveness of the service. However, it is disappointing that the majority of the route will be shared with general traffic.

The Design Code shows ‘Secondary’ and ‘tertiary’ routes from Grove Road. Whilst the applicant has stated no vehicle route through to The Boulevard is proposed, the County

Council requests that further consideration during Reserved Matters application stage is given to a Fastrack only route at this location, to provide further time savings and in light of the uncertainty around the Galley Hill Road closure.

Drawing 226728/PD100/AT02 Rev A shows the swept path for the electric bus along the Fastrack route, along with forward visibility splays for the 90-degree corner. It was understood that the one-way working section would be on the Fastrack only route, yet the plan shows this will also incorporate the junction of Harbourside Drive. As this one-way working section of the highway will be used by both Fastrack buses and general vehicle traffic, northbound traffic would prevent Fastrack from continuing around the corner in the southbound direction and vice versa. Northbound vehicles would also not be aware that they need to allow room for a bus to manoeuvre around the bend, which could cause conflicts. In addition, the bus driver would only just be within the 25m forward visibility splay when they have to stop to allow room for an oncoming bus. As a result, the 43m splay would be required. The swept path shows the wheels of the bus over running the footway which is unacceptable. The one-way working section of the highway needs further consideration.

The tracking drawings show larger vehicles such as the Fastrack bus would need to use both lanes to turn into / out of the Grove Road junction. Not only could this impact traffic along the primary route, it could also delay Fastrack. The junction therefore needs to be widened to accommodate this manoeuvre.

Framework Travel Plan (FTP)

Confirmation of the provision of a fund to provide remedial measures, should the Travel Plan not achieve its targets, is welcomed. The amount should be agreed prior to the determination of the application. Further comments on the FTP are provided below.

Transport Assessment and Design Code

The County Council is not clear how the uses along the Boulevard (e.g hotel, offices etc.) are accessed by vehicles as the Design Code states this area is for buses and cycles only. However, this can be determined at Reserved Matters application stage if required.

Paragraph 5.63 states office trips have been reduced by 12% for internalisation. Evidence for this assumption is requested by the County Council.

During previous meetings with the County Council, the consultant stated a proportion of the food and beverage use would be behind the football stadium payline, thereby not attracting any additional trips. Confirmation is requested as to the amount behind the payline and how this has been taken account of.

It is unclear how many of the non-residential parking spaces will be allocated to / predicted to be occupied by the football stadium use. This element must be clarified to the County Council.

As the trip generation is based on a very low proportion of parking, the internal roads must be subject to parking restrictions, otherwise this could attract a higher number of trips than has been assessed and would also undermine the sustainable principles of the development.

Key internal junctions should be modelled during Reserved Matters application stage to ensure they are able to cope with the predicted demand.

Framework Travel Plan

The Framework Travel Plan states “*Cycle parking will be provided in line with the required KCC cycle parking standards which seeks 1 space per unit for flats/maisonettes*”. The County Council considers that this is not enough for a site with 0.5 parking spaces and should be increased to one per bedroom.

The 10% reduction in single occupancy vehicle movements for both residential and commercial is shown as an increase, not a decrease.

The Action at 4.7 states “*To appoint a Travel Plan Co-Ordinator within first six months of occupation*”. The Travel Plan Coordinator must be appointed prior to occupation in order to implement the measures from day one, including the preparing and distribution of Travel Information Packs.

The County Council notes that any monitoring / surveys must include vehicle counts at all vehicle access points. Paragraph 4.11 says monitoring will be undertaken during years 1, 3 and 5 when monitoring will cease. This is not agreed by the County Council. Given the significant scale of the development, monitoring of the Travel Plan must be undertaken on an annual basis so that remedial measures can be implemented should they be required, and it should be made clear that they should continue until five years post full occupation of the site.

As previously requested, a Travel Plan Review Group (TRG) is required to be established. The TRG should consist of the Travel Plan Coordinator, members from the applicant’s team, the County Council and the Local Planning Authority, and should meet on an annual basis (or sooner) after each annual monitoring period in order to discuss the results and determine if any intervention is necessary and this must be secured accordingly.

The football stadium and other uses which breach the Travel Plan threshold will be required to have their own Travel Plan.

Furthermore, ‘Table 3: Action Plan for Travel Plan Measures’ should be updated to include the public transport tickets.

