

**Reference:** EDC/22/0168

**Site Address:** Ebbsfleet Central East, Land adjacent to Ebbsfleet International Railway Station, Thames Way, Kent.

**Proposal:** Outline planning application (with all matters reserved) for mixed-use development comprising demolition of the existing car parking, structures and station forecourt and provision of residential dwellings (Use Class C3); flexible commercial, business and service uses (Use Class E) to allow provision of retail, offices, restaurants/cafes, nurseries, and healthcare facilities; flexible learning and non-residential institutions (Use Class F1); flexible local community uses (Use Class F2); hotel use (Use Class C1); residential institutions (Use Class C2); and Sui Generis uses to allow provision of co-living and student accommodation, public houses/drinking establishments, and theatres/cinemas. Associated works include hard and soft landscaping, a River Park, car parking and multi-storey car parks, pedestrian, cycle and internal vehicular network, and other ancillary infrastructure; and associated crossings, highway accesses, and junction improvements.

**Applicant:** Ebbsfleet Development Corporation

**Parish / Wards:** Ebbsfleet (Dartford) and Northfleet and Springhead (Gravesham)

#### **SUMMARY**

This application seeks outline planning permission (with all matters reserved) for mixed use development at Ebbsfleet Central East comprising up to 485,000sqm of floorspace. It seeks to provide the 'heart' of Ebbsfleet comprising a dynamic urban centre with commercial, leisure and retail uses supported by homes, community and cultural facilities, including healthcare, education and associated infrastructure.

The delivery of a high quality, sustainable mixed-use development on this site has been a long-established aspiration for the wider area since the decision to locate the international railway station there in 1994. Despite a now expired outline planning permission being granted in 2002, no development has come forward on this site so this application represents a significant opportunity for the continued delivery of development at Ebbsfleet.

The outline nature of the application is such that it seeks to establish the planning framework for development of the site with the details of matters such as the mix of uses, buildings, open spaces and streets to follow at a later stage. This framework comprises a series of parameter plans and a Development Specification document to establish the design parameters, design principles and type and quantity of development that could be provided across the site. A series of highway plans are submitted to identify where changes are proposed to the highway network, including accesses to the site and connectivity to and from the surrounding area. An illustrative masterplan has been submitted to represent how the proposed scale and quantum of development could be delivered.

The application has been informed by extensive pre-application discussion, public consultation, engagement with external consultees and stakeholders, including the local authorities, and the Ebbsfleet Design Forum.

The overall mix and quantum of uses proposed fully accords with the vision for delivery of Ebbsfleet Central as set out in adopted local planning policies and in the Ebbsfleet Implementation Framework. The inclusion of high density housing is supported as it would make efficient use of a highly sustainable location around a major transport hub and help ensure activity, surveillance and general vibrancy of the area during all times of the day, whilst also making an important contribution to meet local housing need. The application exceeds the policy requirement by delivering 35% affordable housing across the whole site. The inclusion of a substantial amount of business floorspace and complimentary non-residential uses aligns with the policy expectation and vision to encourage an enterprising and inclusive local economy and provide opportunities for local companies and residents.

In addition to the submitted documents, more detailed site-wide strategies on topics such as housing diversification, energy and sustainability and landscaping as well as area masterplans and design codes, to be approved prior to detailed design, would provide a strong planning framework to ensure that the vision is achieved. In combination with mechanisms such as the recommended planning conditions and planning obligations that would establish the structure and sequence of future planning approvals and impose minimum floorspace requirements for uses such as business, retail, healthcare and education, the proposed development would make efficient use of the land available and provide a sustainable and vibrant new community through the timely delivery of jobs, open space and infrastructure.

The scale of development proposed should provide a sufficient quantity of residents and workers to ensure retail, community and transport services are viable and sustainable in the longer term. A requirement for stewardship to be considered early in the process seeks to ensure that community assets would be open and available for public use and thereafter managed in a manner to ensure they remain fit for purpose. Through detailed design, informed by various site-wide strategies and further master planning, as well as measures to be secured at this outline stage, the proposed development is capable of mitigating adverse environmental impacts, such as on flood risk, heritage and biodiversity, and would provide a good environment for people to live, work and socialise in.

A substantial package of transport measures to facilitate and incentivise sustainable travel, including provision of a Fastrack route through the site, would support creation of an attractive and welcoming environment with people and open spaces being prioritised and to mitigate traffic impacts on the local road network. The application proposes delivery of an exemplary landscape led mixed use development which is a principle enshrined in the parameter plans showing the River Ebbsfleet corridor complimented by a strategic 'green spine' corridor providing connectivity through the site and towards adjacent communities in Swanscombe and Northfleet.

The proposals, based on the parameter plans and the illustrative masterplan, perform exceptionally well against the Building for a Healthy Life Assessment criteria (12 greens), reinforcing that the proposed planning framework is appropriate to facilitate and support delivery of an exemplar landscape led mixed use development.

In summary, the application presents an exciting opportunity to realise the long established aspiration for redevelopment of the site in accordance with national and local planning policies and the Ebbsfleet Implementation Framework and, subject to planning conditions and obligations, is recommended for approval. The flow diagram in Appendix 4 illustrates the broad structure of the recommended outline planning permission.

## RECOMMENDATION:

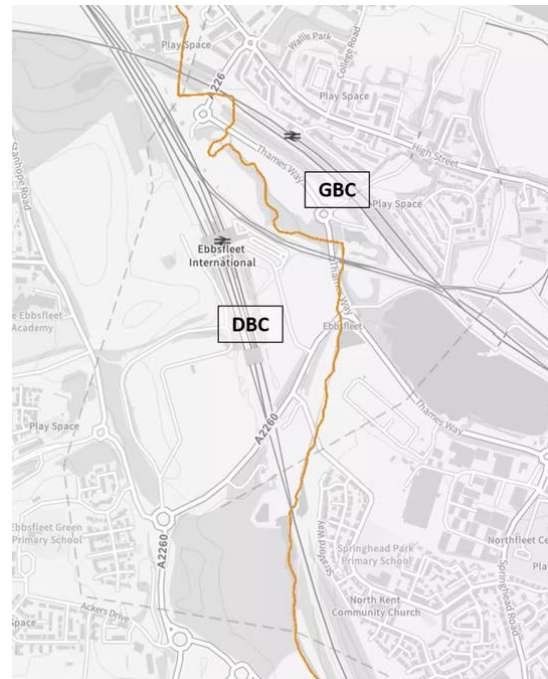
Approval, subject to the following:

- (i) Imposition of the planning conditions as set out in Appendix 1 of this report with delegated authority to the Director of Planning and Place to make minor changes to the wording; and
- (ii) Completion to the satisfaction of the Ebbsfleet Development Corporation as Local Planning Authority of deeds of planning obligation under section 106 of the Town and Country Planning Act 1990 (as amended) in general accordance with the schedule of Draft Heads of Terms as set out in Appendix 2 of this report.

## 1.0 SITE DESCRIPTION AND PLANNING JURISDICTION

### Site Description

- 1.1 The application site is located within the centre of Ebbsfleet, to the east of Ebbsfleet International Railway Station and the High Speed 1 (HS1) railway line, and surrounded by established communities including Swanscombe and Northfleet. The application site straddles the local authority boundaries of Dartford and Gravesham.
- 1.2 Directly to the north and east of the site is Northfleet, separated from the site by the North Kent railway line. The River Thames lies further north. To the west is Ebbsfleet International Station, the Swanscombe Peninsula Site of Special Scientific Interest (SSSI), and beyond that Swanscombe and Castle Hill. To the south is Springhead Park, the Northfleet Wastewater Treatment Works and Blue Lake (also known as Sawyers Lake).



- 1.3 The northern part of the site (identified as EC1) currently consists of station car parking (Car Park C), a substation to the north, the River Ebbsfleet with extensive vegetation alongside, and Thames Way (A226) which runs from north to south.

Access to Ebbsfleet International Station is via an underpass in the south-west corner underneath the North Kent High Speed Railway Line Spur. Car Park C consists of a fenced tarmac car park with occasional planted trees. The River Ebbsfleet and a mature tree line separate Car Park C and Thames Way. The A226 (Thames Way) dissects EC1 further and beyond that to the east is a dense tree and scrub line approximately 25m in depth next to the North Kent Railway Line.

- 1.4 The central part of the site (identified as EC2) is adjacent to the eastern side of the International Station and consists of International Way, further tarmacked station car parking (Car Parks A and B) alongside the Station taxi rank, drop-off area and bus stops. Ebbsfleet Gateway runs along the southern edge of the site. International Way connects the International Station with the A2260 to the south, and also runs to the west of the railway line connecting to Car Park D and onward to the A2260 roundabout. This part of the site is bounded by railway lines to the west (HS1 railway line) and Thames Way and the Ebbsfleet Gateway to the east and south and includes the unfinished bridge plaza which is currently inaccessible but provided to future-proof connections over the HS1 line.
- 1.5 The southern and easternmost portions of the site consists of the River Ebbsfleet corridor and woodland habitats. Springhead Bridge runs over the River Ebbsfleet connecting Ebbsfleet Gateway and Springhead Park.
- 1.6 The A2260 provides the principal highway route between the site and the A2 trunk road. The site is highly accessible by public transport being located adjacent to Ebbsfleet International Station which provides high speed trains into Central London, Kent and mainland Europe (although the latter service is currently paused). More locally the International Station is linked with the Fastrack bus service which provides rapid bus links with the local area including to Swanscombe, Gravesend, Bluewater, Dartford and Northfleet. Local bus services and train services are also available within short distance of the site.
- 1.7 The existing car parking provision for the Ebbsfleet International Station within the application site totals 2,525 spaces, located within car parks A, B and C. Car Park D lies outside the boundary of the application site.
- 1.8 There are no international designations for nature conservation within the site, but it is within 6km of the Thames Estuary and Marshes Special Protection Area and Ramsar Sites. The site is adjacent to the Swanscombe Peninsula SSSI which stretches from the A2 corridor to the Swanscombe Peninsula approximately 2km to the north. The section of the River Ebbsfleet corridor within the site falls within the Ebbsfleet Marshes Local Wildlife Site. There are no Tree Preservation Orders (TPOs) within the site, although there is a group TPO to eastern boundary of the site by the Springhead Bridge.
- 1.9 The site is not located in or adjacent to a conservation area. There are no statutory or locally listed buildings on the site or in the immediate vicinity. A concentration of built heritage assets are found in Northfleet to the east of the site. A scheduled monument known as a Neolithic site near Ebbsfleet falls outside of the site to the south of EC2. Several scheduled monuments are nearby on the western side of the HS1 railway line, including the Palaeolithic sites near Bakers Hole.
- 1.10 The site is not within an Air Quality Management Area (AQMA), the nearest is the Dartford AQMA number two along the A226 approximately 350m north of the site. The former Northfleet Industrial Area AQMA within the Gravesham area approximately 350m north of the site was recently revoked by the local authority.

- 1.11 Most of the site is in an area benefiting from flood defences. A small portion of EC1 and the majority of land around the River Ebbsfleet falls within Flood Zone 3 without defences, meaning a high probability of flooding. The area known as EC2 falls within Flood Zone 1 meaning a low probability of flooding.

#### Planning Jurisdiction

- 1.12 The application site sits within the local planning authority boundary of Ebbsfleet Development Corporation (referred to herein as ‘the LPA’) but is split in administrative boundaries between Dartford Borough Council (DBC) and Gravesham Borough Council (GBC).
- 1.13 EDC, in its role as LPA, are the decision-making authority for this application.

## **2.0 PROPOSAL**

- 2.1 This proposal relates to an outline planning application with all matters reserved for mixed-use development comprising removal of the existing car parking, structures and station forecourt and provision of uses which include:

- Residential dwellings (comprising a minimum of 35% affordable housing);
- Retail, offices, restaurants/cafes, nurseries and healthcare facilities;
- Learning and non-residential institutions;
- Local community uses;
- Hotel uses;
- Residential institutions;
- Co-living and student accommodation, public houses/drinking establishments and theatres/cinemas;
- Public open space (comprising a minimum 30% of total site area); and
- Associated works including hard and soft landscaping, car parking and multi-storey car parks, new roads, pedestrian and cycle routes and road junction improvements.

- 2.2 The application seeks approval for the principle of the type and amount of development with full details reserved for approval at a later stage.
- 2.3 At this outline stage the principal documents to comprise the high level framework for a detailed scheme to be developed in the future are as follows:

**Development Specification** – This document sets a maximum total floorspace of 485,000 sqm (GIA). It also specifies the range of land uses that would be allowed, including maximum (and in some cases minimum) floorspaces for each use. The total cumulative floorspace of all uses would exceed the total overall floorspace that would be allowed for, such that it would not be possible to provide the maximum floorspace for all land uses. The table below lists the type and amount of floorspace for each proposed use.

Land Use	Minimum Floor Space (GIA) sqm	Maximum Floor Space (GIA) sqm
<b>Ground and above</b>		
Hotel/Serviced Apartments (C1)	0	25,000
Residential Institutions (C2)	0	35,000

Residential (C3)	100,000	250,000
Co-Living (C4/Sui Generis)	0	35,000
Retail (E(a) and E(b))	0	19,500
Leisure (E(d), F1(b), F2(c) and F2(d))	0	29,750
Business (E(c) and E(g))	20,000	100,000
Services (E(e) and E(f))	2,500	35,000
Learning (F1 excluding F1(b))	0	75,000
Local Community (F2b)	1,250	No Maximum
Student Housing (Sui Generis)	0	35,000
Multi-storey car parking (Sui Generis)	0	85,000
Other Sui Generis Uses (refer to paragraph 4.2.6 below)	0	15,000
Ancillary floorspace comprising business, Back of House, Enclosed Plant, Storage, Servicing, Car and Cycle Parking Areas, Energy Centres, Electricity Sub-Stations etc.	0	No Maximum
<b>Below Ground</b>		
Retail (E(a) and E(b))	0	2,000
Services (E(e) and E(f))	0	5,000
Leisure (E(d), F2(c) and F2(d))	0	5,000
Business (E(c) and E(g))	0	10,000
Multi-storey car parking (Sui Generis)	0	10,000
Ancillary floorspace comprising business, Back of House, Enclosed Plant, Storage, Servicing, Car and Cycle Parking Areas, Energy Centres, Electricity Sub-Stations etc.	0	No Maximum

**Parameter Plans** - A series of parameter plans are submitted for approval and are presented at a level that seek to establish the principle and character of the development whilst allowing flexibility for the scheme to be designed in detail in the future. The parameter plans include details of land uses, access routes, open spaces, maximum building heights and site levels. These parameters would shape future development delivered pursuant to any subsequent outline planning permission that may be granted and it is against these that the outline planning application should be assessed.

**Highway Plans** - The application includes drawings showing proposed changes to the highway network providing access to and from the application site, including new junctions and changes to existing junctions. This includes changing two existing roundabouts on Thames Way to signal controlled junctions, increasing capacity of the A2260 roundabout and forming new and realigned accesses into the site off Thames Way and Ebbsfleet Gateway. These drawings do not include details of pedestrian and cycle paths, verges nor crossings for which full details would be required at future detailed design stage. Indicative crossings plans have been submitted for information to set out the potential location and form of future pedestrian and cycle crossings within the development. Although submitted for approval, detailed designs would require approval through future reserved matters applications for highway works, except where they are limited to works within the existing highway.

**Environmental Statement (ES)** - The ES addresses the impacts of the proposed development and the effectiveness of measures to mitigate those impacts.

- 2.4 The application is accompanied by a Vision Statement which sets out the vision and objectives for the scheme, to be read alongside the Design and Access Statement which provides details on the design aspirations for the scheme.
- 2.5 An illustrative masterplan has been submitted to show one option for how the proposed development could be accommodated and arranged within the site. This masterplan is indicative only and is not submitted for approval. Based on the indicative masterplan the application site is divided into three parts:
- Northfleet Rise – this part would be residential led with ancillary uses including retail and services;
  - Station Gardens – this part would consist of a district centre which would be predominantly commercial with main town centre uses and public squares being the focal points. Residential uses would supplement the main town centre uses;
  - River Park – this part would largely consist of the River Park containing the River Ebbsfleet and ecological features, with no built development proposed.
- 2.6 In terms of phasing and timescales, the application assumes a 16 year construction period. The proposed development is expected to be built in two broad phases with the southern element of the site (EC2) coming forward first, followed by EC1. Construction of EC2 is estimated to start with the enabling works proposed in 2025-27, with construction of the development scheduled to be complete by 2034/35. EC1 construction is estimated to start in 2032/33 with completion in 2039/40.
- 2.7 Notice of the application was served by the applicant to applicable land owners, namely Department for Transport, HS1 Limited, Network Rail and the Local Highway Authority (KCC).
- 2.8 The documents included with the outline planning application (see Appendix 3) comprise some submitted for approval and some submitted for information purposes to inform assessment of the application.

### **3.0 RELEVANT PLANNING HISTORY**

- 3.1 Whilst extant at the time of application submission, the following original outline planning permissions for the Ebbsfleet Valley area expired in November 2022, but are listed for information despite no longer being a material consideration or indeed having status as committed developments for purposes of assessing the application subject of this report. It is relevant to note that Springhead Park was built out under the GBC permission.

**DA/96/00047/OUT (DBC) and GR/19960035 (GBC)** - Development of up to 789,550sq.m gross floorspace comprising employment, residential, hotel and leisure uses supporting retail & community facilities & provision of car parking, open space, roads & infrastructure. These outline planning permissions were subject to subsequent variations and various conditions discharge applications including Quarter Masterplans and Strategies but the only part of the original site that has come forward for development is the land referred to as Springhead Quarter (now known as Springhead Park) which has comprised delivery of 799 homes, a primary school, place of worship and community centre and various open spaces including a large play park and community allotments.

3.2 **EDC/22/0005** - Request for a Scoping Opinion pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in respect of a mixed-use development. Scoping Opinion issued by EDC on 24<sup>th</sup> February 2022.

#### 4.0 **PUBLICITY**

##### First Round of Publicity

4.1 Neighbour notification letters were sent to local residential and business addresses as well as notification to local ward councillors. The proposal was also advertised on site via 24no. notices and publication in a local newspaper with circulation in both Dartford and Gravesham (Kent Messenger) as:

- Development accompanied by an Environmental Statement
- Major Development Proposal
- Departure from the Development Plan (Gravesham) – see paragraphs 4.7 and 4.8 below
- Development affecting the setting of a Scheduled Monument
- Development affecting a Public Right of Way

4.2 The application was also included on EDC's weekly list of planning applications.

4.3 The expiry date for representations was 5<sup>th</sup> November 2022.

4.4 In addition to notifying the local ward councillors (Ebbsfleet and Northfleet & Springhead, formerly Northfleet North) and County ward councillors (Northfleet & Gravesend West and Swanscombe & Greenhithe), the following known local groups, organisations and businesses were notified:

- Swanscombe & Greenhithe Residents' Association
- Swanscombe & Greenhithe Town Council
- South East Baptist Association
- Council for Voluntary Service, North West Kent
- St Botolph's Church
- No Walls Gardens
- Northfleet Big Local
- Romani, Czech, Slovak support project
- Hive Hope Foodbank
- Huggen's College
- The Hive Library
- Northfleet Veterans Club
- Ebbsfleet United Football Club

4.5 The following known landowners, occupants and developers were also notified:

- Tarmac
- NWM Properties
- Arax Properties
- Bellway Homes
- Countryside Properties
- Landmarque Property Group



- Henley Camland
  - London Resort Company Holdings
  - HMRC
- 4.6 In accordance with Regulation 19(3)(a) of the Town and Country Planning (Environmental Impact Assessment) Regulations (as amended), notification of the application with a link to view the Environmental Statement and the application and submitted documents was sent to the Secretary of State (c/o the National Planning Casework Unit) within 14 days of receipt of the application.
- 4.7 The application was advertised as a departure from the development plan for the following two reasons, both relating to inconsistency with adopted Gravesham policies:
1. Gravesham Local Plan Core Strategy Policy CS06 states that the Northfleet Rise Quarter Key Site “*will provide an employment led development comprising business employment floorspace (use classes B1a, B1b and B1c), leisure/entertainment floorspace (use class D2), and hotels and restaurants*”. Whilst the application includes for a significant quantum of employment floorspace overall it proposes the Northfleet Rise site (which falls within the EC1 parcel) as being residential led; and
  2. Gravesham Local Plan First Review Saved Policy T6 safeguards land adjacent to Thames Way to allow for future upgrades/dualling and states the Borough Council will “*resist development which would prevent or impede implementation the road proposals*”. The application (as specified in the parameter plans) will not protect the land safeguarded for Thames Way Dualling as it is seeking approval for built development on the safeguarded land.
- 4.8 Paragraph 12 of the NPPF states that LPAs may take decisions that depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Notwithstanding an assessment of the acceptability, or otherwise, of the application in respect of the reasons for departing from adopted planning policy, which is dealt with later in this report, for the purposes of advertising the application it has been treated as a departure from the development plan.
- 4.9 A total of **5no. written representations** were received following the first round of publicity comprising one in support, three objections and one neutral comment, summarised as follows:
- 4.10 A local resident of Northfleet objects to the application for the following reasons:
- This is a wildlife haven on the River Ebbsfleet and development will be a huge loss of habitat for local wildlife.
  - The loss of the car park will push parking to residential streets near the station.
  - It will cause more light and noise pollution to an already over populated area and increase traffic on already overwhelmed roads.
  - Kent's chalk streams are important and unique and must be preserved and putting drinking establishments and student accommodation next to it will cause a serious litter problem which will kill a lot of local wildlife.
- 4.11 A local resident of Ebbsfleet supports the application which they consider is essential for residents of Ebbsfleet Garden City to feel like they have a place where they can live outside of our homes without having to travel in a car, but highlight the need for

access to high quality local restaurants and bars and a gym that offers a range of facilities and classes.

- 4.12 KenEx - A neutral representation advising that Thames Gateway Tramlink (KenEx) is working with the Government funded body UK Tram to establish a cross river regional public transport solution based around sustainable, non-polluting public transport. It comments that Ebbsfleet remains cut off from significant urban areas in South Essex which suffer a shortage of staff to fill local jobs. The tramway will improve regional cohesion of the Thames Estuary together with significant regional economic and social gains being generated. The proposal fits with the Ebbsfleet Southern Rail connection to complete an outer London rail circular. Achieving key targets for the DfT of connectivity and levelling up are essential for Ebbsfleet and the surrounding areas. KenEx urge the EDC to recognise the strategic location of Ebbsfleet Central from a regional perspective and work with KenEx/UK Tram and the DfT to fully leverage this opportunity.
- 4.13 An objection was received from Tarmac Trading Ltd who own and operate a safeguarded aggregates wharf in Northfleet accessed via an existing roundabout on Thames Way. Tarmac advise that they had a number of discussions with the applicant prior to submission of the planning application and has advised of their concerns, which they maintain due to the impact of the proposals on their operational site, in particular the proposal to change the Thames Way access from a roundabout (with capacity) to a significant junction. Tarmac consider that there has been no justification put forward for this change to the road network in this location.
- 4.14 An objection was received from Shorne Parish Council for the following reasons:
- Ebbsfleet International is "our" high speed station serving rural areas - residents must be able to access the station and park when they need to, realistically by car. The "station car park" is proposed as far as can be from the station, so users have to walk a greater distance, in all weathers, and through areas that may feel threatening and be unsafe in the dark. The proposals state that the same number of parking spaces are being provided however it is obvious that other types of users will also use the "station" parking unless it is protected for station use. "Station" parking should be easy access, immediately adjacent to the station and only for the station. The station parking provision should be increased lest rural residents be prevented from using the station.
  - The proposed designs are inappropriately tall such that they will have far ranging visual impacts and be detrimental to the ambience of the area.
  - The representation also lists general concerns including affect local ecology, development too high, inadequate access, inadequate parking provision, inadequate public transport provisions, increase in traffic, loss of parking, out of keeping with character of area, over development, potentially contaminated land and traffic or highways impacts.

#### Second Round of Publicity

- 4.15 A second round of publicity was undertaken following re-submission of new and amended information in March 2024. The same level of publicity was carried out as per the first round, including neighbour notification letters, site notices and a press notice, as well as re-notification to the Secretary of State via the National Planning Casework Unit.
- 4.16 The expiry date for representations was 22<sup>nd</sup> April 2024.

- 4.17 A total of **6no. written representations** were received to the second round of publicity, five raising concerns and one posing a question, summarised as follows:
- 4.18 Tarmac Trading Ltd maintain their original objection on grounds relating to proposed changes to the highway network adversely impacting highway capacity on the junction to and from their operational site.
- 4.19 The remaining 5no. representations were from local residents whose comments are summarised as follows:
- Whilst this development has been planned for many years, concerns are raised due to the collapse of Galley Hill Road and the cumulative adverse impact this will have on other roads in the area.
  - Ebbsfleet Garden City is turning the area into an unhealthy geography with poor mental health and respiratory conditions, advising the area needs schools, roads and healthcare facilities.
  - Concerns the development will only provide houses and no facilities such as doctors, pubs or a cinema.
  - Question whether the homes will be Council properties or for Housing Associations, noting more council houses need to be offered so people can buy them.
  - There has been far too much development in this area comprising thousands of houses with no apparent benefit to the local community. These developments are not affordable to local people and further development means extra pressure on local services including doctors, dentists, ambulance and fire services.
  - The local area and facilities cannot cope already without adding more traffic and people.
- 4.20 Regard has been taken to the representations received during both rounds of publicity in the assessment of this application.

## 5.0 CONSULTATION

- 5.1 The following consultees and external organisations were consulted on this proposal. It is relevant to note that following initial consultation in October 2022, a focussed formal re-consultation was undertaken in November 2023 following receipt of amended and revised transport information. A second full and formal round of re-consultation was undertaken following receipt of new and amended information, including updates to the Environmental Statement, in March 2024.
- 5.2 The following provides a summary of the current position of the various consultees following the second formal round of re-consultation:

**Natural England (NE)** – NE welcomes and supports the vision for the Ebbsfleet Central development and the integration of a visionary design approach for the natural and built form, with the particular reference to key design principles in the DAS such as landscape led character and sustainable design and landscape and public realm, and are pleased to see the incorporation of multi-functional green infrastructure in building design, the public realm and landscaping, whilst connecting to surrounding wider landscape and ecological networks.

NE support detailed design being approved at the earliest possible opportunity, to provide the required level of certainty that the ambitious and visionary approach is achievable and securable, whilst conserving and enhancing the environmental assets of the site and

surrounding area and emphasise the importance of this being carried forward and secured as part of the reserved matters stage.

#### Sites of Special Scientific Interest (SSSI) - Air Quality

NE note that updated modelling within the Environmental Statement suggests that traffic generated air quality impacts will exceed 1% of the critical level and/or load for a number of designated sites along the affected road network, namely Cobham Woods SSSI, Darenth Woods SSSI, Shorne and Ashenbank Woods SSSI and Swanscombe Peninsula SSSI. NE retain concerns that these impacts may not be wholly avoided and/or mitigated and advise that where traffic generated air quality impacts exceed 1% of the critical level/load for designated sites, that further consideration should be given to the potential for avoidance, mitigation or, as a last resort, compensation. However, NE accept the applicants explanation that the highest impacts are predicted to occur at roadside edges and that there is no predicted loss of species richness due to the habitat types in these locations and therefore that a significant effect on the SSSI is unlikely to occur.

NE would welcome further discussion around this as EDC and Natural England continue to work collaboratively towards a comprehensive strategy that will conserve and enhance designated sites during the construction and operation of the Garden City.

#### Swanscombe Peninsula SSSI

NE welcome the applicant's commitment to producing a detailed lighting strategy to help ensure no increase in light levels within Swanscombe Peninsula SSSI. NE recommend that this should be secured by an appropriately worded condition.

NE accept, based on the noise assessment undertaken and requirement for noise attenuation measures to be secured through a CEMP, that construction noise would not adversely impact sensitive features of the Swanscombe Peninsula SSSI.

NE welcome the applicant's commitment to producing a Swanscombe Peninsula SSSI Recreation Mitigation Strategy in liaison with them and strongly advise that this commitment is secured at outline stage. NE advise that full consideration is given to how land outside the applicant's control will be managed under such a strategy.

NE acknowledge that the applicant has provided additional consideration of how supporting habitat and species associated with the Swanscombe Peninsula SSSI may be impacted by the development. With regards to invertebrates, vascular plants and breeding birds associated with the SSSI, the applicant concludes that any predicted loss and or/damage will be minimal in extent and severity and therefore concludes it is unlikely to significantly affect the favourable conservation status of the feature. NE continue to advise that supporting habitat/species should be conserved and enhanced throughout the development process and that loss should be avoided wherever possible, mitigated where necessary and compensated only as a last resort. However, NE welcome further ongoing discussion around this to work collaboratively towards developing a Habitat Management Strategy. NE support the inclusion of green/brown roofs in order to provide additional alternative habitat for species associated with the designated site.

#### Habitats Regulations Assessment (HRA)

NE welcome the provision of additional air quality assessment to account for potential impacts on the North Downs Woodland Special Area of Conservation (SAC). NE concurs with applicants conclusion that the predicted changes in air quality during construction or operation of the development would result in 'no likely significant effects' arising at North

Downs Woodland SAC. NE is satisfied that the SAC can be screened out from further stages of assessment.

Since this application will result in a net increase in residential accommodation, impacts to the coastal SPA and Ramsar Site may result from increased recreational disturbance. NE acknowledge that the LPA has measures in place to manage these potential impacts through the agreed strategic solution, which NE consider to be ecologically sound. Therefore, subject to the appropriate financial contribution being secured, NE is satisfied that the proposal would mitigate against the potential recreational impacts of the development on the designated sites.

#### Additional Comments

NE also provide standing advice on other matters applicable to the natural environment including the need to conserve and enhance biodiversity, designated nature conservation sites, protected species, local sites and priority habitats and species, green infrastructure and access and recreation.

In line with the NPPF, the LPA should consider the impacts of the proposed development on any local wildlife or geodiversity sites. There may also be opportunities to enhance local sites and improve their connectivity. Priority habitats and species are of particular importance for nature conservation. Most priority habitats will be mapped either as Sites of Special Scientific Interest or as Local Wildlife Sites.

Development should provide net gains for biodiversity in line with the NPPF. Development also provides opportunities to secure wider environmental gains and NE advise to follow the mitigation hierarchy and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where on-site measures are not possible consideration should be given to off-site measures.

NE encourages any proposal to incorporate measures to help improve people's access to the natural environment, such as reinstating existing footpaths together with the creation of new footpaths and links to other green networks.

*EDC Officer Comment: The LPA, in its role as competent authority, has undertaken an Appropriate Assessment as required by the Habitats Regulations. Mitigation against recreational impacts on the Thames Estuary and Marshes Special Protection Area and Ramsar site is proposed to be secured through a recommended planning condition. It is relevant to note that references to a Habitat Management Strategy refer to separate discussions between EDC as landowner of the site and Natural England in respect of EDC's wider land holdings in the area, and is not proposed to mitigate the impact of the development subject of this application. However, the application does commit to securing approval and thereafter implementing a Swanscombe Peninsula SSSI Recreation Mitigation Strategy in acknowledgement that the development would place increased pressure on the adjacent SSSI for recreational purposes due to the increased population, to be secured through planning condition. A CEMP would ensure impacts are minimised during the construction phases and details such as permanent lighting would require future approvals. KCC Ecology comments assess impacts on biodiversity net gain, designated conservation sites, protected species and local site and priority habitats and species.*

**Environment Agency (EA)** – The EA raise no objection subject to imposition of planning conditions.

The EA initially objected to this application due to concerns that the development was incompatible with the flood risk zone (namely more vulnerable usage within the functional floodplain Flood Zone 3b), and that the Flood Risk Assessment (FRA) failed to (i) satisfactorily take the impacts of climate change into account, (ii) identify how flood risk management infrastructure will be operated, funded and maintained and (iii) consider how a range of flooding events (including extreme events) will affect people and property by basing flood risk assessment on a limited update of the 2015 River Ebbsfleet fluvial flood model.

Since then, the EA have reviewed an updated site-specific flood model produced by the applicant which has been used to support the applicant's revised Flood Risk Assessment (FRA) and the EA are now satisfied that this demonstrates the proposed development will be outside of land with equivalent flood risk to the functional floodplain, and that the other concerns raised in their previous response have been addressed.

In removing their objection the EA request imposition of planning conditions covering the following:

1. Establish minimum finished floor levels for buildings
2. Detailed design for floodplain compensation
3. Detailed design and long term management of the River Ebbsfleet, including river crossing design
4. Detailed lighting design
5. A construction environmental management plan
6. Contamination - remediation strategy, verification report and unexpected contamination
7. Piling
8. Surface water drainage strategy

*EDC Officer Comment: Planning conditions are recommended to cover these matters, noting that the EA proposed wording of some conditions has been amended following discussion and agreement to avoid duplication with other proposed conditions. A specific discussion related to the timescale for implementation of the permanent floodplain compensatory storage which was agreed through subsequent discussions between the EA, LPA and applicant as reflected in the planning condition recommended in this report, which notably was agreed to allow phased delivery.*

**National Highways (NH)** – Given the recent upgrades to the A2 Ebbsfleet junctions it is noted that the modelling associated with these mitigation schemes factored a higher level of trip generation for the Ebbsfleet Central development than what has been presented within the Transport Assessment, therefore NH are satisfied that the recent upgrade schemes have been designed to accommodate the forecast demand from the Ebbsfleet Central proposed development. NH envisage the SRN being a likely route for construction traffic.

NH are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site subject to a planning condition requiring approval of a Construction Management Plan.

*EDC Officer Comment: A recommended planning condition would require approval of a Construction Environmental Management Plan to include specific transport matters including vehicle routes and measures to minimise vehicle movements during peak hours.*

**Historic England (HE)** – In terms of built heritage, whilst HE cannot be precise about the level of harm without further visual analysis in the form of verified rendered views showing the outline of the proposed development in the context of the conservation area and views of

the towers, they generally conclude that the harm to the grade I and grade II\* listed churches and to the conservation area is likely to be at the lower end of the range of less than substantial.

In terms of Scheduled Monuments, HE advise that, due to the large amount of existing infrastructure and development in this area, it would be unreasonable to argue that they would be significantly harmed through development within their setting.

In terms of non-designated heritage assets, HE advise that the site has the potential to contain non-designated archaeological remains that may be of national importance. HE cannot be precise about the levels of harm to heritage assets without the applicant undertaking further archaeological work, hydrological assessment, and visual analysis in the form of verified rendered views. Based on the data currently available, HE think that harm to some undesignated archaeological assets may be of a very high level, and harm to scheduled monuments and built heritage of a lower level (less than substantial). HE previously suggested amendments to this application that would be desirable prior to determination. The applicant has made some progress in addressing these, but HE think there is still significant data required so recommend that as far as possible the additional information they have requested be provided prior to determination, to ensure appropriate decision making, based on clear understanding of significance and impact.

On this basis HE consider that the application does not currently meet the requirements of the NPPF, in particular paragraph numbers 200, 201, 205, 206, 211 and 212, and consider that the issues and safeguards need to be addressed.

*EDC Officer Comment: Recommended planning conditions require archaeological investigation and fieldwork to be carried out prior to submission of any applications for approval of reserved matters, including applications relating to Advanced Infrastructure. Whilst noting HE's recommendation that additional information is provided prior to determination, the recommended planning conditions would prevent any development taking place on site until archaeological investigation (in accordance with a specification to first be approved) to inform any necessary preservation in situ or other archaeological mitigation has been undertaken and approved. As per discussions with KCC Heritage (see comments below), the LPA are satisfied that this would provide appropriate safeguards and ensure that any non-designated heritage assets that might be located beneath the site would be mitigated in a manner proportionate to their significance as part of the development process.*

**Sport England (SE)** - The occupiers of new development, especially residential, will generate demand for sporting provision and the existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, new developments should contribute towards meeting the demand that they generate through the provision of on-site facilities and/or providing additional capacity off-site.

SE's Sports Facilities Calculator (SFC) can help to provide an indication of the likely demand that will be generated by a development for certain facility types. Based on 2,100 dwellings the SFC indicates that the development would generate a demand for facilities having a total cost of c.£2,679,000.

The proposed development would create a demand for new outdoor sports pitches in addition to an Artificial Grass Pitch (AGP) however, there is no way of reliably measuring that demand in the absence of up to date Playing Pitch Strategies for Dartford and Gravesham.

In terms of the geographical need for new facilities there is little robust evidence available. Cascades Leisure Centre in Gravesham is to be redeveloped on its existing site and the provision proposed takes into account some of the additional demand arising from the planned population growth in the Borough, but a 3G pitch isn't proposed. Both Guru Nanak and Northfleet School for Girls are recognised as priority sites in the Gravesham Local Football Facilities Plan prepared by the FA and the Council in 2019. Although there isn't a firm proposal for the school yet, in terms of location in relation to the application site that might be considered preferable. An application for a 3G pitch at Guru Nanak was withdrawn in 2019. SE would not object to a financial contribution being directed to any or, all of these identified priority sites.

In terms of provision on the site itself, SE believe that there is scope to provide some pitch space or other sports uses on the top of the car parks and recommend that small side football or MUGA(s) would be most appropriate to encourage informal community use and also cater for commercial league operators that might be interested in using the facilities. SE are aware of other large multi storey car park roofs and upper storeys being used on a permanent or temporary basis for sports such as skateboarding, BMX and the like and consider that the Garden City would be a good location to develop further innovation.

*EDC Officer Comment: A planning condition is recommended requiring approval of a site-wide Formal Sport Strategy to identify anticipated demand arising from the development and opportunities for on and off site provision, to inform area master planning for the site.*

**Health and Safety Executive (HSE)** – The 'substantive response' is that the HSE is content with the application. HSE note that it includes residential buildings with a height over 18 metres and that the DAS shows access to the residential buildings via Thames Way and has considered specialist vehicles such as emergency vehicles. For the avoidance of doubt this response is in relation to fire service vehicle access only. The outline application has all matters reserved, therefore the headline response is relevant only to fire service access to the site. For other matters reserved at this stage, HSE is unable to provide comment. Should the LPA be minded to grant outline planning permission, HSE recommend a condition requiring the submission of a fire statement with any reserved matters application on which the HSE should be consulted.

*EDC Officer Comment: The requirement for certain planning applications to be accompanied by a Fire Statement is a national planning requirement included on the EDC Validation Checklist. It is not therefore considered necessary to impose a planning condition to duplicate this existing requirement, but it is recommended that an informative is included on any decision notice to reiterate the requirement for a fire statement to accompany applications for "relevant buildings".*

**KCC Highways** – No objection subject the following matters being secured via planning condition or obligation:

- (i) Provision of pedestrian and cycle connection to the unfinished bridge.
- (ii) The applicant/landowner using best endeavours to implement a direct pedestrian and cycle link between Thames Way and Northfleet Station, including safeguarding land for this future connection.
- (iii) Provision of a segregated pedestrian and cycle route along Thames Way prior to first occupation, unless already implemented by others.
- (iv) Vehicle and cycle parking provision in line with EDC's standards, with the exception of the office employment use, for which vehicle parking is to be provided at a minimum of one space per 50 sqm unless otherwise agreed with KCC. To include provision for visitors, disabled users, vans, motorbikes and delivery vehicles. Cycle



- parking should include provision for adapted bikes. Parking to be provided prior to the associated use first commencing.
- (v) No parking leases are to be made available to businesses or individuals to park within the multi-storey car parks as this would undermine the low parking provision and could attract additional trips to the site.
  - (vi) The existing Station 'drop off' parking to be re-provided on site on a like for like basis, and open prior to the closure of the existing spaces, unless otherwise agreed with KCC.
  - (vii) Existing surface car parking to be re-provided and open for use prior to the closure of the existing spaces, unless otherwise agreed with KCC.
  - (viii) Electric vehicle charging provision.
  - (ix) Parking restrictions and management for adopted and non-adopted roads to be in place prior to first use.
  - (x) Completion of highway infrastructure in accordance with proposed timeframes, including provision of new and improved road junctions serving the site.
  - (xi) Provision and retention of visibility splays.
  - (xii) Provision an emergency access into EC1 prior to occupation of the 50<sup>th</sup> dwelling. A secondary (linked) access into EC1 to be delivered prior to occupation of the 300<sup>th</sup> dwelling. 2no. linked access points within EC2 to remain open on a permanent basis.
  - (xiii) Provision and permanent retention of a Fastrack route through the site between Southfleet Road and Thames Way, to be available for use prior to first occupation.
  - (xiv) Provision and permanent retention of a two-way bus gate in EC2 to permit Fastrack buses to travel between International Way and the proposed new vehicle access onto Thames Way.
  - (xv) Provision of a mobility hub prior to first occupation of the site, to contain (as a minimum) an electric car club vehicle with plug in charge point, electric bike hub with plug in charge point, cycle stands and lockers, cycle repair stand, cycle pump, and an information terminal.
  - (xvi) An annual Fastrack bus ticket to be offered to each resident upon first occupation of each dwelling with a maximum claim of two tickets per household. Alternatively, the equivalent monetary value of the ticket at the time of offering may be distributed in the form of KCC's Mobility as a Service (MaaS) credits, if this is available at the time, or any such app that supersedes it.
  - (xvii) Establishment of a car club and minimum provision of two car club cars (and associated spaces and EV charging infrastructure) to be provided upon first occupation of the site. A minimum of four additional parking spaces for potential future car club vehicles to be provided over the full build out. Each resident with a valid driving licence to be offered one year's free membership to the car club and £50 driving credit to encourage take-up.
  - (xviii) Establishment of a Transport Review Group (TRG).
  - (xix) Financial contributions towards the following:
    - Pedestrian and cycle improvements at the A226 / Railway Street junction.
    - Fastrack bus shelters with real time information screens.
    - ANPR bus lane enforcement of the Fastrack route.
    - Travel Plan monitoring fee.
    - £50 per residential unit towards the cost of a cycle or cycle equipment.
    - A Travel Plan Toolkit fund of £400 per occupied dwelling or per a certain sqm of non-residential use (to be agreed), up to a maximum of £1,000,000.
  - (xx) A maximum of 30% of the HEiQ to be for GP use unless otherwise agreed with KCC.
  - (xxi) Submission and approval of the following:
    - Construction Management Plan prior to commencement.
    - Site Wide Travel Plan prior to first occupation of the site.
    - Individual Occupier Travel Plans prior to occupation of their associated use.