Structures

There are numerous oversailing elements (i.e. structures overhanging public highway), which will need structures technical approval and an oversailing license. The County Council

considers that inadequate detail has been provided to identify each one so these will have to be revisited during Reserved Matters application stage.

The County Council does not consider that enough detail has been provided to identify where retaining elements may be and whether they need structures technical approval. This will need to be revisited when more detailed designs are available to identify what may need approval. The above statement can also be applied to other structural elements.

The County Council notes that statements made in the Design Code appear to directly contradict the tunnel design standards. All schemes need to be designed in line with the relevant standards.

Tunnels have numerous legal requirements that need to be met such as ventilation, fire suppression and lighting requirements. It is considered that this would lead the proposal to be far greater in scope than has been anticipated by the applicant. Once constructed, they also often incur high running and maintenance costs, which would fall to the County Council. As a result, the County Council seeks to avoid tunnels where possible, especially where suitable alternatives are available. As requested during a previous meeting with the County Council and the applicant's consultants, alternative options should be explored such as a podium style construction which would leave the sides open and reduce the construction and maintenance liability.

Public Rights of Way (PRoW)

The County Council, in respect of Public Rights of Way (PRoW), would like to bring to the applicant's attention the existence of Public Footpaths NU1, NU44 and National Trail, the King Charles III Coast Path (KC3CP), which are directly affected by the development proposals. The Footpaths are identified on the extract of the Network Map of Kent in Appendix 1. The Network Map is a working copy of the Definitive Map. The existence of the right of way is a material consideration and the Definitive Map provides conclusive evidence in law of the existence and alignment of PRoW. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

The National Trail is a leisure opportunity of considerable importance to both Gravesham and Kent, use of which is only going to grow in the future and is heavily promoted on a national level.

As a general statement, the County Council is keen to ensure that its interests are represented within the local policy frameworks of the districts in Kent. The County Council is committed to working in partnership with the Borough Council to achieve the aims contained within the [Rights of Way Improvement Plan](#) which relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The County Council continues to be disappointed with the application in respect of PRoW. The impact of the proposals on both the Public Footpath and the KC3CP will be significant

and the application is not considered by the County Council to go far enough in addressing this. The alternative routes are not acceptable as proposed and the County Council considers that the PRow issues cannot be determined at a later Reserved Matters stage. In respect of PRow, the County Council maintains its **holding objection** on this application until these issues are fully addressed and resolved.

Transport Assessment Addendum

Public Footpath NU1

The proposed diversion route as shown on Fig. 4.4 is not ideal, due to the multiple routes proposed for this section. The County Council would advise that the route of the PRow, the KC3CP and the development pedestrian route are on the same alignment, making a convenient and direct route to avoid duplication and reduce maintenance. The blue dashed line on Fig. 4.4 is the suggested alignment with this route recorded PRow NU1 and the National Trail.

Public Footpath NU44

The County Council considers that the proposed diversion route is not ideal as it appears to run between (the rear?) of the retail units and the existing house gardens, in a narrow space (although, it is noted that Fig. 4.4 is not detailed, nor to scale). The route should be within a green, open and attractive to use space with natural surveillance for reasons of public user safety. The County Council also require details / confirmation regarding the route of DS27 which currently connects to NU44 as to how this route fits into the application design. The applicant should note that lighting does not come under the remit of the County Council, but the Local Authority i.e. Gravesham Borough Council.

Public Footpath NU2

The reference to the Footpath following “a similar alignment to the existing route” requires urgent clarification, as any deviation from the existing alignment will require a legal diversion. The Public Footpath requires a definitive route, rather than just a general direction through the public realm as is suggested.

KC3CP (previously England Coast Path)

The County Council is aware the applicant is consulting directly with the National Trails Officer, who works in partnership with the County Council regarding the National Trail. Where the route is East of the site, the County Council supports the Trails Officer regarding utilising the green space to realign the route. The eastern section of the proposed re-alignment is an unappealing, indirect route with sharp turns that passes between buildings. To address this, it is requested that the new route connects to the adjacent Northfleet development via Robins Creek and passes along the proposed pedestrian route through green space. This link would establish a direct connection between two major development areas, providing significant opportunities for active travel and outdoor recreation. With regards to the northwest section of the site, the proposed cluster of paths should be

consolidated, with the KC3CP on the alignment of a PRoW that is direct and convenient to use. This approach would avoid a duplication of routes and minimise the burden of path maintenance.