- Transport and Parking Strategy prior to first occupation.

*EDC Officer Comment: The detailed highway works would require further approvals, and planning conditions establish reasonable timescales for completing such works. A combination of planning conditions and obligations (see Appendix 1 and 2) are recommended to secure the necessary transport requirements including physical works and incentives to encourage sustainable travel.*

**KCC Public Rights of Way** – KCC is keen to ensure that their interests are represented with respect to our statutory duty to protect and improve PRow in the County. Public Rights of Way, DS17, NU14 and NU7A are located within the site and would be directly affected by the proposed development. The existence of the Public Rights of Way is a material consideration.

The PRow network must be included in any Construction Management Plan, with any temporary closures applied for and approved in a timely process, to enable pedestrian safety as a priority during construction. Following discussions with the applicant and LPA, KCC request financial contributions towards the improvement and ongoing maintenance of PRows DS17, NU14 and NU7A.

KCC considers that the application is unsatisfactory with regard to Active Travel and a lack of opportunities providing green, off-road routes for future health and well-being opportunities for future residents and employees. There is a lack of regard given to the opportunities provided by the existing routes of the PRow network which gives rise to a concern regarding commitment to creating a development for the future.

*EDC Officer Comment: The recommended CEMP would ensure pedestrian and cycle routes are retained or alternative temporary routes are provided during construction. The requested financial contributions would be secured through planning obligation between applicant and KCC (see Appendix 2) to secure improvements to surrounding public footpaths. The appraisal section of this report refers to various measures to facilitate active travel across the site, through physical means as well as measures to incentivise it.*

**KCC Heritage** – KCC advise that the site has the potential to contain non-designated archaeological remains that may be of national importance.

Following review of additional and updated information KCC advise that the revised submission is an improvement, but still fails to explain in sufficient detail the archaeological potential of each of the proposed development zones, or explain what flexibility is available to ensure that, where significant archaeological remains exist, they can be preserved in situ, including, where necessary, through the maintenance of appropriate groundwater/hydrology. KCC recognise that there is insufficient data at this stage to understand the groundwater conditions and that relevant data collection would be a prerequisite of future relevant ground investigations.

KCC acknowledge an explanation by the applicant that it has not been possible to undertake any field evaluation due to a variety of factors including lack of access, so recommend that GIS is used by the applicant to bring together all the available data to illustrate what we presently know about the archaeological potential and sensitivity of the development site, creating cultural heritage/archaeology character areas (including Palaeolithic character areas as requested previously). This archaeological character mapping could then be used to assess likely impacts for each development zone and allow us to define the scope of field evaluation (trial trenching, test pits and boreholes) required. It would also allow the applicant to begin to understand potential development impacts and to use 'flexibility' in the detailed design to enable preservation in situ of significant archaeological remains.

Based on their own assessment, using the data presented (GDBA, parameter plans and masterplan) and the Kent Historic Environment Record GIS, KCC advise that there are areas where development is proposed and where the existing evidence demonstrates very high archaeological potential. More detailed assessment will be needed to define the archaeological potential within each of the proposed development areas and to assess the likely impact that could be expected from the proposed development in order to define a detailed field evaluation strategy.

The Heritage Management Plan and Historic Environment Framework would need to be updated to provide a guide for further assessment, evaluation and mitigation and KCC also recommend that more detail is provided about appropriate mechanisms to secure future requirements for monitoring site hydrology, maintaining appropriate ground conditions and to conserving and displaying any significant archaeological discoveries.

For each planning and archaeological character area the programme of field evaluation would need to inform archaeological mitigation to include provision for preservation in situ and/or by record to be implemented prior to development. The archaeological work should be carried out in accordance with specifications and timetables agreed by the local planning authority and, where applicable, details of foundation design and any other below ground disturbance will also need to be approved.

The form of development and the layout in each development area should be informed by the results of archaeological investigations (field evaluation and impact assessment) so detailed designs should not be approved until such investigations have been carried out. If such investigation reveals finds which need to be preserved in situ, the layout may have to change from that shown on any approved masterplan or parameter plan.

Long term management proposals for any archaeological sites identified for preservation would need to be approved before any development takes place and it would be important that any such proposals include measures to ensure that future actions, whether in themselves requiring or not requiring planning permission, are not at variance with the principles of preservation for those archaeological sites.

Where preservation in situ is not considered by the LPA to be appropriate, a programme of archaeological recording and publication should be undertaken.

To fully understand these issues KCC recommend that more detailed impact assessment is undertaken prior to determination but, if that is not possible, they recommend the imposition of planning conditions to secure further desk-based assessment, field evaluation, hydrology modelling and subsequent design-refinements to ensure avoidance and minimisation of impacts to archaeological remains.

*EDC Officer Comment: Recommended planning conditions require archaeological investigation and fieldwork to be carried out prior to submission of any applications for approval of reserved matters, including applications relating to Advanced Infrastructure. The recommended planning conditions would prevent development taking place on site until archaeological investigation to inform any necessary preservation in situ or other archaeological mitigation has been undertaken and approved.*

**KCC Ecology** – The site is directly adjacent to the Swanscombe Peninsula SSSI and is within the Ebbsfleet Marshes Local Wildlife Site (LWS).

KCC advise that the application provides a good understanding of the ecological interest of the site which includes the presence of various species including dormice, bats, reptiles,

invertebrate and birds, including a nationally rare plant species (Yellow Vetchling). It also identifies that water vole were previously present within the area and that the site comprises suitable habitat for eel. The application site provides habitat which can support birds associated with the SSSI and KCC acknowledge that habitat created within the site could continue to provide foraging for such birds if established and well managed.

KCC understand that a detailed mitigation strategy would include enhancements within the SSSI but advise there is a need to ensure that any measures agreed are implemented in advance of any vegetation clearance to ensure there is no overall loss of vegetation.

KCC support the principles set out in the Outline Biodiversity Mitigation and Enhancement Plan but advise that it doesn't provide sufficient certainty that the proposed mitigation can be carried out, for example it proposes reptile translocation but doesn't identify a suitable receptor site. KCC recommend that a more detailed mitigation strategy is submitted.

As the development cannot recreate open areas of grassland, it would have an adverse effect on terrestrial invertebrate such as the brown banded carder bee. The ES states that the applicant is in ongoing discussion with Natural England re. management of the SSSI so advise that the LPA must be satisfied that active management of land within the SSSI can and will be implemented if permission is granted.

KCC note that the parameter plans would allow built development to the north of Thames Way, on land shown within the illustrative landscape plan as largely undeveloped, raising uncertainty in respect of dormouse mitigation. KCC acknowledge a response from the applicant that the parameters plans do specify the requirement for dormouse mitigation in those areas (which may require the retention, enhancement and management of existing habitat in this area). KCC advise that the LPA must be satisfied that any required mitigation can be implemented within the site and it will not subsequently be lost, but retain the view that any habitat shown as being retained in the Outline Biodiversity Mitigation and Management Plan should be included on the relevant plans.

The ecological report is reliant on the conclusions of standalone noise, vibration and air quality reports linked to traffic impacts, so KCC advise that the LPA should be satisfied that those reports are valid.

The application seeks to retain the key features of the LWS including the River Ebbsfleet and associated riparian corridor, reedbeds, wet woodlands/ damp scrub woodland, and proposes a 30 metre habitat corridor between development plots. KCC highlight that it is unlikely to provide the same ecological interest as it does currently due to increased disturbance from the development, such as lighting and recreational use, which should be considered when assessing the impact and understanding what mitigation and/or compensation is needed. The BNG metric demonstrates that there will be a 16% loss of habitats within the site, but KCC advise that this is likely to be higher.

KCC note that an updated BNG metric and assessment will be submitted as part of future reserved matters application and in the event that there is a decline then off-site habitat creation and/or enhancement would be carried out (either through a habitat bank or on the applicants adjoining land). KCC are supportive of the proposal to ensure that BNG can be achieved but advise that the application should be realistic and achievable within the proposed development. KCC advise that the BNG assessment has not been based on a detailed habitat creation plan despite previous advice.

The application commits to keeping the River Ebbsfleet corridor free from lighting, other than where required for safe use of public rights of way across, and states that lit routes crossing the corridor shall not exceed the minimum safe illuminance levels for their function. KCC

recommend that the applicant confirms what is considered a safe illuminance level to enable movement through the site and that there is a need to ensure that the area does not have high levels of lighting from street/footpath lighting or from adjacent buildings.

The application states that there will be a loss of mixed scrub, species poor semi-improved grassland and secondary broadleaved woodland within the Local Wildlife Site. KCC do not agree with the applicants conclusion that those habitats are of low quality as they consider the habitats do have a significant role in supporting the conservation status of the LWS. KCC agree that the LWS is not in an optimum condition due to a lack of management in recent years but advise that that the loss will have a greater than local impact. The Outline Biodiversity Mitigation and Enhancement Plan includes details of proposed management but KCC highlight that the measures are very overarching so they are concerned that there is a risk that the required management might not be demonstrated in future submissions. KCC highlight that the LPA should be satisfied that that appropriate management can and will be carried out.

The BNG Assessment and DAS indicates the provision of brown/green roofs, but KCC raise concerns that the application does not commit to it as they are not shown on details being submitted for approval. The detailed design of these features will require input from a suitably qualified ecologist as part of the detailed design of the proposals and, unless the application commits to their provision, KCC recommend that they are not included within the BNG assessment. In that case the proposal is likely to have a greater anticipated loss than 16%. KCC advise that the LPA must consider if they are satisfied that future reserved matters application (if granted) will include the proposed brown/green roofs.

The proposal currently states there will be an anticipated BNG net loss of 16% (likely to be greater) but it has not been demonstrated what off site habitat creation or management would be carried out to enable the development to achieve a 10% net gain. KCC are supportive of this aim and acknowledge that there is not a legislative requirement for this application to achieve 10% BNG, but do highlight that the NPPF does require planning decisions to contribute to and enhance the natural and local environment, including by minimising impacts on and providing net gains for biodiversity. The application is not currently demonstrating that net gains for biodiversity so KCC advise that the LPA must be satisfied that this can be achieved.

It is anticipated that the proposal will result in an increase in recreation within the SSSI and LWS and the application states that the intention is to produce a recreation mitigation strategy within the land in the applicant's ownership. No such details have been submitted with the application, but the application has detailed that in the absence of further secondary mitigation that the presence of new residents and dogs may lead to a permanent adverse effect significant at the County scale. KCC advise that this impact could be more significant due to the scale of the development and the likelihood that residents will access the SSSI for recreation, reinforcing the need to secure an appropriate SSSI recreation mitigation strategy. KCC defer to Natural England in respect of the appropriate process for securing this (i.e. planning condition or obligation) but advise that it should be in place prior to first occupation of any dwellings and thereafter implemented and regularly reviewed for the lifetime of the development. KCC recommend that the principles of the strategy are agreed as part of this application.

*EDC Officer Comment: It is recommended that a SSSI Recreation Mitigation Strategy is secured through a planning condition, for approval prior to first occupation. A Detailed Biodiversity Mitigation and Enhancement Plan would be required to accompany each reserved matters application, based on the Outline Biodiversity Mitigation and Enhancement Plan, including an updated BNG Assessment at each submission. Site-wide strategies and design coding are recommended to include specific requirements to establish approaches to*

*the provision of green and blue infrastructure within the site. The requirement to establish arrangements for the long term management and maintenance of the development, including open spaces and ecological interest, are secured through recommended planning conditions.*

**Kent Wildlife Trust (KWT)** – KWT provided comments during the pre-submission public consultation stage and expressed concerns regarding development proposed within the Local Wildlife Site, as well as impacts to the adjacent SSSI.

KWT echo the comments by KCC Ecology and submit a holding objection to this application. These include the lack of detail on the assessment of impacts and mitigation of impacts on designated sites and habitats. It is important that the applicant demonstrates how they have complied with the NPPF which sets out the mitigation hierarchy. The applicant should seek to avoid impacts to biodiversity in the first instance, however at present it does or appear that efforts have been made to do so. Further KWT echo comments made by KCC Ecology relating to impacts to the LWS, the BNG calculation and indirect impacts to the adjacent SSSI. KWT would be happy to provide further commentary following the submission of additional information by the applicant.

*EDC Officer Comments: No further comments were received to a formal re-consultation following submission of additional information. Impacts on ecology are discussed in the appraisal section and in response to Natural England and KCC Ecology representations above, and measures to ensure appropriate mitigation would be secured through planning conditions.*

**KCC Minerals** - The County Council has no minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.

*EDC Officer Comment: N/A.*

**KCC Lead Local Flood Authority (LLFA)** – The LLFA have no objection in principle to the drainage proposals but do have the following comments:

At the detailed design stage, the LLFA would expect to see the drainage system modelled using FeH (Flood Estimation Handbook) rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019). As existing drainage features are to be utilised a CCTV survey should be conducted to confirm presence and condition of this network, as mentioned in the Drainage Strategy. The LLFA have reviewed the updated information regarding pollution mitigation and have raise no issue with the proposals outlined.

At the reserved matters stage, the LLFA would expect the future site to be delivered as a phased approach. Therefore, they would seek for a phasing plan to be provided to ensure sufficient provision of drainage as each phase is delivered. Furthermore, any temporary works requirement associated with the construction of the surface water drainage would need to be established and confirmation would also need to be provided as to whether there is to be the incorporation of further attenuation basins and blue/green roofs.

The LLFA strongly encourage the use of green/blue above ground SuDS features across the site to promote the associated multiple benefits and refer to the NPPF which highlights the need for all developments to incorporate sustainable drainage systems.

Should the LPA be minded to grant planning permission the LLFA would request planning conditions requiring surface water details at reserved matters stage, approval of a detailed

surface water drainage scheme prior to commencement of a phase and approval of a surface water verification report prior to first occupation of a phase.

*EDC Officer Comment: The requirement for a detailed surface water drainage scheme is secured through a recommended planning condition. The requirement for the scheme to deliver multifunctional sustainable drainage is incorporated into various conditions including area master plans and detailed designs, and requirements for long term management arrangements would be secured through management plans.*

**KCC Education/Developer Investment Team** – KCC have made requests for obligations relating to education (primary, secondary and special educational needs and disabilities), community services (learning, youth services and libraries), waste transfer facilities and associated s.106 monitoring fees.

*EDC Officer Comment: Refer to the appraisal section of this report and the draft s.106 Agreement Heads of Terms (Appendix 2).*

**High Speed 1 Limited** – HS1 Limited holds the 30 year concession from the Government to operate, manage and maintain High Speed 1 (HS1), the 109 kilometre high speed rail line connecting St Pancras International to the Channel Tunnel. The concession includes the stations along the route at St Pancras International, Stratford International, Ashford International and Ebbsfleet International.

HS1 welcomes and supports the Ebbsfleet Central East application but will expect to be closely consulted as detailed design progresses so that the safety and security of the railway can be protected and the quality of services to our passengers are ensured. Whilst supporting the proposal in principle, this is subject to the following points of detail and required planning conditions.

#### Asset Protection

- It is important that the development does not adversely impact on the safety and operation of the High Speed railway so HS1 have requested that planning conditions are imposed so that these issues can be kept under review and addressed as the reserved matters come forward for further approval. Requested conditions relate to matters including foundation design, drainage design, construction activity safety, site investigations near to HS1, errant vehicle protection, fencing and security measures, proximity of landscaping to High Speed 1, electromagnetic compatibility, dazzle, glare and distraction from lighting and vehicles, dazzle, glare and distraction from solar reflection and risks from the HS1 transformer.

#### Car Parking/Station Forecourt Arrangements

- Whilst contractual arrangements regarding “lift and shift” are not a planning consideration, HS1 would expect to see detailed analysis of the re-provided parking spaces and forecourt facilities assessed against the lease/matrix requirements which should result in any re-provided parking spaces being equally “convenient and commodious” to passengers and car park users.
- HS1 would expect the scheme to include the reprovision of blue badge and premium parking spaces to ensure the proposals ensure that both these user groups are adequately accommodated for as the more detailed zonal masterplans come forward.
- HS1 welcome the identification of indicative locations for other station forecourt facilities such as buses, taxis, cycle hubs and “kiss and ride” drop off facilities which appear to be appropriately located in terms of replicating a quality customer experience.

#### Car Parking – Office Use Lease Controls

- HS1 would be opposed to any attempt by the LPA to put additional controls in place over the operation of HS1's car parking spaces.
- HS1 believe that an opportunity is being missed by the applicant to make the most efficient and sustainable use of the existing car parking provision. HS1 believe that instead of potentially building up to 2,000 additional car parking spaces for office use the applicant should seek to make use of the existing HS1 car parking provision. This would allow additional commercial floorspace to be utilised whilst limiting car parking spaces and restricting car traffic to certain key areas of the development.

#### Traffic Modelling of Signalised Road Junctions and Multi-Storey Car Park (MSCP) Design

- HS1 highlight the importance of ensuring rail users have the ability to exit car parks quickly and efficiently as their customers rely on speed of services.
- HS1 are satisfied that the road junction proposals afford sufficient capacity for the predicted vehicle movements. HS1 does not object to the principle of making International Way two-way but does have concerns regarding alterations proposed at the entrance to Car Park D and advise that the detailed design should ensure consideration of driver visibility when entering and exiting this car park.

#### Station Underpass

- The application proposes a development plot over the existing accessible ramp affording access between the main station concourse and the subway under platforms 5 and 6. This land is outside of HS1's main lease and HS1 are concerned that suitable access may not be provided between these two levels other than the existing stairs. There is currently no lift access at this point and HS1 would request that a commitment is given to providing a new lift facility at this point to improve accessibility between the two levels.
- HS1 request that the applicant considers the suitability of the underpass in light of additional pedestrian flows that would result from the development.

#### Sustainability

- HS1 welcome the provision of dedicated cycle and pedestrian links to Ebbsfleet International and are particularly pleased to note the ambition for a dedicated cycle parking hub and safe pedestrian and cycle routes to and from the surrounding area.
- HS1 would expect the new multi-storey car parks to accommodate and safeguard for the provision of EV charging facilities.
- HS1 note that the multi-storey car parks would provide opportunities to accommodate photo-voltaic panels and green/living facades and acknowledge the design aspiration for high quality MSCP structures within the application.

#### Passenger Numbers

- HS1 refer to analysis that is being undertaken by Southeastern, who operate the trains on their infrastructure, regarding the impact of additional passenger numbers on the baseline timetable and station infrastructure. HS1 note that there may be a requirement for further discussions about potential developer contributions for additional station infrastructure (e.g ticket gates, escalators), service enhancements and additional operating costs.

*EDC Officer Comment: The requested planning conditions have been discussed with HS1 and the approach to incorporating them into the recommended planning conditions has been agreed. Planning conditions would require replacement of existing station facilities (including disabled parking and drop off) and provision of new facilities, and no planning restrictions are proposed in respect of the operation of station parking. A Transport and*



*Parking Strategy would require details of any permit and/or allocated parking system to be implemented including any lease restrictions for parking spaces within any multi-storey car park. A planning condition requiring replacement of step free access between the Station and the existing underpass, in the event that the existing access ramp is removed as part of the redevelopment. Matters regarding developer contributions are discussed in response to Network Rail's consultation response below.*

**Network Rail (NR)** - NR have no objections to the proposals in principle, but highlight a key issue is the cumulative impact of development in the area which will drive increased station capacity requirements in future.

In terms of the proposed development, the impact on rail is significant as demonstrated by the trip generation figures in the applicant's Transport Assessment, expecting an additional approximate 1,300 (am) and 1,000 (pm) passengers. While it is unclear whether these figures are station-specific, NR assume the majority of the burden will be placed on Ebbsfleet International Station, with spill over into Northfleet Station.

While it is acknowledged Ebbsfleet International Station was built for this purpose, it has been identified that the station will need improvements in order to accommodate the additional passengers derived from the development comprising widening the gate lines of platforms 2, 3, 5 and 6 and improvements to the seating and waiting facilities. These works have been costed at £500,000 and NR request this financial contribution is secured from the development.

Northfleet Station is within close proximity to the site so similarly expects passenger increase from the development. The Station is currently in a relatively poor condition, requiring refurbishment of existing assets (including the subway and station building), as well as additional facilities including platform shelters and cycle parking. NR are pleased to see the application allows for the provision of a walking and cycle route to and from the Station, but NR advise that the Station will need significant improvements in order to enhance the passenger experience and make the station more attractive and safer to use. The main improvements would focus on the provision of an Access for All (AfA) scheme to provide an overbridge and lifts so that users are not reliant on the underpass, which is unsafe and a flooding risk, in order to access both platforms. The total cost of these works is circa £5m for which NR request a contribution from this development towards (as opposed to fully funding) as follows:

- Contribution towards Access for All - £1,500,000
- Contribution towards all stages of AfA feasibility study - £930,000
- Contribution towards initial feasibility study to support AfA scheme - £650,000

NR advise they would be happy to discuss the request further in order to agree a suitable contribution in relation to the proposed development and how this would be spent.

In summary, due to the increased footfall associated with the size of this development at Ebbsfleet Central East, NR are seeking contributions towards accessibility and improvement of Ebbsfleet and Northfleet Stations to ensure rail travel remains an attractive option. NR has a duty to promote rail as a sustainable form of travel, this is jeopardised by the additional burden of cumulative development on the railway.

*EDC Officer Comment: This request by NR has been considered by the LPA and the applicant, and included a meeting with NR and Southeastern in March 2023. Whilst there may be an aspiration from NR (and the rail operator) to introduce improvements at these existing Stations, limited justification has been provided to calculate the impact of the*

*proposed development on either station and the improvement works identified for are not precise, fully costed or appropriately justified with supporting evidence. Therefore it is not considered that they meet the statutory tests for acceptance and the requests are not being pursued by the LPA.*

*The applicant has indicated that they will continue to liaise with NR as the design of the scheme develops, and has highlighted the following works proposed by the development that would provide enhanced connectivity to the stations:*

- *Introducing a combination of segregated and shared foot / cycle links and crossings within the development to enhance opportunities for travel on foot and bicycle when accessing the station.*
- *Introducing a mobility hub in proximity to the station to include car club provision, electric bike charging point and cycling parking.*
- *Introducing a segregated pedestrian and cycle corridor along Thames Way and Ebbsfleet Gateway.*
- *Introducing a Fastrack only route connection between Southfleet Road and International Way which will reduce journey times when accessing the station.*

**SE Trains Limited (Southeastern)** – Southeastern are content that there would be sufficient capacity for the proposals based on the December 2019 service/demand, however must be conscious to ensure that this proposal is not looked at independently but considered with further development proposals for the area. Southeastern would like the following considerations noted in any planning review:

1. The station would benefit from new, bigger and wider gate lines with some reconfiguration to account for more passengers. This would require more staff which we would expect the project to cover for a set number of years.
2. Better provision of lifts.
3. More inclusive signage across the whole station.
4. The current paid side of each gate line of Platforms 2&3 and 5&6 is not suitable for passenger flow and creates congestion and pinch points, which would need to be remodelled.
5. There is minimal seating at the station and a lack of facilities, charging points, additional space to work during any disruption /operational incident so provision for this would be welcomed.
6. An additional set of escalators if the gate line were to be reconfigured to encourage a more even flow of passengers boarding across the train.
7. Re-positioning of any customer information system if there were to be a redesign of the concourse.
8. Better signage for the bus stops and wayfinding.
9. Wider considerations across the station for accessibility - the current ramp is not compliant with regulations and not well sign posted.
10. Better accessibility in the station for the visually impaired or wheelchair users.
11. Toilet facility upgrades.
12. Installation of electric vehicle charging points across all car parks including accessibility bays.
13. Environmental initiatives which drive net zero carbon emissions including solar panels where applicable.

*EDC Officer Comment: See above comments to Network Rail representation.*

**Crossrail Safeguarding Team** – Transport for London (TfL) administers the Crossrail Safeguarding Direction made by the Secretary of State for Transport on 24 January 2008.

The response confirms that the application relates to land within the limits of land subject to consultation by the Crossrail Safeguarding Direction but have no comment on the application.

*EDC Officer Comment: N/A*

**NHS Kent and Medway Integrated Care Board (NHS)** – NHS Kent and Medway remains concerned regarding the scale and pace of housing development growth in the Ebbsfleet Garden City and surrounding areas, with no affordable supporting healthcare infrastructure being made available to date. Whilst they recognise that historic (Section 106) agreements approved many years before the ICB have resulted in minimal developer contributions being provided for health and care services, the NHS cannot continue to support developments with little or no direct support to NHS services.

The application includes c.2,100 new dwellings and would provide the focal point of the new community where all the community infrastructure would be located.

The HUDU (Healthy Urban Development Unit) modelling has identified the impact and capacity mitigation of the 2,100 dwellings for local services relating to Primary Care, out-patient and Walk-in-Centre services and also on Mental Health services and Intermediate Care services. The health system within the Kent and Medway ICB area is substantially underprovided in Primary Care Services and has no capacity to absorb new patients from the proposed development. Therefore, the Ebbsfleet Central East development would need to facilitate the full mitigation of the impact of development of the proposed 2,100 dwellings.

Without some form of commitment for either serviced land to be provided and transferred to NHS at no cost, plus some form of financial contributions towards the construction cost of a facility; or a turn key facility being provided to the NHS at a peppercorn rent or no cost, the NHS will not be able to support this development.

The health facility should be designed and built with all clinical rooms and offices being provided with natural daylight. The facility entrance should be located at ground level and accommodation should be at ground level or on floors immediately above the entrance floor. It should be close to bus stops on the proposed Fastrack networks and to car parking which should include at least 4no. disabled spaces at ground level. Disabled drop-off bays and an ambulance parking bay should be located immediately outside the entrance together with secure bicycle storage. The car park should include at least 4no. reserved spaces for staff vehicles required for home visits.

EDC should develop and seek approval from the Kent and Medway Integrated Care Board and the Dartford, Gravesham and Swanley Health and Care Partnership for the location and scope of any interim facility.

The NHS also request pump priming funding (c.£4.2M) to cover the higher and unfunded cost of operating services and facilities as the population grows.

In light of the above, and following discussions with the applicant and Local Planning Authority, the NHS have confirmed their agreement to the recommended planning condition that would secure healthcare provision to mitigate the impact of the proposed development.

*EDC Officer Comment: A recommended planning condition requires provision of a minimum amount of healthcare floorspace and establishes timescale for delivery, in addition to requiring approval of related details such as the building specification, internal fit out, lease and management arrangements and includes an ability to agree alternative arrangements if agreed by the Local Planning Authority. The original request for pump prime funding has not*

*accepted as it is not considered necessary to make the development acceptable in planning terms. Following various discussions and negotiations the NHS have confirmed agreement to the requirements of the recommended planning condition.*

**Dartford Borough Council (DBC)** - Ebbsfleet Central is a key strategic priority area for Dartford Borough Council, reflected in the recently adopted Development Plan and the Council support development which establishes a heart to the Garden City and makes best use of the location adjacent to Ebbsfleet International Station. This requires timely provision of a mix of active and 'complimentary' uses including a District Centre, and for homes to be accompanied by a sufficient quantum of commercial activities so that a sense of community is developed early in the build.

A key DBC objective is to ensure that this new development is well integrated with the wider area, particularly by foot and cycle and that a sense of community is developed early in the build. DBC highlight the need for the scheme to provide key links and connections including a safe walking and cycling route to Eastern Quarry, a direct Fastrack access to avoid buses getting caught in congestion on Southfleet Road, a connection to Northfleet Station and ensuring connections are provided to the unfinished bridge plaza to facilitate future onward connections.

DBC note and understand why the application site does not comprise the entirety of land within the Ebbsfleet Central policy allocation and consider the overall delivery of the whole site should be addressed through master planning. It is critical that this does not result in the loss of an opportunity to ensure the wider integration of Ebbsfleet Central with the remainder of the Garden City and other communities that fall with Dartford and Gravesham.

Dartford LP Policy E4 expects substantial education, health and community facilities including a primary school within the plan period. DBC advise that this should ensure land for a primary school is secured (to include arrangements to make it available for the community) and that clarity must be provided on the nature of healthcare provision before permission is granted. The lack of any minimum retail space raises concerns over whether a District Centre will be achieved and in a timely way. Also, provision of a sufficient business use floorspace which supports the creation of a mixed used development with employment uses is critical. DBC acknowledge that planning conditions must be imposed to get the right mix of uses to fulfil objectives and policy requirements.

DBC welcome changes to confirm at least 30% of the site area will be provided as open space and it should be shown how this will be fulfilled, and indication given on formal and informal recreation opportunities. As the open space is focussed alongside the River Ebbsfleet DBC would expect ecological enhancement and on-going monitoring and maintenance of these areas.

DBC's EHOs accept the conclusions and recommendations for further contaminated land assessment and that any noise from construction works could be appropriately mitigated through a Construction Environmental Management Plan. DBC are also satisfied that any issues relating to noise on future residents could be overcome through a good acoustic design approach and appropriate mitigation.

*EDC Officer Comment: The recommended planning conditions impose requirements for minimum quantum of non-residential floorspace to support creation of a new community, including retail, community, healthcare and business floorspace, along with triggers to ensure delivery alongside residential development. A s.106 Agreement with KCC would secure delivery of a primary school. Other conditions impose requirements in respect of delivering and maintaining open spaces and connections as well as ensuring acceptable amenity for existing and future occupants of the area.*

**Gravesham Borough Council (GBC)** - The principle of high quality, sustainable mixed-use development in and around the international and domestic Station at Ebbsfleet is long-established following on from the decision by Government to locate an intermediate station on HS1 there in 1994 and is now enshrined in local plan policies.

The application proposal would allow a considerable variance in the overall level and form of development actually delivered and GBC highlight the need to ensure the development makes effective use of the land and achieves appropriate densities. GBC would have concerns if permission was granted for development at Ebbsfleet Central that did not optimise development potential in this highly sustainable location, resulting in additional Green Belt release and a more dispersed pattern of development elsewhere than might otherwise be necessary.

For the purposes of their emerging local plan, GBC need to understand the levels and timeframes of development in Gravesham in terms of residential dwellings and other floorspace. The 35% affordable housing should be distributed on an equitable basis between GBC and DBC. GBC note and welcome the approach that 5% of residential units would be built to Building Regulation M4(3) standard with the remainder to M4(2) standard, but are unclear whether all or most of the M4(3) units would comprise part of the affordable housing and subject to nomination rights.

GBC advise that it would be useful to understand what regard the applicant has had to evidence of local need in progressing the scheme and what flexibility there will be to incorporate different mixes of housing types as the development is built out, particularly in relation to the affordable element.

GBC note that strategic policy has long identified Ebbsfleet Central as a future sustainable employment location that could act as a sub-regional economic driver and that the employment proposal for the site varies significantly ranging from 20,000sqm to 100,000sqm. Whilst what is ultimately delivered is likely to depend on market demand and creating a business activity hub that will attract the right occupiers, the difference between the two scenarios is significant. The creation of new jobs and the diversification of the local economy through bringing forward Ebbsfleet Central is to be welcomed but GBC comment that there doesn't appear to be an analysis of what the impact would be at the higher level in terms of the ability of the local economy to absorb such new jobs or any indication of what this might mean in terms of generating additional housing need.

GBC recognise the need for supporting retail and leisure development at Ebbsfleet. Given the proposal potentially includes a significant quantum of leisure floorspace this requires justification and an assessment of impact in accordance with the NPPF and LPCS Policy CS08. Due to the potential variance in retail and leisure space that could be delivered, GBC suggest that future reserved matters applications include detailed retail and leisure impact assessment to ensure that any new centre(s) to be created reflect the intended position of Ebbsfleet within the local hierarchy of centres, having regard to other developments including Northfleet Harbourside.

The provision of walking and cycling routes linking to the development, along with provision of cycle parking, will be important to promote active travel and support a sustainable development. The adjoining communities should be consulted on any such proposals. Existing pedestrian access between Ebbsfleet International Station and Northfleet Station is poor and the Public Rights of Way network is both tortuous and, in some places, unpleasant. Whilst the link to Northfleet Station lies outside the application site boundary it regrettably has been omitted despite its inclusion in the Ebbsfleet Implementation Framework, as it would assist in providing greater integration between Ebbsfleet and the existing community

in Northfleet. GBC advise that EDC should provide clarity as to who will bring forward this key piece of infrastructure and how it would be delivered in the future.

Consideration should be given as to whether the scale of buildings either side of Thames Way and the River Ebbsfleet would be appropriate given both context and the nature of the place to be created. At this stage, we do not know what will come forward on Car Park D to the west or elsewhere within the Ebbsfleet Valley so there is a risk that the Ebbsfleet Central development will stand alone as an island of high-density tall buildings surrounding the Station. GBC query what the scale and built form would look like in a scenario whereby the minimum quantum of development is delivered, reiterating an earlier point about making effective use of land.

GBC defer to the expertise of others in relation to impacts on the natural and historic environment but advise in particular that a sensitive approach should be taken to the River Ebbsfleet corridor where the objective should be to re-create a cohesive and legible watercourse rather than a series of interconnected parkland water features. Given the heritage interest of the Ebbsfleet Valley and its surroundings consideration should be given as to how this could be celebrated within the development through local display and interpretation, which could also be a means of securing integration with the existing adjoining communities given shared interest in the past.

GBC note that it will be important to understand when and how the landscape elements are to be delivered, and what mechanisms will be put into place to secure its future maintenance as a public resource. In terms of phasing, GBC ask whether consideration could be given to advance landscaping and other works to improve the environment of the River Ebbsfleet corridor to improve both the setting of development coming forward in the remainder of Ebbsfleet Central as well as improving the environment immediately adjoining the existing community of Northfleet.

The development would result in additional pressure on sport and recreational facilities beyond the site boundary and consideration should be given as to how those impacts might be mitigated.

The success of Ebbsfleet Garden City and its acceptance by existing communities as a project depends to a large extent on both physical and social integration and the benefits it can bring them. It would be helpful if further work could be done in this area to secure better integration as part of a package to be implemented beyond the application site boundary, along with considering how the development could assist in terms of employment, training, education and other opportunities.

A separate response was provided in June 2024 providing requests for planning obligations in relation to the development that falls within Gravesham, noting that Gravesham is not a CIL Charging Authority, summarised as follows:

- Air Quality – financial contribution to GBC towards continuous and passive air quality monitoring (£3,700) and towards the implementation of their Air Quality Action Plans (£3,000).
- Arts and Culture – if public art is not incorporated into the development, GBC request payment of a financial contributions (no amount specified) to fund arts and cultural projects within the local area.
- Affordable and Social Housing - GBC welcomes the proposal to deliver 35% affordable housing on site in Gravesham. In keeping with policy GBC seek the delivery of 70% affordable/social rented tenures and 30% intermediate. Should the intermediate housing include the delivery of 'First Homes', GBC request that a

contribution of £500 per dwelling is paid to cover their on-going monitoring costs associated with 'First Homes', with a further £500 per dwelling to be paid, where provision of a compliance certificate is required.

- Burial Land and Facilities – financial contribution to GBC towards the provision of additional burial land and facilities, comprising land acquisition costs (£187.90 per person) and construction costs (£175 per person).
- Community Safety – GBC highlight the need to ensure new development incorporates measures to design out crime, including ensuring adequate lighting, CCTV provision and site management – if the scheme cannot commit to this GBC request a financial contribution towards securing these facilities and services.
- Economic Development - Gravesham experiences above-average levels of unemployment especially youth unemployment and associated deprivation in comparison to some other parts of Kent and the wider South East. A planning obligation is requested requiring that the applicant/developer deliver a local employment, skills and supply chain plan.
- Parks and Open Spaces - The proposed development would place greater recreational demands on the open spaces within Gravesham, such as Northfleet Urban Country Park, and GBC note that mitigation could include the provision of additional parks and open spaces owned by the Council with suitable sinking fund.
- Sports and Recreation - Based on all the assessment data currently available there is a need for capital improvements to a number of open spaces, play facilities and the leisure facilities that would serve the proposed development. GBC refer to use of Sport England's Sports Facility Calculator as a guide for associated costs, based on the anticipated number of residents generated from the revised development.
- Youth and Community Provision - GBC expects the proposal to incorporate youth and community provision within the development. If that is not possible, GBC would welcome EDC engaging with them so that developer contributions can be agreed to fund arts and cultural projects within the local area, to address the needs arising from this development. Any provision made within the development should be accessible to the wider community.
- Transport and Parking - GBC advise that new development should not adversely impact existing residents and businesses and request that EDC ensures that GBC, as the relevant authority that has responsibilities for managing parking, is involved in travel planning and management discussions with a view to ensuring sufficient measures are put into place to negate the impacts of occupiers of this development parking in neighbouring areas within walking distance of the site.
- Waste Collection – GBC is the waste collection authority and seeks the provision of waste receptacles which are used by occupants in new developments for kerbside collections and it is the responsibility of the developer to ensure that all the relevant bins and sufficient storage space is provided for each property. Due to additional demands on their waste collection service, GBC requests a financial contribution of £47 per dwelling towards additional refuse collection truck costs and £22 per dwelling towards an additional food waste collection truck.

*EDC Officer Comment: The application seeks to maximise development on the site whilst deliberately retaining flexibility over the range and mix of uses to respond to market conditions, particularly in relation to business floorspace. Recommended requirements of an Area Master Plan include distribution of uses and built form to ensure consistency of approach across the site in terms of scale, form and massing dependent on what final quantum and mix of development is ultimately implemented. This would include establishing minimum building heights to ensure an appropriate quantum and scale of development. A condition is recommended for a Housing Diversification Strategy to be approved which would guide the type and tenure of housing that may vary over the development*

programme, but the s.106 Agreement would ensure at least 35% of dwellings in each local authority area would be affordable.

*The proposed s.106 package includes off-site improvements to the PROW network to enhance connectivity, and the development would safeguard land required for a potential future direct link to Northfleet Station. As set out in the draft Heads of Terms, GBC would be invited to sit on the Transport Review Group to be established through the s.106 Agreement with KCC. The request for financial contributions relating to air quality have been accepted by the applicant and LPA and are included in the attached s.106 Heads of Terms. However, at the time of publishing this report no justification had been provided by GBC to support their requests for financial contributions towards burial space or waste collection vehicles. As such it has not been demonstrated that these requests meet the tests for securing planning obligations, including being necessary to make the development acceptable, so cannot be pursued by the LPA.*

*In terms of wider benefits, recommended planning conditions require implementation of employment and skills plans aimed at maximising opportunities for local people and businesses to benefit from the development. They also require inclusion of details such as public art, sport and recreation, community facilities, community safety and site management.*

**Kent Police Crime Prevention Design Advisor (CPDA)** – Confirm that Kent Police were involved in the pre-app process and met with the applicant to discuss the principles of crime prevention through environmental design (CPTED) in respect of the design and layout of the development. The CPDA response provides a list of generic recommendations for residential and commercial developments to be considered at the detailed design stage.

It may also be advisable for the applicant to contact British Transport Police and their Counter Terrorism Search Advisor for more specialist guidance.

*EDC Officer Comment: The recommended planning conditions ensure that crime and anti-social behaviour is considered at the Area Design Code and detailed design stage. In light of HS1 comments they require specific reference to the need for errant vehicle protection measures to reduce risk of impacts to Ebbsfleet International Station but also large public spaces.*

**Kent Fire & Rescue Service** - Although the DAS details a “movement framework” that considers specialist vehicles such as emergency vehicles, it is unclear whether any other documents or diagrams are available that clearly show/demonstrate this, such as “swept paths”. Applicants should be aware that in the event of planning permission being granted the Fire and Rescue Service would require emergency access, as required under the Building Regulations 2010, to be established. Fire Service access and facility provisions are a requirement under B5 of the Building Regulations 2010 and must be complied with to the satisfaction of the Building Control Authority. A full plans submission should be made to the relevant building control body who have a statutory obligation to consult with the Fire and Rescue Service.

*EDC Officer Comments: Detailed access arrangements, including highway geometry and junction designs, would be provided at detailed design stage through Reserved Matters Applications, so is not a matter for consideration at this stage.*

**Port of London Authority (PLA)** - The site itself is not situated within 250m of a safeguarded wharf but the access road to 42 Wharf (designated as a safeguarded wharf in the adopted Kent Minerals and Waste Plan) adjoins a roundabout within the red line boundary. Therefore, in accordance with Policy DM8 of the Kent Minerals and Waste Local



Plan an Infrastructure Assessment has been submitted and the applicant has engaged with the wharf operator as part of the assessment.

The assessment confirms that there would be no obstruction to vehicular access to or from Wharf 42 during construction and operational stages of the development. The assessment also includes consideration of noise and air quality impacts. This has focussed on the access route given that the actual wharf is located a significant distance from the application site and is considered appropriate. PLA comment that the Assessment should have been updated as part of the application resubmission to reflect updates and previous responses, including from the wharf operator, to ensure that the development is fully in line with Policy DM8 which states that vehicle access to and from a safeguarded wharf would not be constrained by the proposed development.

Given the location of the development area, and its location to a number of safeguarded wharves including 42 Wharf, it is disappointing that the Transport Assessment does not refer to the potential use of the River Thames through the supply chain as part of the construction stage. KCC recommend that a construction management plan should refer to the need to robustly consider the use of the river through the supply chain as part of the construction stage.