Also, the applicant should be aware that the KC3CP is not a PRoW, but a National Trail as previously advised, and therefore references (e.g. at paragraph 4.34) require amendment as these are currently legally incorrect.

The County Council notes that a PRoW Scheme of Management is to be conditioned, detailing the PRoW affected, including the England Coast Path, to cover diversion procedure to enable a timely and legal delivery of any development; construction management, (routes must remain open and safe for public use); width, surface, signage on completion; any phasing must ensure the delivery of infrastructure to support the development.

Section 106 (S106) / Contributions

The County Council recognises that there is no mention of the wider PRoW network within the 'Green Transport and Highways element of the section 106 Agreement Heads of Terms. This should be amended as the County Council would request contributions as mitigation for the impact of the development on the PRoW and to provide improvements to the wider connectivity. This is in line with the KCC ROWIP, a statutory KCC policy. The County Council considers that mitigation in the form proposed of new signage, planting and drop kerb crossings is not considered appropriate or sufficient.

The County Council notes the Gravesham Borough Council request for improvements to Public Footpath DS17, which is supported. For the off-site routes, the County Council would include in the section 106 request would be NU2 to its connection with DS17, DS17 and NU1. Estimated costs are to be provided.

The County Council would also draw attention to the following:

- No furniture, fence, barrier or other structure may be erected on or across PRoW without the express consent of the Local Highway Authority.
- There must be no disturbance of the surface of the PRoW, or obstruction of its use, either during or following any approved development without the express consent of the Local Highway Authority.
- No hedging or shrubs should be planted within 1 metre of the edge of the PRoW.
- Any planning consent given confers no consent or right to close or divert any PRoW at any time without the express permission of the Local Highway Authority.
- No Traffic Regulation Orders will be granted by the Local Highway Authority for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, the County Council would need six weeks notice to process this.

Development Investment

The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution. A summary of the projects serving the development and proportionate contributions requested is set out in Table 1.

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

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

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Table 1 – Contribution Request Summary

	Per Applicable House (0)	Per applicable flat (1589)	Total	Project
Primary Education	£7,081.20	£1,770.30	£2,813,006.70	Towards the replacement of Rosherville Primary and/or a new primary in the Northfleet Planning Group
Secondary Education	£5,587.19	£1,396.80	£2,219,515.20	Towards a new secondary school within the Gravesham non-selective and selective planning groups
Secondary Land	£4,030.29	£1,007.57	£1,601,033.12	Towards secondary school land within the Gravesham non-selective and selective planning groups
Special Education Needs & Disabilities	£559.83	£139.96	£222,396.44	Towards a SEND school within the KCC North Kent

(SEND)				Education Area
Special Education Needs & Disabilities (SEND) - Land	£365.16	£89.63	£142,420.47	Towards a SEND school land within the KCC North Kent Education Area

‘Applicable’ excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation.

	Per Dwelling (x3,500)	Total	Project
Community Learning and Skills	£34.21	£119,735.00	Additional equipment and resources for adult education centres serving the development, including outreach provision.
Integrated Children's Services (assumes 1,911 non-applicable – confirmation is sought on this matter)	£74.05	£117,665.45	Towards additional equipment and resources for the Integrated Children's Services in Gravesham
Library, Registrations and Archives Service	£62.63	£219,205.00	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including Gravesend, The Hive and Swanscombe
Adult Social Care	£180.88	£633,080.00	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within the Borough
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£194.13	£679,455.00	Towards Ebbsfleet Waste Transfer Station and HWRC
Highways, PRow, SUDS, Ecology, Heritage Conservation & Minerals.	Please note other KCC Service areas may respond separately		

Please note that these figures:

- are to be index linked by the All-In Tender Price Index from Q1 2022 to the date of payment.
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

Justification for Infrastructure Provision/Development Contributions Requested

The Developer Contributions Guide has been approved as County Council policy. Information on the areas KCC will seek for, contribution rates, methodology for calculation and policy justification are contained within the Guide and can be viewed [here](#).

The County Council has modelled the impact of this proposal on the provision of its existing services and the outcomes of this process are set out below and in the attached appendices.