*EDC Officer Comments: A recommended CEMP condition requires consideration of using the river for import/export of materials, albeit noting physical, land owner and logistical issues despite the relative proximity of the site to the River Thames. The applicant has explained why an updated Infrastructure Assessment was not submitted when the application was updated, noting that transport impacts were fully assessed through a Transport Assessment Addendum that was updated as part of the re-submission to demonstrate, to the satisfaction of the local highway authority, that the development would not adversely impact vehicular access to and from the safeguarded site.*

**Southern Water (SW)** – SW comment as follows:

#### Odour

SW acknowledge the potential for odour to be a material planning constraint and advise that on-site odour mitigation will be required. At present, neither a design solution for the required level of odour mitigation nor a suitable funding mechanism are in place and the level of intervention required would be significant and may be considered in excess of best practicable means. SW therefore recommend that an odour related planning condition is imposed should permission be granted. SW's position is that no sensitive land uses are located within the 1.5 ouE/m<sup>3</sup> contour as the 98<sup>th</sup> percentile of hourly average concentrations.

#### Protection of Public Apparatus

SW advise that there is limited opportunity to divert an existing 1500mm public treated effluent sewer so object to the proposed development layout on the grounds that building over the public treated effluent sewer cannot be permitted. SW advise that the layout should be amended to achieve the required stand-off distances and request that this application is not determined until such time as the applicant produces a suitable layout. SW requests that a condition is imposed requiring the developer to advise the local planning authority (in consultation with SW) of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

#### Wastewater Treatment Works

The wastewater discharged from the proposed development will be drained to SW's Northfleet Wastewater Treatment Works. The works currently does not have the capacity to accommodate flows from the proposed development but SW advise that, where

development has been identified and allocated for future development, they will attempt to ensure capacity is available to serve it.

#### Foul and Surface Water Drainage

SW has undertaken a desktop study of the impact that the additional foul sewerage flows from the proposed development will have on the existing public sewer network which indicates that they may lead to an increased risk of foul flooding from the sewer network. Any network reinforcement that is deemed necessary to mitigate this will be provided by SW who will liaise with the developer in order to review if the delivery of the network reinforcement aligns with the proposed occupation of the development, as it will take time to design and deliver any such reinforcement. It may be possible for some initial dwellings to connect, pending network reinforcement. SW will review and advise on this following consideration of the development programme and the extent of network reinforcement required. SW request a planning condition requiring that occupation of the development is to be phased and implemented to align with the delivery by SW of any sewerage network reinforcement required to ensure that adequate wastewater network capacity is available to adequately drain the development.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by SW should this be requested by the developer. Where SuDS rely on facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity as good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by the Local Planning Authority.

#### Water Connection

SW investigations indicate that they can facilitate water supply to service the proposed development. SW requires a formal application for a connection to the water supply to be made by the applicant or developer.

*EDC Officer Comments: Planning conditions are recommended relating to odour mitigation, protection of underground assets, foul and surface water drainage. Water network upgrades are covered by non-planning legislation so an informative is proposed relating to this. A condition is recommended to approve a Construction Environmental Management Plan to demonstrate how existing drainage infrastructure will be protected during the construction works. Regarding their point of objection, it is relevant to note that this application is not seeking to approve layout of the development and the recommended planning conditions (including the Area Master Plan condition) require the future designs to have regard to presence of existing services and utilities, to include underground sewers. An informative is proposed making reference to the clearance distances required by SW.*

**Thames Water (TW)** – Thames Water advise that the site falls within the remit of Southern Water for sewerage and sewage treatment.

Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development so request imposition of a planning condition restricting occupation until all water network upgrades required to accommodate the additional demand to serve the development have been completed or they have agreed a development and infrastructure phasing plan to ensure necessary upgrades are provided when required to serve the development.

The proposed development is located within 5 metres of a strategic water main. Thames Water do not permit the building over or construction within 5 metres of strategic water mains and request a planning condition to ensure its protection during construction, including approval of details to divert the asset if required. TW also request a condition requiring approval of a piling method statement to minimise the potential for damage to subsurface water infrastructure through penetrative foundation works.

There are water mains crossing or close to the development. Thames Water advise that they do not permit the building over or construction within 3 metres of water mains.

TW also recommend an informative advising that the development is located within 15 metres of Thames Waters underground assets and that the development could cause the assets to fail if appropriate measures are not taken, with signposting to their developer guidance document.

The applicant is advised that the application site falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface.

*EDC Officer Comments: As above, water network upgrades are covered by non-planning legislation so an informative is recommended relating to this. In order to protect drainage apparatus in the interests of public health a planning condition is recommended preventing development on any phase or sub-phase of development until details of the measures which will be undertaken to protect/divert any existing drainage infrastructure within that phase or sub-phase of the development have been approved by the Local Planning Authority.*

**UK Power Networks (UKPN)** – The proposed development is in close proximity to their substation(s).

UKPN's engineering guidelines state that the distance between a dwelling of two or more stories with living or bedroom windows overlooking a distribution substation should be a minimum of 10 metres if the transformer is outdoor, 7 metres if the transformer has a GRP surround or 1 metre if the transformer is enclosed in a brick building. It is a recognised fact that transformers emit a low level hum which can cause annoyance to nearby properties. This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows. A problem can also occur when footings of buildings are too close to substation structures. Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings.

UKPN advise that any proposed works within 6m of the substation are notifiable under the Party Wall etc. Act 1996. The applicant should provide details of the proposed works and liaise with UKPN to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act. The applicant would need to be responsible for any costs associated with any appropriate measures required.

Should any diversion works be necessary as a result of the development then enquiries should be made to UKPN's Customer Connections department.

*EDC Officer Comments: An informative is recommended to include UKPN's advice noting that issues relating to noise, vibration and general impacts on and from adjacent infrastructure require detailed consideration as part of the detailed design through recommended planning conditions.*

**South East Local Enterprise Partnership (SELEP)** - It would be good to have a great deal more commercial property around Kent in general as there is a dearth of all kinds in the county so any additional space is welcome and having good train links can only be of benefit. Businesses we have dealt with have left the county due to not being able to access the space they need. Ebbsfleet would be a good location for any development with such good transport links and being on the high-speed line to London is perfect for businesses looking to tap into London.

*EDC Officer Comments: A key objective of the application is to support inclusive growth and deliver a range of business space to support a range of business sectors and sizes and appropriate safeguards are provided through the application and recommended planning conditions to ensure the development meets this objective.*

**Swanscombe & Greenhithe Town Council** - The Town Council objects to this application on the grounds that the external infrastructure will not be able to absorb the additional traffic / vehicular movements that would result from this proposal.

*EDC Officer Comments: The application commits to a significant package of transport related measures, both physical measures and incentives to encourage sustainable travel, to minimise adverse impacts on the local highway network. Refer to the planning appraisal and the associated planning conditions and planning obligations in Appendices 1 and 2.*

5.3 No response was received from the following:

- Department for Transport
- RSPB
- Ramblers Association
- Swanscombe & Greenhithe Residents' Association

## 6.0 PLANNING POLICY

6.1 The effect of section 38(6) of the Planning and Compulsory Purchase Act 2004 is to require planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 The application site, despite being wholly within the EDC's boundary, comprises land within the Boroughs of both Dartford and Gravesham. Accordingly this application stands to be determined in accordance with the Development Plan as applicable to both Boroughs which comprises the recently adopted Dartford Local Plan (April 2024), the adopted Gravesham Local Plan Core Strategy (September 2014), saved policies from the adopted Gravesham Local Plan First Review 1994 and the adopted Kent Minerals and Waste Local Plan 2020.

6.3 The Dartford policies relevant to the consideration of this application are set out below.

### The Dartford Local Plan 2024

- Policy S1: Borough Spatial Strategy
- Policy S2: Infrastructure Planning Strategy
- Policy S3: Climate Change Strategy
- Policy S4: Borough Development Levels
- Policy S5: Sustainable Housing Locations

- Policy E1: Ebbsfleet and Swanscombe Strategy
- Policy E2: Ebbsfleet Garden City Development Principles
- Policy E4: Ebbsfleet Central Allocation
- Policy M1: Good Design for Dartford
- Policy M2: Environmental and Amenity Protection
- Policy M3: Sustainable Technology, Construction and Performance
- Policy M4: Flood Risk and Riverside Design
- Policy M5: Designated Heritage Assets
- Policy M6: Historic Environment Strategy
- Policy M7: Affordable Housing
- Policy M8: Housing Mix
- Policy M9: Residential Amenity Space
- Policy M13: Green and Blue Infrastructure and Open Space Provision
- Policy M14: Biodiversity and Landscape
- Policy M15: Travel Management
- Policy M16: Active Travel, Access and Parking
- Policy M17: Community Uses
- Policy M18: Sustainable Economic Locations
- Policy M19: Provision for Local Business and Skills

6.4 The Gravesham policies relevant to the consideration of this application are set out below.

#### Gravesham Local Plan Core Strategy September 2014

- Policy CS01 – Sustainable Development
- Policy CS02 – Scale and Distribution of Development
- Policy CS06 - Ebbsfleet (Gravesham) Opportunity Area
- Policy CS07 – Economy, Employment and Skills
- Policy CS08 – Retail, Leisure and the Hierarchy of Centres
- Policy CS09 – Culture and Tourism
- Policy CS10 – Physical and Social Infrastructure
- Policy CS11 – Transport
- Policy CS12 – Green Infrastructure
- Policy CS13 – Green Space, Sport and Recreation
- Policy CS14 – Housing Type and Size
- Policy CS15 – Housing Density
- Policy CS16 – Affordable Housing
- Policy CS18 – Climate Change
- Policy CS19 – Development and Design Principles
- Policy CS20 – Heritage and the Historic Environment

#### Gravesham Local Plan First Review 1994 (Saved Policies)

- Policy LT6 – Additional Open Space in New Housing Development
- Policy T1 – Impact of Development on the Highway Network
- Policy T2 – Traffic on the Primary and District Road Network
- Policy T3 – Commercial Traffic on the Primary and District Road Network
- Policy T5 – New Access onto Highway Network
- Policy T6 - Safeguarding of Thameside Development Route
- Policy T9 – Housing Estate Layout

- Policy P3 – Vehicle Parking Standards
- Policy TC2 – Listed Buildings
- Policy TC3 – Development Affecting Conservation Areas
- Policy TC7 – Other Archaeological Sites

- 6.5 Saved policies contained in the Gravesham Local Plan First Review should be given due weight, with such weight to be given according to the degree to which policies are consistent with the National Planning Policy Framework.
- 6.6 Paragraph 33 of the NPPF 2023 sets out that those policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012. GBC undertook such a review in September 2019 and the review found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted, and the need to ensure a sufficient land supply exists to meet this need.
- 6.7 Given Gravesham’s current inability to demonstrate a 5 year housing land supply the housing delivery element of LPCS Policy CS02 must be regarded to be out of date. Therefore, in determining applications for planning permission involving housing, the decision maker should apply a weighted balance in favour of granting planning permission in accordance with relevant case law and guidance, having regard to the acceptability or otherwise of the proposals when evaluated against development plan policy, the need to make efficient use of land in context, the relative contribution the proposal makes towards the alleviation of any shortfall in housing delivery at that time and any other considerations material to the proposed development.
- 6.8 Whilst saved policies from the Local Plan First Review 1994 generally conform with the NPPF 2023, it is understood that the Council will seek to replace these.
- 6.9 The Kent County Council policies relevant to the consideration of this application are set out below.

Kent Minerals and Waste Local Plan 2020

- Policy CSM6 – Safeguarded Wharves and Rail Depots
  - Policy DM8 – Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities
  - Policy CSW2 - Waste Hierarchy
  - Policy CSW 3 - Waste Reduction
- 6.10 The following national and other planning guidance is also relevant and material to the determination of this application:

National Policy & Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- Building for a Healthy Life 2020
- Technical Housing Standards – Nationally Described Space Standards (2015)

DBC Supplementary Planning Guidance

- Parking Standards SPD (July 2012)

#### GBC Supplementary Planning Guidance

- Residential Layout Guidelines (July 1996)
- SPG 1: Landscape Character (July 2006)
- SPG 2: Biodiversity Conservation (July 2006)
- SPG 3: Archaeology in Historic Towns (July 2006)
- SPG 4: Kent Vehicle Parking Standards (July 2006)
- The Kent Design Guide
- Design for Gravesham (2024)

#### KCC Supplementary Planning Guidance

- KCC Safeguarding SPD (2021)
- Kent County Council Developer Contributions Guide (2023)

#### EDC Guidance

- Ebbsfleet Implementation Framework
- Design for Ebbsfleet Guide
- Ebbsfleet Public Realm Strategy
- Ebbsfleet Sustainable Travel Strategy

## **7.0 PLANNING APPRAISAL**

### **7.1 Main Issues**

7.1.1 The following sections of the report provide an analysis of the specific aspects of the proposed development that require consideration. The main issues to be considered in the determination of this outline planning application include:

- Principle of development;
- Proposed quantum, mix and location of uses;
- Biodiversity and ecology;
- Heritage;
- Environment (including water resources, flood risk, sustainable drainage and contamination);
- Amenity (including air quality, noise and vibration, odour, wind microclimate and daylight/sunlight);
- Transport, access and movement;
- Design and open space;
- Sustainable design and technology (including carbon reduction);
- Planning obligations and infrastructure; and
- Other matters including economic impacts and minerals and waste safeguarding.

7.1.2 As Environmental Impact Assessment (EIA) development, the planning application is supported by an assessment of the environmental impacts arising from the proposed development in the form of an Environmental Statement (ES). The ES is consistent with the EIA Scoping Opinion issued by the Local Planning Authority (LPA) on 24<sup>th</sup> February 2022 (reference EDC/22/0005). The ES has been independently reviewed on behalf of the LPA by AECOM who consider that it provides a full account of the development proposed and the likely significant effects of the development on the environment including measures to mitigate any environmental effects. The EIA consultants have confirmed that, in their professional opinion, the ES is compliant with the requirements of the Town and Country Planning (Environmental Impact

Assessment) Regulations 2017 as amended (the EIA Regulations) and is considered adequate to assess the likely significant effects of the development on the environment and to contain sufficient environmental information to enable determination of the planning application. LPA officers agree with this conclusion.

- 7.1.3 The LPA has examined the 'environmental information' and has used this information to reach reasoned conclusions on the likely significant effects of the proposed development on the environment. These conclusions are incorporated into the relevant sections of this report. To ensure that the development is carried out in accordance with the parameters assessed in the ES, measures would need to be secured if the application is granted planning permission i.e. through planning conditions and/or planning obligations. These planning conditions and/or planning obligations are addressed within this report.

## **7.2 Principle of Development**

- 7.2.1 The NPPF has an underlying presumption in favour of sustainable development. It states that larger scale developments, such as new settlements or major extensions to existing towns, are supported provided they are well located and designed and supported by necessary infrastructure and facilities (paragraph 74). The NPPF expects planning policy to promote an effective use of land in meeting the need for homes and other uses, including promoting the development of under-utilised land and buildings, such as building on or above car parks and railway infrastructure.
- 7.2.2 The application site has been allocated for development through previous and existing adopted local planning policies and benefitted from an historic outline planning permission for mixed use redevelopment that was only partly built out for adjacent land and which expired in 2022.
- 7.2.3 Dartford LP Policy E4 states that land by the east of the railway station will deliver large scale commercial activity and infrastructure providing good quality complimentary businesses and jobs, strategic health and community facilities, a hotel, homes and a new district centre, including first class public realm, urban greenspace and a public park along the River Ebbsfleet which protects and enhances its ecological interest and creates a naturalised river and banks.
- 7.2.4 Gravesham LPCS Policy CS06 identifies the site as a substantial opportunity for a high quality, sustainable, mixed use development in line with the long-standing strategy to create a major business district at Ebbsfleet and states that development should bring significant benefits to the Borough and surrounding communities through the delivery of new housing, business employment and supporting facilities centred around and well linked to the Ebbsfleet Station transport hub.
- 7.2.5 In addition, the Ebbsfleet Implementation Framework states that Ebbsfleet Central will become a dynamic new heart for Ebbsfleet, comprising a major commercial hub and a centre of excellence for medical education and learning. It states that this dynamic focus of uses will be supported by a diverse mix of residential, health and leisure uses, with associated bars, restaurants and convenience shopping to support active and lively streets.
- 7.2.6 The application proposes a range and mix of uses and associated infrastructure that aligns with the long established vision and aspiration for the site as set out in adopted planning policy and the Ebbsfleet Implementation Framework. As well as providing a range of uses, it would also make an important contribution to the identified local



housing need in both Dartford and Gravesham, noting that the latter cannot demonstrate a 5-year housing land supply.

- 7.2.7 In summary, subject to assessment of the details, the proposed development accords with the fundamental principles of adopted local planning policies by proposing delivery of a mixed use scheme that supports the vision for delivery of the Garden City as set out in the Ebbsfleet Implementation Framework. The principle of development is therefore strongly supported.

### **7.3 Proposed Quantum, Mix and Location of Uses**

- 7.3.1 The outline application seeks approval to allow for a range of different uses including residential dwellings, shops, restaurants and cafes, pubs, offices, healthcare, education and local community facilities, hotels, gyms and cinemas. The outline nature of the application is such that, unless otherwise specified or required, the applicant is not committing to provision of all of these uses. This section assesses what is being proposed in terms of the quantum and mix of uses to establish the acceptability, the need for any mitigation as well as identification of any minimum floorspace requirements and timescales for delivery of the uses.
- 7.3.2 The application is supported by a Development Specification which is a document submitted for approval that, alongside the parameter plans, defines and describes the proposed development and specifies the type and amount of development that could be provided. In addition to establishing the maximum floorspace for different uses it also proposes a minimum floorspace for some of them. The need to establish minimum floorspaces is important to ensure that the development genuinely sustains the vision and secures delivery of facilities and services that are required to support it, such as retail, community, healthcare and education. Notwithstanding the Development Specification, it is within the remit of the LPA to identify alternative minimum floorspace requirements for specific uses where considered necessary to make the application acceptable and policy compliant.
- 7.3.3 The application seeks approval for a maximum of 485,000sqm of floorspace which means that it would not be possible for the maximum quantum of all the individual uses allowed for by the Development Specification to be provided. It would be for the applicant, via future planning submissions, to refine the mix and quantum of uses, which reinforces the need to secure appropriate minimum floorspace quanta for key uses.
- 7.3.4 The Land Uses Parameter Plans (Ground Level and Upper Levels) are deliberately flexible to allow the majority of the development zones and plots to comprise any of the permitted land uses for the site, although in some areas plots are identified to provide a particular use as the predominant use. For example at ground floor level the plot in EC1 adjacent to the Station underpass is shown as predominantly retail, leisure or community use and the upper floors in the EC2 plots closest to Ebbsfleet International Station are shown as being predominantly office and/or other commercial uses. In EC1 some plots are shown as being predominantly residential, whereas in all other plots throughout the scheme no predominant use is identified. Reference to “predominant” means at least 51% of that development plot will be in the specified use, thus leaving significant flexibility for other uses too.
- 7.3.5 Notwithstanding the predominant land uses identified, the parameter plans would still allow a mix of uses within plots and, furthermore, as set out in adopted policy the principle of mixed use buildings is strongly encouraged to enhance vibrancy, activity and viability of blocks, as well as to support delivery of residential and non-residential

uses together. This genuine mixed use approach is a principle that would be expected to be incorporated as part of future detailed master planning and design coding at the next stage in the planning process.

- 7.3.6 The following provides an overview and assessment of the individual uses being proposed.

#### Commercial - Business

- 7.3.7 The NPPF (paragraph 85) states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 7.3.8 The application acknowledges that to create a successful economic offer, Ebbsfleet Central East will need to be markedly different to what exists or has been delivered within the sub-region previously. It is likely that without the creation of an appropriate character and form of development, Ebbsfleet Central East will not be able to capture the opportunities presented by the market trends and therefore undershoot its vision for the future. The Vision Statement includes an objective to deliver a range of business spaces that support start-ups, grow on and established business of different scales and 'value rich' occupiers to act as a knowledge exchange hub in the North Kent and wider region.
- 7.3.9 The application seeks approval for a maximum of 110,000sqm of business floorspace. Whilst anticipated to primarily comprise office space, this could also include financial and professional services, light industrial uses and research and development uses. The application includes a commitment to deliver a minimum quantum of 20,000sqm which, through the Land Uses Parameter Plan, would be located within a core hub area in EC2. The proposed concentration of commercial floorspace within EC2 is supported noting its proximity and accessibility to Ebbsfleet Station as well as commercial feedback that a cluster of such uses is a key requirement of potential occupiers.
- 7.3.10 The LPA agree that a commitment to delivering a minimum quantum of business floorspace is necessary to provide confidence and reassurance that an outline planning permission would provide a robust mechanism to sustain and support the wider vision and sustainability of the development. In particular to avoid a potential scenario whereby business floorspace is reduced in favour of residential floorspace. However, the LPA have raised concerns that the proposed 20,000sqm minimum floorspace is too low and would not deliver the economic benefits required by planning policy in respect of creating an economic hub. For general comparison, 20,000sqm is approximately the size of Eclipse Park in Maidstone, one third of Crossways Business Park in Dartford and approximately one third of the floorspace within the Canary Wharf main tower block in London.
- 7.3.11 It is appreciated that the approach to the quantum of development needs to be treated carefully, with an upfront requirement to neither over nor under provide and inadvertently create a situation where Ebbsfleet Central East is stymied from succeeding by having too much or too little space to create the right character for the market. Flexibility is key, and although references are made to 20,000sqm being the baseline starting point for business space, by default it could also become the maximum that the applicant is required to deliver.

- 7.3.12 Notwithstanding the Development Specification, it is recommended by the LPA that a planning condition be imposed requiring a higher minimum of 30,000sqm business floorspace. A trigger for delivery of this business floorspace is also considered necessary, linked to residential occupations, which has been discussed and agreed with the applicant to be secured through a planning condition.
- 7.3.13 In considering this it is important to acknowledge that the economic success of the development would be dependent on various factors beyond just the quantum of floorspace, to include the provision of complimentary uses such as retail and leisure (and potentially meanwhile uses), as well as high quality open spaces and public realm. As well as other uses providing job opportunities, this is critical to the site being attractive to future occupiers. Discussions with the applicant have included the importance of a commercial strategy that could set out an approach to letting the floorspace to seek to ensure the uses and spaces provided maximise their value in terms of job creation and economic benefits. It is therefore proposed that a Non-Residential Uses Strategy is approved prior to detailed master planning to establish a strategy and targets to ensure that the development maximises economic benefits and job creation of the floorspace delivered.
- 7.3.14 In terms of the location of employment led development, it is relevant to note that Gravesham LPCS Policy CS06 states that Northfleet Rise Quarter Key Site (which comprises part of EC1) will provide an employment led development comprising business employment floorspace, leisure/entertainment floorspace and hotels and restaurants. The supporting text for this policy acknowledges that the vision for employment led development within Northfleet Rise (EC1) was guided by the previous planning consent for Ebbsfleet Valley and subsequent alterations to that consent in respect of the Springhead Quarter (which allowed a greater residential focus at Springhead Park). That consent was not widely implemented which indicates that delivery of a scale of employment floorspace originally envisaged is not viable or deliverable so the current application takes an approach to deliver a commercial hub close to the International Station which is considered to be most sustainable and deliverable way in which to deliver this. Notwithstanding this, the Land Uses Parameter Plans retain a flexible approach to land uses within this part of the site and, whilst some development blocks indicate a more residential focus, no objections have been received from GBC in respect of the broad mix of uses. It is therefore accepted that it is not necessary to require an employment focus for this part of EC1, noting that Gravesham cannot demonstrate a 5-year housing land supply so would benefit from an additional residential focus for this land.
- 7.3.15 The creation of an economic hub through delivery of a significant amount of floorspace for both business and complimentary commercial use, in addition to other uses including education, healthcare and community, would generate significant employment opportunities which would comprise a substantial benefit of the proposed development. Job creation, including opportunities for local people and companies, is discussed in more detail later in this report.

#### Residential

- 7.3.16 The application proposes a range of between 100,000sqm and 250,000sqm of residential floorspace, roughly translating to a range of between 1,000 and 2,500 dwellings. It is relevant to note that the main factor that would determine residential numbers would be decisions in respect of the amount of commercial space to be provided, i.e. more commercial equals less residential, and vice versa. It is not considered necessary to fix a split at this at the outline stage.

- 7.3.17 The application also allows for the inclusion of co-living and student accommodation, which could result in up to an additional 70,000sqm of residential floorspace over and above the aforementioned more traditional housing.
- 7.3.18 The inclusion of high density housing (shown as 2,100 dwellings in the Illustrative Masterplan) is supported in principle through planning policy as this would make efficient use of previously developed land in a highly sustainable location around a major transport hub. A large resident population would help ensure activity, surveillance and general vibrancy in the area during all times of the day. The development would make an important contribution to local housing need and the quantum of housing proposed is such that it would be important to deliver a variety of housing types and tenures in order to provide a mixed, balanced and sustainable community.
- 7.3.19 In terms of housing mix Dartford LP Policy M8 requires that the majority of dwellings on all developments should provide two or more bedrooms and that major developments should include provision for three and four bedroom homes. This policy also requires the provision of specialist accommodation for specific groups (such as age restricted dwellings) and care homes (Use Class C2) suitable for older and vulnerable people where appropriate and sustainably located and need is demonstrated. It states further that major developments should make proportionate provision for self-build or custom-build dwellings where appropriate to the character and form of the development. Gravesham LPCS Policy CS14 states that new housing developments should provide a range of dwelling types and sizes taking into account the existing character of the area and evidence of local need to create sustainable and balanced communities.
- 7.3.20 The high density nature of the proposed development is such that it would predominantly comprise apartments rather than houses. As acknowledged by the applicant, to justify this predominance of apartments it would be necessary to ensure they are designed to a high quality with generous internal space standards and access to adequately sized and located private amenity spaces. In accordance with planning policy all dwellings should be accessible and adaptable and it is positive that the application commits to achieving the M4(2) standard for all dwellings, with the exception of 5% that would be design to the higher M4(3) standard to ensure wheelchair accessibility and adaptability. Achieving these standards would result in internal space standards in excess of the Nationally Described Space Standards. Further to this, it is recommended that the Area Design Codes establish high density residential living standards, including internal spaces, access arrangements and provision of private and semi-private amenity spaces, to inform and enable assessment of detailed reserved matters applications in the future. The Design and Access Statement acknowledges that generous internal ceiling heights (minimum of 2.6 metres) would be a key component to ensuring high quality living conditions.
- 7.3.21 Housing diversification is important, particularly for a development of the size proposed, so it is necessary to require consideration of alternative housing typologies appropriate to a high density development to provide a greater mix of housing types and offer greater choice. To support this and to ensure consideration is given to provision of alternative type and tenure of homes, a planning condition is recommended to require approval of a site-wide Housing Diversification Strategy prior to any design decisions or reserved matters applications.
- 7.3.22 The broad distribution of housing types, densities and tenures would be established through an Area Master Plan. In particular this would seek to ensure an appropriate distribution of affordable housing across the site.

- 7.3.23 The applicant's commitment to provide 35% of the total dwellings as affordable housing is strongly supported. This accords with the recently adopted Dartford Local Plan but exceeds the requirement of the Gravesham Local Plan Core Strategy. This would be secured through s.106 Agreements between the applicant and the local housing authorities (DBC and GBC). Details are set out in the draft Heads of Terms at Appendix 2 which have been discussed and agreed with both DBC and GBC, including the split between ownership and rented products, delivery triggers and cascade provisions. This includes for the provision for First Homes as a component of the intermediate/ownership housing requirement.
- 7.3.24 It is relevant to note that, in addition to requiring EC1 and EC2 to each individually provide at least 35% affordable housing, the obligations would also require at least 35% affordable housing within each local authority area.
- 7.3.25 The affordable housing stock would include the required wheelchair accessible and adaptable dwellings to allow the ability for it to be managed and allocated to people in need.
- 7.3.26 As well as affordable housing, consideration is given to provision of alternative forms and tenures of housing including private rented, older persons and custom build and, whilst it would not be necessary to commit to this at outline stage, is something that should be considered and explored through the site-wide Housing Diversification Strategy. To support this, and consistent with Dartford LP Policy M8, the application includes an allowance to provide floorspace within Use Class C2, defined as provision of residential accommodation to people in need of care.

#### Retail and Leisure

- 7.3.27 The provision of retail and leisure uses within a major mixed use development is important to create active and sustainable places to live, work and visit. However, the amount of such space provided needs to have regard to impact on existing centres to avoid adversely impacting on their vitality and viability. In this case, existing centres principally relate to Bluewater Shopping Centre, Dartford and Gravesend Town Centres and local/district centres in Northfleet and Swanscombe.
- 7.3.28 Local planning policies seek to ensure that retail and leisure provision at Ebbsfleet Central is of a type and scale that meets the needs of the resident and daytime populations such that it doesn't attempt to excessively draw trade from the wider area. In this context it is relevant to note the presence of Bluewater which will remain a key destination for comparison shopping so a focus for retail provision at Ebbsfleet Central would be convenience shopping to support local residents, workers and visitors. It is also important to note the aspiration for this site to comprise a dynamic urban centre at the heart of the Garden City so it is appropriate to include a range of complimentary retail and leisure uses.

#### Retail

- 7.3.29 The application seeks approval for a maximum of 21,500sqm of retail floorspace.
- 7.3.30 The application does not propose a minimum quantum of retail floorspace but does acknowledge the planning policy expectation for the site to provide new retail centres, comprising a "District Centre" in EC2 containing a greater range and mix of larger retail units and a "Local Centre" in EC1 providing smaller retail units for the more immediate residents, generally defined as follows:

- District Centre – Accessible larger clusters with a range of commercial and community uses, featuring public facilities which attract visitors, and often contain important provision of local food/convenience services. They should remain mostly in service, business and community use.
- Local Centre – Smaller centres and as a whole are more diverse, but play an essential role in neighbourhoods across the Borough. Given their scale, they should retain at least two units of service, business and local essential community use.

7.3.31 To ensure appropriate provision of retail space a planning condition is recommended to secure triggers for delivery of these centres, linked to residential occupations. Furthermore, to reinforce the role of retail floorspace being to provide a mix of local shops as opposed to one or two larger shops, and to ensure provision on site does not seek to compete with adjacent centres or draw trade from the wider area, the planning condition also proposes caps on the maximum size of any individual retail unit.

7.3.32 Details of the retail provision, including the broad location of the centres, the split between convenience and comparison floorspace and the proportion of shopping and food and drink retail uses would form part of the site-wide Non-Residential Uses Strategy to be approved prior to more detailed master planning. A requirement of the applicable Area Master Plans would be to identify broad location of all proposed uses, to ensure an appropriate hierarchy and distribution of uses across the site.

7.3.33 Due to the scale of retail floorspace proposed, in combination with restrictions to the maximum size of individual units, it is considered that the development would not adversely impact existing centres. Also, subject to a requirement to deliver an identified minimum floorspace, the development would provide an appropriate amount of retail space to meet the needs of the new community.

#### Leisure

7.3.34 The application seeks approval for a maximum of 34,750sqm of leisure floorspace in addition to 15,000sqm of Sui Generis Uses which could include leisure uses such as drinking establishments, cinemas, casinos, nightclubs and theatres. As such a maximum total of 49,750sqm GIA leisure floorspace is proposed.

7.3.35 The inclusion of leisure space is welcomed in principle to support and reinforce the role of the proposed development and provide an active and welcoming place for residents, workers and visitors. By way of examples this could comprise indoor sport, recreation or fitness, outdoor sport or recreation, indoor or outdoor swimming pools or a skating rink, or the Sui Generis uses referred to above such as cinemas or theatres.

7.3.36 The application does not propose a minimum quantum of leisure floorspace but, unlike retail provision for example, it is not considered necessary in planning terms to impose a minimum requirement. The application identifies that leisure plays an important role in creating a vibrant new place, and this is central to the vision for the area, including supporting its economic function, and identifies potential uses such as gyms, cinemas, gaming/E-Sports and VR experiences, albeit acknowledges that similar provision is made at the nearby Bluewater Shopping Centre.

7.3.37 A Leisure Impact Assessment (LIA) was submitted when the application was revised in March 2024, principally to assess the impact of the proposed development on the vitality and viability of existing centres in respect of drawing trade.

- 7.3.38 The LIA assesses the potential impact on existing centres such as Dartford and Gravesend Town Centres and Bluewater Shopping Centre. It explains that some leisure uses are more “intensive” than others in terms of having the greatest potential to divert trade from existing centres. For example it states that cinemas and theatres would have a more “intensive” impact than indoor activity centres or galleries. The LIA states further that, whilst flexibility is sought to enable the development to adequately respond to market conditions at the time of delivery, it is considered highly unlikely that the full quantum of leisure floorspace proposed would come forward in its entirety and furthermore as solely “intensive” (i.e. high turnover) leisure uses.
- 7.3.39 To assess the impact on existing centre the LIA assumes a ‘worst-case’ scenario that comprises a maximum 13,950sqm of “intensive” leisure floorspace, with the remaining leisure floorspace comprising “non-intensive” uses. The assessment has regard to factors including the future population, expenditure on leisure, existing leisure patterns as well as increasing capacity to meet the needs of the development and improve the offer for existing residents. The LIA concludes that there is no evidence that the proposal would lead to significant adverse impacts on existing centres in terms of investment, trade / turnover and overall vitality and viability, which is accepted by the Local Planning Authority.
- 7.3.40 In summary, on the basis that the proposed leisure provision is aligned with the policy objectives for Ebbsfleet Central, it is considered that the proposed leisure floorspace is in accordance with an up to date Development Plan. There is therefore no strict policy requirement to assess the proposals against the town centre policy tests set out in the NPPF, namely sequential approach and impact assessment. Notwithstanding this, it is considered that the applicant has adequately demonstrated that the proposals would maintain the vitality and viability of existing centres. However, on the basis that the LIA was based on assumptions regarding the split of intensive and non-intensive leisure uses, it is considered necessary for any reserved matters applications that propose a cumulative site-wide total exceeding the maximum “intensive” leisure floorspace assessed to be accompanied by an updated Leisure Impact Assessment. It is proposed that this is secured through a planning condition which has been agreed with the applicant.

#### Community Facilities

- 7.3.41 Dartford LP Policy M17 requires that strategic developments must normally provide social and community facilities, with access to required facilities at an appropriately early stage. Gravesham LPCS Policy CS10 requires that, subject to viability considerations, new developments should provide or contribute towards new or improved physical or social infrastructure which should be put in place in a timely manner to support new development. Where permanent provision is not possible from the outset, temporary provision should be sought for early residents.
- 7.3.42 Dartford LP Policy S2 (Infrastructure Planning Strategy) identifies new services and facilities that will be provided to meet Dartford Borough’s needs, which includes provision of a healthcare facility and a primary school at Ebbsfleet Central.
- 7.3.43 As a key principle new facilities should be provided in a way that allows benefits to be shared by existing and new communities and be located close to the population they will serve, with co-location of services and multi-purpose spaces to be encouraged where this adequately serves community needs and provides a strong focus for communities.

7.3.44 The application allows for a variety of 'community' facilities including education, healthcare, nurseries and other community provisions such as halls, museums and libraries, which are discussed in turn below.

#### *Education*

7.3.45 KCC require the development to commit to delivery of a new two form entry primary school (including early years provision) to accommodate the pupils generated from this development. This provision is required irrespective of the precise final proposed quantum of residential dwellings on the site, and has been accepted by the applicant.

7.3.46 The application seeks approval for up to 75,000sqm of "learning/education" floorspace (Use Class F1). Whilst no minimum floorspace is proposed in the Development Specification, due to the requirement for this development to deliver a primary school it is necessary to secure delivery via a planning obligation (s.106 Agreement) with KCC. The draft Heads of Terms for this obligation are included in Appendix 2, requiring developer delivery of a two form entry primary school within the boundary of the application site unless an alternative off-site location is agreed between parties. Due to the high density urban nature of the proposed development KCC have accepted that an alternative school design typology could be appropriate so the minimum school site area does not need to be established at this stage.

7.3.47 The expectation is that the primary school would either be delivered within EC1 (on-site) or on land to the west of Ebbsfleet International Station (off site) that is owned by the applicant. The mechanism for agreeing whether the school could be provided off-site would be via an Education Review Group (ERG) to be established, to comprise representatives of the landowner, education authority and LPA. The expectation would be that the landowner secures detailed planning permission for an off-site facility prior to agreeing an alternative location for the school.

7.3.48 In either the on-site or off-site scenario, the planning obligation would require completion of the primary school prior to occupation of the 1,000<sup>th</sup> residential dwelling unless the ERG agree an alternative trigger, which is a principle agreed by KCC. The ERG would also have the ability to agree delivery of the school by KCC rather than the developer, that would require transfer/lease of land and a financial contribution. In such a scenario the ERG would agree details and timescales for matters including transfer or lease of land to KCC and associated financial contributions towards build costs of the primary school. A further obligation would require the school operator to accord with a community use strategy to be approved that would include using reasonable endeavours to make the school facilities available to the community outside of school times.

7.3.49 KCC have requested a financial contribution towards the construction costs of a new or expanded secondary school serving the local area, which has been accepted by the applicant, and would be secured through a s.106 Agreement. Despite an initial request, KCC subsequently confirmed via email that they are no longer seeking a financial contribution towards the cost of acquiring land to construct a new or expanded secondary school. KCC have also requested a financial contribution towards the costs of additional Special Educational Needs and Disability (SEND) provision serving the area, instead of requiring SEND provision as part of the primary school to be constructed on site, which has been agreed by the applicant. KCC have confirmed that the SEND requests relates solely to construction costs, rather than additional land costs.

#### *Healthcare*



- 7.3.50 The need to ensure new development either provides or otherwise mitigates its impact on local healthcare facilities is a key issue and always of particular interest to the surrounding community, and has been raised by a few residents who made comments on this application.
- 7.3.51 The application seeks approval for up to 40,000sqm of “service” floorspace (Use Classes E(e) and E(f)) which comprise medical/health services and creche, day nursery or day centre. It proposes a minimum of 2,500sqm for these uses.
- 7.3.52 Following discussions, the NHS have advised that there is no capacity in the existing system and that the scheme should commit to provision of a minimum 984sqm of floorspace for primary healthcare (i.e. GP services) in order to mitigate the impact of the proposed development. This is accepted by the LPA as adequate evidence has been provided to support the request and it is proposed that delivery is secured through a planning condition. Despite the NHS initially seeking delivery prior to first occupation, this was not considered reasonable, so an alternative trigger of 400<sup>th</sup> residential occupation is recommended following negotiation and agreement with the applicant and NHS. This remains an early trigger so the recommended condition wording allows for delivery of the permanent facility to be delayed in the event that delivery of a temporary facility is agreed. The broad location would be determined through the applicable Area Master Plan and the specification and arrangements for leasing to the NHS would be addressed through a Community Infrastructure and Building Strategy. The applicant has committed to completion of the facility to Category A internal fit out to provide the reassurances requested by the NHS.
- 7.3.53 An alternative financial pro rata financial contribution has been identified should the NHS determine at a later stage that an off-site facility would be preferable, which is an option that could be allowed for through approval of an alternative healthcare mitigation scheme. However, the preference is for provision of an on-site facility that meets the wider needs of the Ebbsfleet Garden City and would therefore exceed the minimum floorspace that is required to meet the needs of this development. This would be dependent on separate discussions between the applicant and the NHS, and potential availability of contributions from other developments and/or other sources, as it is not reasonable to expect this development to commit to provision over and above what is required to mitigate its own impact.
- 7.3.54 Notwithstanding this minimum requirement, the application does include an allowance for sufficient floorspace within the applicable Use Class to realise the EDC’s corporate aspiration to deliver a Health and Wellbeing Hub (HWbH) to provide primary health care services alongside wider health provision such as urgent care and children and midwifery services. The HWbH could also provide wellbeing services, community and training facilities and related commercial space which could include a pharmacy, opticians, food and beverage, retail and nursery and compliment current proposals for The Hub in Alkerden.
- 7.3.55 The suggested location for the healthcare facilities within EC2 in the development zone to the east of the Unfinished Bridge Plaza is considered to be acceptable in principle being a short walk from Ebbsfleet International Station but also located on a principal movement connection both within the development and to adjacent communities such as Springhead Park and Whitecliffe. However, this location is not fixed by the parameter plans so could be subject to change at later detailed master planning stages.

- 7.3.56 The application seeks approval for a minimum of 1,250sqm of local community space (Use Class F.2(b)), defined as halls or meeting places for the principal use of the local community. No maximum floorspace is proposed and it is relevant to note that other buildings and uses could include a component of community use such as the healthcare and education facilities.
- 7.3.57 Following discussions with the applicant, and having regard to the EDC's community infrastructure study, a minimum floorspace for local community use has been agreed at 1,625sqm. Residential dwelling numbers would not be known until future reserved matters stages and, because it is necessary to provide community floorspace to meet the needs of the early occupants, the approach to securing a minimum provision at this stage would allow the applicant to plan for delivery with certainty.
- 7.3.58 A recommended planning condition would establish timescales for provision of this floorspace and also sets a minimum size for each facility. In terms of the overall approach to delivery of this floorspace, the site-wide Community Infrastructure and Building Strategy would require approval of the broad location and hierarchy of community infrastructure and buildings to seek to ensure a complimentary network having regard to existing and planned provision in the surrounding area. The community buildings would thereafter be managed in accordance with a management plan to be approved prior to first use, in accordance with principles to be established through that Strategy, including transfer and/or long term leasing by service providers and short term hiring of facilities by local groups, businesses and residents.
- 7.3.59 The importance of appropriate stewardship is a key Garden City principle and it is therefore recommended that any planning permission requires this to be considered from an early stage in the scheme design. It is recommended that a Stewardship Framework be approved prior to area master planning to identify the different types of public community infrastructure and establish mechanisms for ensuring a site-wide governance and management structure, which would feed down into more detail management schemes for the community assets as they are brought forward. This is recommended to be secured through a planning condition.
- 7.3.60 KCC advise that the development would place additional pressure on their statutory services due to the increased resident population. Despite pre-application discussions with KCC focussing on the preference for access to on-site facilities to meet their needs, their formal response requested financial contributions. However, more recent engagement with KCC has reaffirmed that in kind delivery to allow KCC to operate their statutory services from the new facilities that would be delivered by the development is the preferred option. These services could be provided for within the flexible community building floorspace being delivered on site so the draft Heads of Terms for the necessary s.106 Agreement with KCC (Appendix 2) includes the option for access to on-site facilities with a financial payment as a cascade option.