Education

Kent County Council is the Statutory Authority for education and is the Strategic Commissioner of Education Provision.

This proposal has been assessed in accordance with the KCC Developer Contributions Guide methodology of assessment. This assessment will start with the forecast capacity of existing schools, taking in to account existing cohorts, the pre-school aged population, historic migration patterns and new residential developments in the locality.

Contributions are sought based upon the additional need required, where the forecast pupil product from new developments in the locality results in the maximum capacity of local schools being exceeded.

Primary Education

The proposal gives rise to an additional 111 primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 2a. Financial contributions towards construction will be for the projects identified in Table 1.

Secondary School Provision

The proposal is projected to give rise to an additional 79 secondary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, is assessed in Appendix 2a. Financial contributions towards construction and land acquisition will be required to mitigate the impact towards the projects identified in Table 1 and will be provided and delivered in accordance with the Local Planning Authority's Infrastructure Delivery Plan (where available); timetable and phasing.

The land acquisition cost is based upon current local land prices and any section 106 agreement would include a refund clause should all or any of the contribution not be used or required. The school site contribution will need to be reassessed immediately prior to KCC taking the freehold transfer of the site to reflect the price actually paid for the land.

Special Education Needs and Disabilities Provision

The Children's and Families Act 2014, Equality Act 2010 and Children and Families Act 2014 sets out the County Council's responsibilities for children and young people with Special Educational Needs and Disabilities (SEND) aged 0-25 years. KCC's [SEND Strategy \(2021-2024\)](#) sets out its vision and priorities in respect of this area of its service.

Children with more complex needs are supported through an ECHPs which sets out the provision they are entitled to. School-age pupils with ECHPs are educated in mainstream school classes, in Specialist Resourced Provisions (SRPs) on mainstream sites and in stand-alone special needs schools.

Mitigation of Need

This proposal gives rise to additional pupils with Education and Health Care Plans (EHCPs) requiring extra support through specialist provision. All SEND infrastructure in Kent is currently at capacity.

A proportionate contribution is therefore required to mitigate the impact from the development through the provision of additional SEND places as identified in Table 1.

Provision of Education Places

Please note that the process of determining education places will be kept under review and may be subject to change (including possible locational change). The Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure, generally in accordance with its [Commissioning Plan for Education Provision 2023-27](#) and [Children, Young People and Education Vision and Priorities for Improvement 2018-2021](#).

Early Years Education and Childcare

KCC aims to secure a sufficient long-term supply of sustainable, high-quality early years and childcare provision. It works with existing and potential providers to encourage additional provision where required, whether for Free Entitlements and/or parent/carers funded places.

Where a new 2 Form Entry Primary School is delivered, according to the Education and Skills Funding Agency (ESFA) Baseline Design, the design should include a 26-place

nursery. This cost is included in the primary education new-build contribution rates for houses and flats and is therefore not subject to additional contributions.

We request that consideration is also given to the provision of space for additional private nursery premises either through a community or commercial building within the proposed development.

Community Learning and Skills

KCC provides Community Learning and Skills (CLS) facilities and services in line with [Framing Kent's Future – Our Council Strategy 2022/2026](#) (Priority 1 – Levelling Up Kent and Priority 2 – Infrastructure For Communities).

Appendix 2b provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Integrated Children's Service – Youth Service/Early Years Service

KCC has a statutory duty to provide Youth Services under section 507B of the Education Act 1996 and the statutory guidance '[Working Together to Safeguard Children](#)'.

Appendix 2b provides detail of; the current shortfall in the provision of this service, the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Library, Registrations and Archives Service

Under the [Public Libraries and Museums Act 1964](#), KCC has a statutory duty to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives.

There is an assessed shortfall in provision for this service. Borrower numbers are in excess of capacity, and book stock in Gravesham is currently at 915 items per 1,000 population, which is below the national standard of 1,532.

An evaluation of the impact of this development is shown in Appendix 2b. The appendix demonstrates; the demand generated by the application and proportionate cost requested. Table 1 identifies the mitigating projects serving the development.

Adult Social Care

The proposed development will result in additional demand upon Adult Social Care Services (ASC), including older persons and adults with Learning/Neurodevelopmental/Physical Disabilities and Mental Health Conditions.