#### Other Uses

- 7.3.61 The application seeks approval for up to 25,000sqm of hotels and/or serviced apartments.
- 7.3.62 For hotels, the number of rooms would be dependent on the operator and the maximum floorspace proposed would suggest more than one hotel. The Land Use Parameter Plan identifies the potential for hotels to be located directly adjacent to Ebbsfleet International Station which is considered to be an appropriate location and consistent with Dartford LP Policy E4 which identifies this site for provision of a hotel,

albeit noting flexibility in the parameter plans would not prevent inclusion elsewhere on the site. Whilst the benefits of accessible and centrally located hotel accommodation to support the commercial and tourism function of the development are acknowledged, it is not a planning requirement for the development to include such provision and so it is not considered necessary to impose a minimum floorspace requirement for hotel floorspace. The incorporation of hotels are therefore more appropriately left to market demand, albeit that full details would require planning approval should they be included at future design stages.

- 7.3.63 Serviced apartments are classified in the C1 (hotels) Use Class which includes hotels, boarding and guest houses where no significant element of care is provided. Generally, serviced apartments are purpose-built and offer services, such as cleaning, as part of the upfront cost of renting. There is no cap on the number of nights a serviced apartment in Use Class C1 can be rented out in a year. The approach to this would be established through the Housing Diversification Strategy, and its inclusion, although not a planning requirement, would provide an alternative form of housing to deliver housing diversification across the site and seek to meet a variety of needs.
- 7.3.64 To create an active and vibrant place, the application allows for provision of up to 15,000sqm of floorspace for a wider range of other uses that are classified as 'Sui Generis' and which include uses such as drinking establishments, hot food takeaways, conference centres, cinemas, casinos, nightclubs, theatres, launderettes and laboratories. The principle of the outline application allowing for this mix and range of additional uses is supported in policy terms and would allow flexibility for the development to incorporate uses beyond those currently envisaged by the applicant. The suitability of such uses would be considered as part of future submissions should such uses be proposed, at which time information to assess the impact and acceptability of such uses would be more fully considered, alongside consideration of any planning safeguards or restrictions that would be necessary to impose.
- 7.3.65 The Development Specification also includes ancillary floorspace comprising business, back of house, enclosed plant, storage, servicing, car and cycle parking, energy centres and electricity sub stations etc, of which there is no maximum floorspace identified.

### Summary

- 7.3.66 The vision for Ebbsfleet Central is to create 'the heart' of the Ebbsfleet Garden City and the submission documents provide a framework for delivering this. The Development Specification establishes a mix and range of different uses and the parameter plans provide an indication of where some uses would be located. However, the LPA consider that a combination of planning conditions and planning obligations are necessary to establish appropriate minimum floorspaces and delivery triggers for specific uses to ensure that the development would ultimately provide a mix and range of uses that accord with local planning policies and facilitate the creation of an active and vibrant new community. The quantum of residential uses proposed would provide a sufficient population of residents and workers to ensure retail, community and transport services are viable and sustainable in the longer term.
- 7.3.67 Subject to planning conditions and obligations, the proposed quantum, mix and timescale for delivery of the proposed uses is considered to be acceptable and would facilitate creation of an active, vibrant and sustainable new community in accordance with local planning policies.

## **7.4 Biodiversity and Ecology**

- 7.4.1 The NPPF states that the planning system should contribute to and enhance the natural and local environment, including by minimising impacts of development on biodiversity and providing net gains for biodiversity. It states further that, if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Planning authorities have a duty under the Natural Environment and Rural Communities Act 2006 to have regard to priority species and habitats in exercising their functions.
- 7.4.2 Dartford LP Policy M14 and Gravesham LPCS Policy CS12 are similar in stating that development on sites designated for their biodiversity value will not be granted planning permission unless it can be clearly demonstrated that the biodiversity value will not be adversely affected by the proposals. In line with the NPPF the highest level of protection is given to internationally designated Special Protection Areas, Special Areas of Conservation and Ramsar sites, followed by nationally designated Sites of Special Scientific Interest, followed by Local Wildlife Sites and then by other areas of more local importance for biodiversity. These policies also require development to protect and enhance biodiversity.
- 7.4.3 This outline planning application was submitted prior to mandatory Biodiversity Net Gain (BNG) coming into force so, whilst there remains a national and local policy requirement for achieving net gains for biodiversity, this application is not required to provide a mandatory minimum 10% BNG. However this is identified as a voluntary target by the applicant.
- 7.4.4 With specific regard to Ebbsfleet Central East, the DBC site allocation policy (LP Policy E4) seeks to secure provision of a public park along the River Ebbsfleet which protects and enhances its ecological interest and creates a naturalised river and banks. The GBC site allocation policy for Ebbsfleet (LPCS Policy CS06) states that a network of multi-functional, accessible greenspace will be provided to meet the needs of the resident and daytime population and to enhance biodiversity, to include the improvement and management of the Ebbsfleet stream corridor.
- 7.4.5 The application is accompanied by an Outline Biodiversity Mitigation and Enhancement Plan (OBMEP) which provides a framework for the biodiversity mitigation and enhancement associated with proposed development during construction and operation. It acknowledges the need for a Detailed Biodiversity Mitigation and Enhancement Plan and Landscape and Ecological Management Plan to be provided prior to commencement of site preparation or construction works in each phase.
- 7.4.6 KCC Ecology support the principles set out in the OBMEP but advise that it is very high level and doesn't provide certainty that the proposed mitigation can be carried out. For example it proposes reptile translocation but doesn't identify a suitable receptor site, other than to indicate that areas of the ecological corridor within the site boundary are potentially suitable receptor sites or that other land within the applicants ownership could be used. The adequacy of this document has been discussed between parties and, whilst KCC would prefer a more detailed outline mitigation strategy at this stage, they accept that the submitted document is sufficient for this outline stage as it does establish key principles. However they advise that it is not sufficient for mitigation strategies to only be provided for the individual phases as there is a risk that each area will be considered in isolation and not part of a wider development.

7.4.7 To ensure a strategic approach to biodiversity mitigation and enhancement, using the OBMEP as the basis, and noting the requirement for an Energy and Sustainability Strategy to demonstrate the approach to how green infrastructure, urban greening and water management can be integrated into the development, biodiversity would require specific consideration as part of the Landscape and Open Space Strategy as well as the Area Master Plans. It is considered that this addresses any concerns that future detailed sub-phases of the development would be designed in isolation and that it would provide opportunities to secure stronger commitments to inform the detailed biodiversity schemes to be submitted with each reserved matters application. In addition a planning condition requiring details of long term landscape and ecological management is recommended.

*Internationally Designated Sites (European Sites)*

7.4.8 The proposed development is located within 6 kilometres of the Thames Estuary and Marshes Special Protection (SPA) Area and Ramsar Site, both European Sites designated due to important assemblages of wintering water birds. The proposed development is not connected with and not necessary for the management of the European sites. In recent years, the number of birds using these sites has declined and studies show that this could be due to people using the Thames estuary and marshes for recreation.

7.4.9 Whilst no adverse construction effects are anticipated from the development, it is considered that the development would be likely to have a significant effect upon the protected sites due to the increased resident population and the subsequent potential increased use of the designated sites for recreational purposes. Projects likely to have a significant effect upon a protected site are to be subject to an Appropriate Assessment of their implications for the site in the context of its conservation objectives, provided that the project is not directly connected with or necessary to the management of the protected site.

7.4.10 LPA officers have carried out an Appropriate Assessment in order to assess whether any adverse impact on the integrity of the Thames Estuary and Marshes SPA and Ramsar Site can be ruled out. The Appropriate Assessment concludes that, taking into account the mitigation measures proposed, the proposal would not adversely affect the integrity of the Thames Estuary and Marshes SPA and Ramsar Site. Natural England (NE) acknowledge that the LPA has measures in place to manage these potential impacts through an agreed strategic solution, which NE consider to be ecologically sound. Therefore, subject to the appropriate mitigation being secured, which could comprise a financial contribution, NE is satisfied that the proposal would mitigate against the potential recreational impacts of the development on the designated sites. To secure this, due to the LPA not being able in this case to enter into a legal agreement with the applicant, a suitably worded planning condition is recommended to secure an appropriate mitigation scheme, which could include payment of the Strategic Access Management and Monitoring Strategy (SAMMS) tariff.

7.4.11 The Environmental Statement also identifies that the development would have environmental impacts on the North Downs Woodland Special Area of Conservation (SAC) in Medway which, although located some considerable distance from the site, could be impacted by emissions from traffic generated by the development. Further information was provided following NE original comments who now accept the conclusion that the predicted changes in air quality during construction or operation of

the development would result in 'no likely significant effects' arising at North Downs Woodland SAC.

#### *Nationally Designated Sites*

- 7.4.12 The application site is adjacent to the Swanscombe Peninsula SSSI which lies to the west of the HS1 railway line. The SSSI is an area of open mosaic habitat on previously developed land and traditional estuarine habitat which connects Ebbsfleet Valley between Dartford and Gravesend. The site includes chalk pits, free-draining grassland, scrub, wetlands, grazing marsh and saltmarsh and is of special interest for its nationally important assemblages of invertebrates and breeding birds, populations of five species of vascular plant, and its geological features.
- 7.4.13 Whilst the application boundary does include some land to the west of the HS1 railway line, it only incorporates land that falls outside of the SSSI boundary, principally the existing International Way road and a landscaped bank through which a dedicated Fastrack connection to Southfleet Road is proposed.
- 7.4.14 Despite its relative proximity, the environmental assessments undertaken to support the application, such as noise and air quality, support a conclusion that the development would not have an adverse impact on the SSSI during the construction phases, subject to appropriate measures being imposed through a Construction Environmental Management Plan. Such measures to include sensitive lighting and noise barriers.
- 7.4.15 The bird surveys carried out demonstrate that the application site does not support the same volume or number of breeding bird assemblages as the wider SSSI. The application site does, though, provide habitat which can support birds associated with the SSSI so loss of habitat could have an indirect impact on the SSSI. However, KCC Ecology acknowledge that habitat created within the application site could continue to provide foraging for such birds if established and well managed, even if not as good as existing due to increases in noise, lighting and general disturbance. This reinforces the need to ensure landscape and biodiversity enhancements are integral to the proposed development.
- 7.4.16 Another indirect impact on the SSSI could be from increases of unmanaged recreation from the new community, so the application commits to implementing a recreation mitigation strategy. Although the SSSI land falls outside of the application boundary, the development would introduce new and increased pressure for the land to be used for recreational purposes, and also for an increase in the presence of domestic pets that might seek to access it. The need for mitigation is supported by Natural England which reinforces the need for a recreation mitigation strategy to be approved and thereafter implemented prior to first residential occupation on the site. However, for planning purposes, the scope of this should be limited to measures to minimise or prevent access to the SSSI, as opposed to more proactive measures to manage the land. A planning condition is recommended to require approval of a SSSI recreation mitigation strategy.
- 7.4.17 In terms of SSSI management, the application refers to developing a Swanscombe Peninsula SSSI Habitat Management Strategy in partnership with NE for the land that they own. This commitment forms part of the responsibilities of EDC as landowner to manage land within the SSSI effectively and appropriately to conserve and enhance the special features of the site and is not proposed as being necessary to mitigate the impact of the proposed development. Although KCC Ecology refer to the LPA requiring certainty over funding arrangements, as this off-site management is not

necessary to mitigate impacts of the proposed development it is not reasonable to commit the applicant to it through this application. As such no obligation or condition is recommended to deal with SSSI habitat management.

- 7.4.18 Subject to the above mitigation, and measures to ensure landscape and biodiversity enhancements for part of the detailed master planning and scheme design for the development (to be secured through recommended planning conditions), it is concluded that the LPA has complied with its duties under the Wildlife and Countryside Act 1981 (as amended) and that the development would not have an adverse impact on the Swanscombe Peninsula SSSI.

#### *Locally Designated Sites*

- 7.4.19 Those parts of the site comprising the River Ebbsfleet corridor fall within the locally designated Ebbsfleet Marshes Local Wildlife Site. The wider application site is also identified in the Dartford LP as falling within a Biodiversity Opportunity Area which indicate locations with substantial opportunities to make positive changes for biodiversity.
- 7.4.20 The Environment Agency (EA) advise that land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. During ongoing discussions since the pre-application stage the EA have also acknowledged that extensive opportunities exist for ecological and landscape enhancement of the River Ebbsfleet corridor. The importance of, and opportunity presented by, the River Ebbsfleet is recognised by the applicant through the application.
- 7.4.21 The application does not propose any built development within the existing River corridor running within the eastern and north eastern boundaries of the application site which would remain as natural space with some modest enhancements. Through EC1 where development is proposed alongside the River the Landscape and Public Realm Parameter Plan commits to a minimum 30 metre wide habitat corridor between development zones. This is welcomed by the EA who advise further that the corridor should include a minimum of 10 metres of riparian habitat between the bank top and the edge of the habitat corridor zone on either side of the river. This requirement, along with the design principles for the habitat corridor, would be secured through approval of the Area Master Plan for EC1, albeit it remains important for place-making reasons that opportunities are also provided for people to experience and enjoy the River where acceptable from an ecological perspective.
- 7.4.22 KCC Ecology advise that the River corridor is unlikely to provide the same ecological interest as it currently does due to increased disturbance from the development, such as lighting and recreational use. However, it is considered that development, such as through a sustainable surface water design, could contribute to improved ecological conditions including improved water flows in the River. Other aspects of the development, including the height and final location of buildings, and the design of the proposed river crossings, would need to have regard to impacts on ecology, including impacts of shading the River and would be subject to reserved matters submissions.
- 7.4.23 In addition, a key benefit of development is that it would provide a mechanism for requiring the proactive monitoring and maintenance of the River corridor, notably to avoid silting which is a main reason for its less than optimum current ecological condition. Whilst currently sub-optimal due to a lack of management, it still has a lot of bird interest and is used by dormice so robust arrangements for long term management, to include arrangements for ecological and water quality monitoring, are essential to ensure the development delivers on the requirement for a net

improvement of biodiversity. It is recommended that this requirement is secured through Landscape and Ecological Management Plans to be approved prior to occupation of each sub-phase of the site.

- 7.4.24 A Construction and Environmental Management Plan, to include specific measures to avoid adverse impacts on the River Ebbsfleet and ecology more generally such as through noise and lighting, is considered sufficient to address temporary construction impacts, as agreed with the EA.
- 7.4.25 In combination the above measures, including assessments at later stages of the planning process, should ensure that the development would not have an adverse impact on the Ebbsfleet Marshes Local Wildlife Site.

#### *Site Specific Priority Habitats and Species*

- 7.4.26 KCC Ecology advise that the application provides a good understanding of the ecological interest of the site which includes the presence of various species including dormice, bats, reptiles, invertebrate and birds, including a nationally rare plant species (Yellow Vetchling). It also identifies that water vole were previously present within the area and that the site comprises suitable habitat for eel.
- 7.4.27 The application identifies opportunities to embed landscaping and green features into the development such as through green roofs and walls, sustainable drainage surface features, street trees and native landscaping.
- 7.4.28 To secure this commitment, both to ensure adequate mitigation but also enhancement where possible, it is proposed that biodiversity is considered at each stage of the planning process. Firstly, the site wide strategies to be approved prior to or alongside detailed master planning would seek to establish principles for the provision of new and enhanced green infrastructure to provide improved habitat connectivity through the site, including opportunities for incorporating sustainable drainage surface features, biodiverse roofs and walls and other ecological enhancement measures into the buildings and open spaces. In addition, to accord with the terms of the application a site-wide Energy and Sustainability Strategy would be required to demonstrate the approach to how green infrastructure could be integrated to achieve a target of 10% biodiversity net gain. Thereafter, a specific proposed requirement of the Area Master Plans would be to identify areas of potential on-site biodiversity mitigation and enhancement and each reserved matters submission would include a detailed Biodiversity Mitigation and Enhancement Scheme. Prior to occupation of each phase or sub-phase a landscape and ecological management plan would require approval, including a requirement to demonstrate how the management and maintenance of the development would maintain and maximise net gains for biodiversity.
- 7.4.29 There is known dormouse habitat on the strip of land to the north of Thames Way (within EC1). KCC Ecology note that the proposed parameter plans would allow built development on this land raising uncertainty in respect of dormouse mitigation. The Landscape and Public Realm Parameter Plan identifies this habitat and includes a specific annotation to highlight the need for mitigation and enhancement of dormouse habitat should development be proposed in that part of the site. It is acknowledged by the applicant that the requirement for dormouse mitigation in those areas may require the retention, enhancement and management of existing habitat in this area.

#### *Summary*



7.4.30 In summary, subject to suitably worded planning conditions to secure further details at later stages of the planning process and to inform the detailed design and long term management of the site, it is considered that the proposal accords with national and local policy in relation to avoiding, mitigating or compensating for harm to biodiversity. Furthermore, through the recommended planning conditions it is considered that adequate measures are in place to ensure opportunities to secure measurable net gains for biodiversity are embedded into the development for the benefit of people and wildlife.

## **7.5 Heritage (Built Heritage and Archaeology)**

7.5.1 National and local planning policy recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The NPPF places great significance on the desirability of sustaining and enhancing heritage assets and on new development making a positive contribution to local character and distinctiveness.

7.5.2 Paragraph 200 of the NPPF states that when determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. This should be sufficiently detailed in order to allow the potential impact on the heritage significance and be proportionate to the heritage's importance.

7.5.3 Dartford LP Policy M6 includes that development must contribute to the conservation and enjoyment of the Borough's historic environment. Gravesham LPCS Policy CS20 prioritises the preservation, protection and enhancement of the Borough's heritage and historic environment as a non-renewable resource.

7.5.4 In determining the application regard will also need to be had to the statutory requirements of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which place a duty on the Local Planning Authority to have special regard to the desirability of preserving listed buildings (and their settings) and a similar duty with respect to conservation areas.

### **Built Heritage**

7.5.5 The application is supported by a heritage statement that identifies and describes the historical development of the site and outlines the significance of the designated and non-designated heritage assets before going on to consider the impact of the proposal on that significance. The scope of the assessment includes assets within and adjacent to the site but extends further afield including Gravesend, Greenhithe and Tilbury.

7.5.6 There are no listed buildings within the application site. However, there are a number of listed buildings within the surrounding area, most notably the following located within The Hill Conservation Area that lies approximately 700m east of the site in Northfleet:

- Grade I Listed Church of St Botolph
- Grade II\* Listed Church of our Lady of the Assumption

7.5.7 Both churches have distinctive and highly visible towers which were designed to be seen as the settlement was approached. The prominence of the towers is therefore a deliberate aspect of their individual significance and makes an important contribution

to the skyline of The Hill Conservation Area. The principal impact on these heritage assets could arise from the development blocking existing views of these towers and/or by the scale of development competing with and thus diminishing their prominence. However, Historic England conclude that the harm to the listed churches and to the conservation area is likely to be at the lower end of the range of “*less than substantial*”.

- 7.5.8 Further to this, recommended planning conditions require that the impact on existing views are considered as part of the area master planning and detailed design of the development, reinforcing the conclusion by Historic England, and noting also that any harm should be balanced with the public benefits arising from the development which in this case are considered to be substantial (NPPF paragraph 208).
- 7.5.9 The heritage assessment considered other listed buildings in the wider area, including The Old Rectory and The Factory Club (both located in Northfleet and Grade II Listed) as well as potential non-designated heritage assets in the vicinity of the site such as the Henley air raid shelters. However, due to separation distances and intervening topography, the development would have no impact on the significance of these other designated or non-designated heritage assets.
- 7.5.10 There are no scheduled monuments within the site. Whilst there are scheduled monuments within the wider area, including Palaeolithic Sites near Baker’s Hole and Neolithic Sites near Ebbsfleet, advice from Historic England is that the proposed development would not adversely impact on the significance of these nearby scheduled monuments. However, Historic England advise that the scheduled monuments should be treated as indications of the possibility of equally significant archaeology being present across the vicinity of Ebbsfleet.
- 7.5.11 In summary, subject to safeguards through planning conditions guiding the future design, the proposals are not considered to cause any harm to, or loss of, the significance of any designated heritage asset. As such the proposals are considered to be acceptable with regards to the built heritage of the site and surroundings.