Appendix 2c provides detail of the current shortfall in the provision of this service, and also explains the statutory duty upon KCC to provide Adult Social Care services. The appendix

demonstrates; the demand generated by the application, the projects serving the development and proportionate cost requested to mitigate the impact arising from this development. Table 1 also identifies the mitigating projects serving the development.

The Department for Levelling Up, Housing and Communities identified in June 2019 guidance [Housing for older and disabled people](#), that the need to provide housing for older and disabled people is critical. Accessible and adaptable housing enables people to live more independently and safely. KCC requests these dwellings are built to Building Regulations Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

Waste Disposal and Recycling

Kent County Council is the statutory 'Waste Disposal Authority' for Kent, responsible for the safe disposal of all household waste. Appendix 2d provides detail of the current shortfall in the provision of this service, the demand generated by the application and also explains the statutory duty upon KCC.

The appendix demonstrates the projects serving the development and proportionate cost requested to mitigate the impact arising from this development, and accommodate the increased waste throughput within the Borough. Table 1 also identifies the mitigating projects serving the development.

Implementation

The above contributions comply with the provisions of CIL Regulation 122 and are necessary to mitigate the impacts of the proposal. The Local Planning Authority is requested to seek a section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement. Additionally, a County Council monitoring fee of £300 for each trigger point identified for County contributions within the Agreement is also required, irrespective of whether or not the County Council are party to the agreement.

Any section 106 or unilateral undertaking containing contributions for KCC services should be shared with the authority via the Developer.Contributions@kent.gov.uk email address prior to its finalisation.

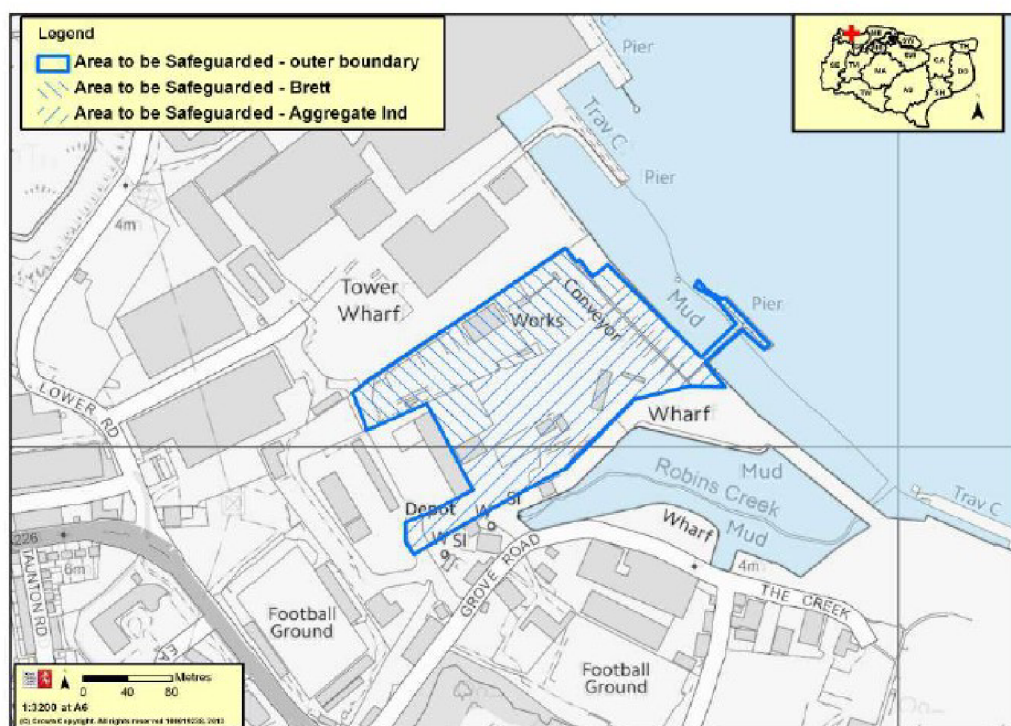
If the Borough Council does not consider the contributions requested to be fair, reasonable, compliant with CIL Regulation 122 or supported for payment, it is requested that the Borough Council notifies KCC immediately and allow at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision-making process in advance of the Committee report being prepared and the application being determined.

Minerals and Waste

The County Council, as Minerals and Waste Planning Authority, has focused commentary within this response on matters relating to the mineral importation (wharf) facility safeguarding, with reference to the Mineral Infrastructure Assessment - Response August 2023 (MIA), prepared by Wardell Armstrong. The County Council would also draw attention to commentary raised within its previous response (Appendix 3) which remains of relevance.

The mineral importation (wharf) facility that is of concern is Robins Wharf, at Northfleet. It is identified as Site G in the [Kent Minerals and Waste Local Plan 2013-30 \[Early Partial Review 2020\]](#) (KMWLP) as shown below:

Site G: Robins Wharf, Northfleet



As a permitted mineral importation facility, the site is safeguarded pursuant to Policy CSM 6: Safeguarded Wharves and Rail Depots of the KMWLP. The proposed development would result in a direct loss of the safeguarded wharf – which is acknowledged by the applicant. The MIA seeks to invoke an exemption from the presumption to safeguard with reference to Policy DM 8: Safeguarding Minerals Management, Transportation, Production & Waste Management Facilities.

The policy contains a number of exemption criteria, only one of which need be successfully invoked to gain an exemption from the safeguarding presumption of Policy CSM 6. The MIA prepared for the applicant sets out two Policy DM 8 criterion-based arguments to seek an exemption. They are criterion 6 and 7. The County Council, as Minerals and Waste Planning Authority provides commentary below on the MIA's arguments for each criterion in turn.

Criterion 6 –material considerations indicate that the need for the development overrides the presumption for safeguarding

The County Council notes that whilst this is a matter that Gravesham Borough Council as the determining authority will have to come to a view on, it reminds all parties that the adopted Kent Mineral and Waste Local Plan forms part of the Development Plan. The Mineral Planning Authority provides commentary below on the case that the applicant makes to meet the requirements of the criterion to aid consideration of the application.

The MIA cites beneficial employment impacts both during construction, and upon completion. These economic impacts, and the educational, health and regenerative impacts of increasing the local housing supply are proposed to occur outside Gravesham's adopted Local Plan's Key Sites (Policies CS03-CS06, CS21), where regenerative development has been identified as appropriately located.

Therefore, the contention that unless the proposal is permitted and implemented, the regenerative benefit of the proposals will be lost, thus justifying losing the safeguarded facility, is not an argument that is consistent with the opportunities that exist within the Borough Council's identified Local Plan Strategy – Key Sites. If these key site areas were fully developed, and there remained a housing land supply deficit, then the argument may hold some weight as a justification to override the presumption to safeguard the wharf. However, this is understood to not be the case. Therefore, it is considered that exemption criterion 6 of Policy DM 8 of the KMWLP has not been convincingly argued and on that basis, an exemption on the basis of an 'overriding need' has not been made

Criterion 7 – whether the capacity of the minerals infrastructure facility to be lost is required

The MIA essentially makes two assertions with regard to this exemption criteria, they are:

1. The wharf and jetty are limited in being too small [the amended MIA states Robin's Wharf is "*relatively limited in size at around 100 metres*".] for the current trend towards larger vessels [103.5 metres in length with a draft of 5 metres], in both jetty length and depth or draft at mooring, to be an important needed facility into the future; and
2. The capacity headroom in the Kent wharves is considerable and therefore there is no need to specifically safeguard this facility, any additional importation can be accommodated elsewhere in Kent.

Both points to be seen against the significant socio-economic benefits that the proposed mixed-use development presents, essentially the argument to satisfy criterion 6 of the policy. The contention is that the evidence submitted demonstrates exemption criterion 7 of policy DM 8 has been met.

With regards to point 1, that the facility itself is too limited by size and depth to be important into the future should be afforded limited weight. The County Council considers that the case argued is flawed. In the Northfleet area itself, there are two other wharves (Northfleet Wharf & Clubbs Marine Terminal) with a length of 100m, and according to advice from the

Port of London Authority there are also very few wharves in the south east region on the Tidal Thames that have a berth greater than 150m. Moreover, the amended MIA, along with the other submitted documents do not give any robust consideration as to the potential to conduct works to expand operations at the wharf if required in the future. For example, if need be, the jetty could potentially be lengthened and dredging operations could be conducted to allow deeper and longer vessels to access the facility to overcome this. The County Council as Minerals and Waste Planning Authority, regard the amended MIA assertions on the technical limitations of the safeguarded facility as being untested and therefore unreliable.

With regards to point 2, which considers that there is significant existing headroom in Kent's wharves and there is no need to retain the safeguarded facility – this point fails to consider the difference between efficient operational capacity and theoretical maximum permitted capacity, and the market area in which the Kent mineral importation wharves serve.

The amended MIA quotes the Kent Local Aggregate Assessment (LAA 2022) that there is between 2.47 and 2.85mtpa of surplus capacity out of a total theoretical capacity of 6.34 to 7.3mtpa. These latter figures, in terms of the total available capacity are the maximum estimated capacity, with no headroom. It is recognised that any importation facility would not operate at its maximum operational capacity for all of the time (planning permission permitting) thus this upper limit is not a true representation of exactly what is available across Kent. Some facilities are older than others, thus requiring more maintenance, and if pushed to their maximum permitted levels (recognising that a number of wharf sites have 24 hours permitted operational flexibility) it would be the case that 'down time' due to necessary maintenance would increase. Though it is somewhat difficult to estimate what is the maximum efficient operational capacity, it is flawed to conclude that the 2.47 to 2.85mtpa of additional capacity is simply available to take up the loss of Robins Wharf (estimated by the amended MIA as 304,000 tpa). Furthermore to conclude its loss is 'inconsequential in significance' is unsound and ignores the operational factors that may limit the ability of the other mineral wharves in the area to maintain adequate supply of minerals and mineral related products.

Moreover, this point needs to be considered in terms of the markets the Kent wharves serve. The conglomeration of wharves with permitted mineral importation in the Northfleet area serve the North Kent and London markets, and this is illustrated by the following table supplied by Aggregate Industries [a co-operator at Robins Wharf] for aggregate and associated coated stone products [in tonnes as a %] supplied to the markets in 2021 and 2022 [reproduced by permission]:

Asphalt	2021	2022
County	Proportion	Proportion
Bedfordshire (BD)	2.03%	1.36%
Berkshire (BK)	0.90%	1.47%
Buckinghamshire (BU)	0.83%	1.65%
Cambridgeshire (CA)	0.17%	0.25%
East Sussex (ES)	0.58%	3.80%
Essex (EX)	20.03%	28.97%
Hampshire (HA)	0.22%	1.25%
Hertfordshire (HE)	1.35%	4.48%
London (LO)	54.49%	38.82%
Kent (KE)	12.19%	11.52%
Oxfordshire (OX)	0.06%	0.14%
Suffolk (SU)	0.06%	0.02%
Surrey (SR)	4.28%	4.31%
West Sussex (WS)	2.82%	1.96%
Total	100.00%	100.00%

Aggregates	2021	2022
County	Proportion	Proportion
Buckinghamshire (BU)	3.33%	0.89%
Essex (EX)	0.00%	9.08%
London (LO)	82.77%	64.91%
Kent (KE)	0.24%	0.00%
West Sussex (WS)	13.66%	25.12%
Total	100.00%	100.00%

In both cases, Kent is not the main market, only 0.24% of aggregates and 12.19% of coated stone products went to Kent. The vast majority of both went to the London markets. Therefore, if the entire wharf facility were to be lost, this operator (and in all probability a similar distribution exists for aggregates and concrete products supplied by the other operator that shares the facility) would be unable to supply this mineral based product to both the North Kent area and London. This would reduce the efficiency and sustainability of the supply of these mineral based products, as other, more distant facilities would have to compensate for their loss.

Given the cost inducing matters of distance and the planning policy support for the safeguarded wharves, it is contended that it is somewhat irrelevant what extra headroom mineral importation capacity exists at the other Kent importation wharves at Iwade, Whitstable, Ramsgate, Dover and those in Medway. So, removal of operational capacity that may be insignificant from a whole of Kent perspective, at Robins Wharf, would in all probability be highly significant in the context of the North Kent and London markets. Therefore, in the drive towards higher levels of sustainability, the safeguarding of proximate mineral importation capacity (that this site is important for) will remain important in Kent, and

this is entirely in accordance with the National Planning Policy Framework (NPPF) Section 17 Facilitating the sustainable use of minerals, paragraph. 210 e).

The County Council, as Minerals and Waste Planning Authority therefore considers that the requirement of exemption criterion 7 has not been satisfactorily met. The facility is not of an out-of-date specification, and even if it were, enlargement and dredging could mitigate any physical disadvantages. The Kent wide capacity has a degree of unused headroom, though to apply that in a binary fashion ignores the matter of distance that would occur if the facility were to be lost. Any 'headroom' from the other wharves identified above would likely to be irrelevant to the markets Robins Wharf serves and its loss would put an added strain on the other mineral importation wharves at Northfleet and its environments, in a manner that may not simply be 'made good'. Moreover, the facility has important ancillary mineral infrastructure capacity in both concrete and coated stone production, facilities that not all the safeguarded wharf sites have.. If the safeguarded facility were to be lost the capacity in terms of these high value mineral products and mineral importation would be very difficult to replace, and undermine the mineral strategy in the adopted Mineral and Waste Local Plan.

Conclusion

In conclusion, the County Council, as Mineral and Waste Planning Authority is not persuaded that the application has satisfactorily demonstrated that the safeguarding exemptions set out in policy DM 8 of the adopted Kent Minerals and Waste Local; Plan have been met. The development is therefore contrary to the Development Plan and the grant of planning permission would undermine the County's Mineral Planning Strategy. The wharves provide a critical part of the Mineral Strategy providing importation facilities for a wide range of mineral products to Kent, London and the wider south-east. Whilst land-won minerals are worked in the county they do not fully provide the mineral resources needed in the region. The safeguarded wharves play an important and complementary role for land won resources. Furthermore, the proposal does not accord with the regeneration provisions of the adopted Gravesham Local Plan Core Strategy and Local Plan Policies Map 2014 and it is contended that other areas identified as 'Key Sites' for regeneration development remain available. Therefore, the test of the need for the development does not outweigh the presumption to safeguard the mineral importation facility. With regard to the case put forward to invoke exemption criterion 7 of Policy DM 8, it fails to have sufficient regard to the importance of the facility to the North Kent and London markets for mineral (aggregate) supply and for coated stone and concrete product manufacture. The applicant's case is incorrect in considering the wharf and jetty technically obsolete even with the potential use of larger vessels, and a simple binary application of Kent's mineral importation capacity 'headroom' ignores the matter of distance, and that operational capacity is not the same as maximum permitted capacity. The loss of the facility is considered by the Mineral Planning Authority as irreplaceable. The applicant has not identified any suitable alternative sites in the locality.

The County Council, therefore, objects to the application on mineral safeguarding grounds. The Council understands that the Port of London Authority and the Minerals Products Association have raised similar objections underlining the significance of the mineral

wharves and the consequential loss of the safeguarded facility as a result of this development.

Sustainable Urban Drainage Systems (SuDS)

The County Council, as Lead Local Flood Authority, provided comments direct to Gravesham Borough Council on 26 September 2023 (Appendix 4).

Heritage Conservation

The County Council provided comments direct to Gravesham Borough Council on 2 October 2023 (Appendix 5).

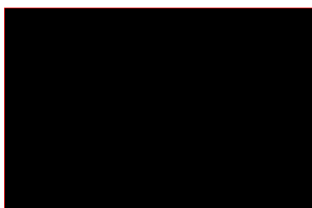
Biodiversity

The County Council provided comments direct to Gravesham Borough Council on 1 November 2023 (Appendix 6).

The County Council will continue to work closely with Gravesham Borough Council to help to ensure the delivery of new housing and infrastructure in response to local needs. The County Council will welcome further engagement with Gravesham Borough Council and the applicant on the matters raised in this response.

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

Yours sincerely,



Simon Jones
Corporate Director, Growth Environment and Transport

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Appendix 1: Extract of the Network Map

Appendix 2a: Education Assessment and New School Land Costs 2023

Appendix 2b: Communities Assessment (2023)

Appendix 2c: Social Care Assessment (2023)

Appendix 2d: Waste Assessment (2023)

Appendix 3: Kent County Council response dated 10.02.2023

Appendix 4: Lead Local Flood Authority commentary - provided direct to the LPA on 26.09.2023

Appendix 5: KCC Heritage Conservation commentary – provided direct to the LPA on 02.10.2023

Appendix 6: KCC Biodiversity commentary - provided direct to the LPA on 01.11.2023