#### Archaeology

- 7.5.12 The site lies within the Ebbsfleet Valley which is an area of multi-period archaeological potential with evidence for human activity from the Palaeolithic to the present day. The adjacent area has known remains of national importance dating from the Palaeolithic and Neolithic periods. The adjacent Swanscombe Peninsula SSSI, in addition to its ecological value, is also a key geological site with deposits yielding fossils of large mammals and molluscs.
- 7.5.13 Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, the NPPF (paragraph 200) notes that developers should be required to submit appropriate desk based assessment and, where necessary, carry out field evaluation.
- 7.5.14 An archaeological desk-based assessment has been produced and is supported by specialist assessments in industrial archaeology and heritage and in Palaeolithic (Stone Age) and geo-archaeology, including a deposit model. Following initial consultation feedback from Historic England and KCC Heritage further information has been provided including updates to the Cultural Heritage chapter of the Environmental Statement.

- 7.5.15 Despite previous activity that has physically impacted on the site and which would have truncated or removed much of the archaeological interest, Historic England and KCC Heritage both consider that the site still has the potential to contain non-designated archaeological remains that may be of national importance. This could include waterlogged organic artefacts and structures which KCC advise would be of equivalent importance to the above mentioned designated sites.
- 7.5.16 The applicant has undertaken various assessments for archaeology including an archaeological desk-based assessment, a geo-archaeological desk-based assessment and an industrial archaeological assessment which they consider provide a suitable level of information for an outline application.
- 7.5.17 However, notwithstanding the desk-based assessment and research undertaken to date, Historic England and KCC Heritage advise that more detailed assessment will be needed to define the archaeological potential within each of the proposed development areas and to assess the likely impact that could be expected from the proposed development (e.g. from piling) in order to define a detailed field evaluation strategy.
- 7.5.18 Whilst some of this additional assessment could be undertaken at this stage, there is no reason that it cannot follow at a later stage of the planning process subject to this requirement being secured through a planning condition. Therefore it is recommended that a planning condition is imposed that requires approval of a programme of archaeological characterisation and field evaluation works prior to submission of an application for approval of reserved matters for the area to which it relates. This would ensure detailed designs are accurately informed by the archaeological sensitivity and significance of each phase or sub-phase of development and to ensure appropriate mitigation is provided. A separate planning condition would require each reserved matters application to include a statement to demonstrate how the archaeological field evaluation and archaeological impact assessment has informed the proposed scheme.
- 7.5.19 It is relevant to note that there is sufficient flexibility within the parameter plans to provide a design response to archaeology and, as accepted by the applicant, the development allowed for by the parameter plans, for example the extent of basement excavation, would not fetter future decisions in respect of appropriate archaeological mitigation.
- 7.5.20 KCC Heritage also request that a post-excavation assessment report is submitted within 12 months of the completion of archaeological mitigation fieldwork on a particular sub-phase of development, in order to record and advance understanding of the site's archaeological conditions and mitigation and to make this evidence publicly accessible, secured through a recommended planning condition.
- 7.5.21 In terms of ongoing management of the site with heritage in mind, the application is accompanied by a Heritage Assets Management Plan. The specific objectives of this Plan include the protection and preservation of key archaeological assets during construction work, and their long term preservation during the operation of the completed development and the provision of outreach, engagement and interpretation facilities in order to contribute to increased awareness, understanding and enjoyment of the heritage resource within the Ebbsfleet Central East site.
- 7.5.22 On the latter point this includes activities such as informative site hoardings during construction, museum displays and exhibitions, heritage inspired play park design and heritage inspired public artwork. This is really important as it acknowledges the

public value and place-making benefits of celebrating the site's cultural heritage having regard to past finds in addition to anything new that might be discovered during construction of this development. It is essential that this forms part of the design development of the scheme and the recommended planning conditions would require consideration of heritage and cultural interpretation at area master plan, area design code and detailed reserved matters application stage.

7.5.23 The Heritage Management Plan would be a live document to be updated as more information in relation to the site becomes available and, upon completion of the development, to be deposited with the Historic Environment Record and with the developers appointed management company or stewardship body to monitor and maintain the cultural heritage strategy. However, KCC advise that the document should be updated sooner to provide a guide for further assessment, evaluation and mitigation. KCC would also like to see more detail presented and agreed about appropriate mechanisms to secure future requirements for the applicant to monitor site hydrology, maintain appropriate ground conditions and to conserve and display any significant archaeological discoveries. This requirement would be secured through a recommended planning condition.

7.5.24 In summary, whilst Historic England and KCC Heritage consider further investigation should be carried out at this stage, they acknowledge logistical constraints with undertaking site investigations on operational car parks and recommend imposition of planning conditions to ensure future design decisions are informed by a better understanding of what is actually present beneath the site. The recommended planning conditions provide this framework sufficient to conclude that the development, subject to further investigations and appropriate design, would not result in any harm or loss to potential below ground heritage assets with archaeological interest.

## **7.6 Environment**

### Flood Risk and Drainage

7.6.1 The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

7.6.2 The application proposes uses that constitute NPPF vulnerability classifications ranging from 'Less Vulnerable' to 'More Vulnerable'. The application site is allocated for development consistent with that being proposed so it is relevant to note that it has already been subject to a strategic flood risk assessment as part of the local plan process so it is not necessary to undertake a sequential test to determine whether or not there are any reasonably available sites for the proposed development in areas with a lower risk of flooding.

7.6.3 However, it remains necessary to consider site-specific flood risk impacts to ensure that the development is safe, is appropriately flood resilient and resistant and does not lead to increased flood risk elsewhere. In considering flood risk it is necessary to consider arrangements for surface water drainage which can lead to localised flooding if not designed properly.

### Flood Risk

- 7.6.4 Flood risk and drainage are covered by Dartford LP Policy M4 and Gravesham LPCS Policy CS18 which require proposals in areas at risk of flooding to be accompanied by a Flood Risk Assessment (FRA) to demonstrate that they are adequately defended and safe over their lifetime. The application is accompanied by a FRA which states that a 'sequential approach' has been applied locating the majority of the proposed built development outside of the present day and future fluvial floodplain extents into areas at low risk of flooding from fluvial flooding.
- 7.6.5 The Environment Agency (EA) initially objected to this application due to concerns that the development was incompatible with the flood risk zone (namely more vulnerable usage within the functional floodplain Flood Zone 3b). The EA also considered that the FRA failed to (i) satisfactorily take the impacts of climate change into account, (ii) identify how flood risk management infrastructure would be operated, funded and maintained and (iii) consider how a range of flooding events (including extreme events) would affect people and property by basing flood risk assessment on a limited update of a dated River Ebbsfleet fluvial flood model.
- 7.6.6 Since then, following extensive dialogue with the applicant, the EA have reviewed an updated site-specific flood model produced by the applicant which was subsequently used to support the applicant's revised FRA. The model enabled an assessment of the impact of tidal flooding, such as from a breach in the River Thames flood wall, and fluvial flooding from the River Ebbsfleet overflowing its banks. The EA are now satisfied that this demonstrates that the proposed development would be outside of land with equivalent flood risk to the functional floodplain and that, subject to appropriate mitigation.
- 7.6.7 In terms of mitigation, in addition to requiring minimum finished floor levels for all buildings to ensure they are above the flood level for a 1 in 200 year flood event, the EA also require creation of compensatory flood storage areas within the application site boundary to offset the physical impact of built development and to avoid displacing flood water. These details would be secured through planning conditions, noting a requirement for a site-wide floodplain compensation storage strategy to be approved prior to any reserved matters on land within the defined floodplain and for the detailed floodplain compensation storage scheme to be implemented in phases prior to commencement of development of the sub-phase to which it relates. This principally relates to development in EC1. And the design for the compensatory flood storage would need specific regard to impacts on ecology as it would involve reducing ground levels that would impact existing habitats.
- 7.6.8 When considering appropriate finished floor levels the EA had regard to their longer term aspiration to re-open Robins Creek (which is downstream of the application site) to the tidal River Thames, which is currently closed off by a flood defence wall. The EA advise that Robin's Creek is one of only a few locations within the urban Thames Estuary where such an opportunity exists to do this and thereby recreate rare estuarine habitats that were lost 50 years ago. As this would expose the River Ebbsfleet to tidal variations there is a concern that, if the proposed development is set too low, there is a risk that it would hinder the delivery of this aspiration, which is identified as a Water Framework Directive (WFD) action. Due to this added uncertainty, the EA have taken a conservative approach to setting finished floor levels to reduce the risk of flooding to the proposed development and future occupants and, by extension, ensure that the development would not hinder the delivery of the aforementioned WFD action.

- 7.6.9 On this basis, subject to setting minimum finished floor level through condition, the EA and LPA are satisfied that the proposed development would have no unacceptable flood risk.
- 7.6.10 It is relevant to note that the parameter plans would allow formation of basements but any such proposal at reserved matters stage would need additional technical reports to agree the suitability of basements in a particular location, the suitability of which would be dependent on further archaeological investigations as well as flood risk, including further assessment of groundwater levels in this location.

#### Surface Water Drainage

- 7.6.11 Surface flooding can result from periods of intensive rainfall so it is important to ensure that any development incorporates appropriate and sustainable drainage measures.
- 7.6.12 The NPPF (paragraph 175) states that major developments should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate, and where possible that it provides multifunctional benefits. It indicates that this is particularly important in areas at risk of flooding where development should only be allowed where it incorporates sustainable drainage systems. This is reflected in local policies (Dartford LP Policy M4 and Gravesham LPCS Policy CS18) which similarly require all major development to incorporate multi-functional sustainable drainage systems (SuDS) to reduce surface water run-off and ensure that it does not increase flood risk elsewhere and to deliver benefits to green infrastructure.
- 7.6.13 In addition to the Flood Risk Assessment, the application is accompanied by a Drainage Strategy which has been reviewed by KCC Flood and Water Management team who are the Lead Local Flood Authority (LLFA).
- 7.6.14 The ES states that SuDS have been incorporated into the proposed development and master planning process stating that integrated flood attenuation has been provided within the River Ebbsfleet corridor and sustainable drainage within open spaces. It states that multi-functional SuDS would deliver drainage, biodiversity gain and enhancement, water quality improvements and amenity space benefits. Whilst exact details would be confirmed at the detailed design stage, the ES identifies that such features could include tree pits/trenches, rain gardens, swales, channels, rills, permeable paving, de-paving and green/blue roofs. It also acknowledges how control of surface water run off could be used to improve water flows within the River Ebbsfleet which could provide multiple benefits including for ecology.
- 7.6.15 Whilst this is positive, and reflects details presented in the Design and Access Statement, the supporting Drainage Strategy recommendations do not refer to surface features other than a proposed attenuation pond in EC1, instead focussing on more engineered solutions such as installation of underground storage tanks.
- 7.6.16 From a technical perspective the LLFA are content that the drainage strategy demonstrates how surface water within the development could be adequately stored and discharged at an appropriate run off rate to avoid surface water flooding. However, they do encourage greater consideration in the final design to maximise the use of blue/green above ground SuDS features wherever reasonably practical.
- 7.6.17 A planning condition is recommended to require reserved matters applications to include a detailed surface water drainage scheme with a specific requirement to

include details of how the development will maximise the use of blue/green above ground sustainable drainage features. Recommended planning conditions guiding content for the Area Master Plans and Area Design Codes also include details relating to water management and incorporation of sustainable drainage solutions to ensure any spatial requirements are factored into the early master planning. It is important to approve management arrangements to ensure ongoing efficiency of the system, and the LLFA also request approval of a verification report prior to first occupation of the phase or sub-phase to which it relates, to ensure it has been suitably installed.

- 7.6.18 In summary, subject to detailed design and planning conditions, the proposal would accord with the NPPF and adopted local policies in relation to flood matters and sustainable drainage.

#### Foul Water Drainage

- 7.6.19 The application site is within the Southern Water wastewater service area and the nearest sewerage treatment facility is the Northfleet Wastewater Treatment Works (WwTW) located immediately east of the site. It is necessary in planning terms to ensure provision of appropriate foul sewerage provision within the development to avoid any potential adverse impacts on groundwater or other water bodies such as the River Ebbsfleet or River Thames.
- 7.6.20 The application states that foul water would be directed to the Northfleet WwTW via mains sewers and be treated prior to discharge into any receiving waterbody. The EA are comfortable that proposals to discharge foul water via mains sewer would be acceptable from a groundwater protection perspective.
- 7.6.21 Southern Water advise that the WwTW does not currently have the capacity to accommodate flows from the proposed development but, where development has been identified and allocated for future development such as for this site, they will ensure capacity is available to serve it when required. Furthermore they advise that any additional network reinforcement that is deemed necessary to serve the development will be provided by Southern Water. As requested by Southern Water, a planning condition is recommended requiring approval of details of the means of foul water disposal, and a timetable for implementation.
- 7.6.22 A separate planning condition is proposed to ensure measures to protect existing underground sewers or pipes as requested by both Southern Water and Thames Water.

#### Land and Groundwater Contamination

- 7.6.23 To ensure a site is suitable for its new use and to prevent unacceptable risk to both the environment and to human health, the implications of contamination for a new development requires consideration at the planning stage.
- 7.6.24 The previous uses of the application site present a high to medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the application site is located upon a principal aquifer overlain by a secondary aquifer and is near the River Ebbsfleet. However, as accepted by the Environment Agency, the Preliminary Risk Assessment report submitted with the application provides confidence that it would be possible to suitably manage the risk posed to controlled waters by this development.

- 7.6.25 As advised by the EA and the LPA's environmental consultant (AECOM), further detailed assessment including a site investigation to inform any subsequent remediation strategy would be required prior to commencement of any development, including any advanced infrastructure works. Planning conditions are recommended to require this along with a timeframe for approval of verification reports to demonstrate the completion and effectiveness of the remediation. A further condition requiring remediation of any unidentified contamination is also recommended as per EA advice.
- 7.6.26 The EA are comfortable that proposals to discharge foul water via mains sewer would be acceptable from a groundwater protection perspective.
- 7.6.27 Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. A planning condition is therefore recommended to require approval of any proposed piling or any other foundation designs using penetrative methods to ensure there is no resultant unacceptable risk to groundwater. This condition is also required to ensure impacts from piling does not adversely impact on adjacent railway infrastructure, as requested by HS1, or subsurface water infrastructure such as sewers.
- 7.6.28 A further safeguard during construction is for the CEMP to include measures to prevent or minimise risk of polluting groundwater.
- 7.6.29 In summary, through safeguards to be secured through recommended planning conditions, which might include a requirement for ground remediation, the development would not pose unacceptable risks of contamination to the environment or to human health during the construction or operational phases.

## **7.7 Amenity**

- 7.7.1 The NPPF states that local planning authorities should avoid granting consent for development which would give rise to significant adverse impacts on health and quality of life and should mitigate and reduce to a minimum other adverse impacts arising from new development.
- 7.7.2 The NPPF (paragraph 191) states that new development should be appropriate for its location, taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Dartford LP Policy M2 and Gravesham LPCS Policy CS19 both refer to the need to ensure that new development is located, designed and constructed to avoid adverse environmental impacts from pollution, including noise, vibration, air quality and odour.

### **Noise and Vibration**

- 7.7.3 Noise is an important consideration when assessing development proposals, both in terms of ensuring the site is suitable for the proposed end uses and ensuring the development itself doesn't cause adverse impacts to the surrounding environment. Impacts of vibration, which in the context of this application mainly relate to construction works, are also assessed in this section.
- 7.7.4 Noise and vibration was scoped into the EIA so an assessment on this topic is included within the Environmental Statement. This was reviewed by the LPA's



environmental consultant (AECOM) who confirm that the assessment methodology was compliant with relevant legislation, policy and guidance.

- 7.7.5 The assessment included undertaking a noise survey in order to determine the existing sound climate across the site as well as vibration measurements to determine existing vibration levels associated with train movements on the adjacent railway lines. It identified that sound levels across the site are currently dominated by vehicular movements on the surrounding road network and from train movements on the adjacent railway lines. The survey results informed a noise assessment that considered the impact on surrounding receptors, such as existing residential properties, which are generally some distance due to the site location, topography and intervening road and rail infrastructure. It also assessed the suitability of the site for the proposed development having regard to existing noise sources.
- 7.7.6 The assessment identified that noise would have an adverse impact on the development if it isn't appropriately mitigated. This is particularly applicable to the more sensitive uses such as residential dwellings, so it would be necessary for the development to incorporate appropriate sound attenuation through a combination of passive design measures and physical measures such as enhanced building fabric and window specification. In designing any scheme it is important to have regard to the need to ventilate the buildings and avoid overheating, which sometimes requires installation of mechanical ventilation systems to ventilate spaces without requiring windows to be opened. Vibration from existing train movements was not identified as an issue of concern.
- 7.7.7 The change in noise levels as a result of traffic generated by the proposed development has been assessed and the results indicate that this is likely to be negligible at all existing noise sensitive receptors.
- 7.7.8 The mixed use nature of this scheme is such that it would generate commercial traffic movements and activity and, whilst the land uses proposed are all generally appropriate in a residential environment, it would still be necessary to ensure that operational requirements such as servicing, loading and deliveries are considered when the scheme is designed.
- 7.7.9 It is usual for new developments within an urban environment to incorporate noise mitigation through its design and construction to ensure appropriate conditions for the future occupants and users, both in terms of internal spaces but also external amenity spaces such as balconies. The conclusions of this assessment have been accepted by the LPAs environmental advisor who recommend the imposition of planning conditions requiring details of noise mitigation informed by additional noise assessments that can be more accurately provided when modelling a detailed design. Accordingly, a planning condition is recommended to require applicable applications for approval of reserved matters to include a noise attenuation scheme to demonstrate how acceptable noise levels would be provided in the internal and external areas including regard to overheating and ventilation requirements.
- 7.7.10 It is relevant to note that the ES does not identify areas of the site less at risk of adverse noise impacts, so it would be necessary for all future reserved matters applications to include details of noise attenuation measures to ensure acceptable conditions for future occupants of the development.
- 7.7.11 An additional safeguarding condition is recommended in respect of noise levels from fixed plant, on order to safeguard the amenities of the occupants of the proposed development.

- 7.7.12 In respect of construction impacts, a Construction Environmental Management Plan (CEMP) would be an appropriate mechanism for ensure necessary measures to minimise adverse noise impacts are experienced, both to the surrounding area but also, as development progresses, to occupiers of the early phases of the development. In addition to standard measures such as specifying working hours and locating noisy plant and equipment as far away from sensitive uses reasonably possible, a specific requirement is that it should include details of noise mitigation measures such as installing sound absorbing barriers where required. This latter point was requested by Natural England for ecological reasons but it is equally relevant to protecting the health and quality of life of people.
- 7.7.13 An important component of any CEMP is proactive communication with the community being affected by the construction works. In addition to provision of site signage with contact details and an agreed complaints procedure, the ES states that the local community would be kept informed of upcoming construction operations via a Community Liaison Officer who would co-ordinate the dissemination of information (for example, by means of a regular newsletter). Further to this, from experience in Ebbsfleet, the establishment of a community liaison group is a good forum for engagement with the community on construction and other development related matters so it is recommended that a specific requirement for the developer to establish a site-wide community liaison group is imposed through a planning condition.
- 7.7.14 In summary, construction noise could be satisfactorily controlled through a CEMP and, subject to appropriate noise attenuation to be confirmed at detailed design stage, the site is considered to be suitable for the proposed development and it would not generate adverse noise impacts on the surrounding environment.

#### Air Quality

- 7.7.15 The application site is not within an Air Quality Management Area, but it remains necessary to assess the suitability of the site having regard to existing air quality and also to assess whether the development would generate unacceptable air quality impacts during its construction or operation.
- 7.7.16 The Air Quality chapter within the ES shows that the impact on air quality in demolition, construction, and operation phases are considered to be insignificant with regards to traffic, dust and operational activities.
- 7.7.17 A CEMP would be implemented throughout the construction phase with a specific requirement to incorporate dust suppression measures, to include control of windblown debris, dust and materials and sheeting of vehicles transporting materials on or off site and to ensure all mobile machinery adheres to the relevant emission standards for nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub>).
- 7.7.18 The applicants Vision Statement includes an objective to deliver a masterplan evolved from sustainable transport principles, supporting high levels of sustainable transport use. It also includes objectives around connectivity to ensure delivery of high quality connected routes to encourage walking and cycling, all combining to reduce use of private vehicles and associated emissions. In addition to these overarching objectives, a series of mitigation measures have been embedded into the emerging design of the proposed development which would further contribute towards reducing adverse local air quality impacts, including the use of an all-electric energy strategy and provision of active and passive electric vehicle charging facilities.

- 7.7.19 The local authorities are responsible for monitoring and managing air quality and for implementing their air quality management plans. A request has been received from GBC in respect of a financial contribution towards continuous and passive air quality monitoring (£3,700) and towards the implementation of their Air Quality Action Plans (£3,000). This has been accepted by the applicant and would be secured through a s.106 Agreement. No request was received from DBC as this would be covered under CIL. GBC also refer to undertaking a damage costs assessment which is a means of apportioning a monetary value to air quality impacts of a development and can be used as a basis to inform appropriate mitigation including potential financial contributions. A damage costs assessment has not been carried out but in this case, due to the measures embedded into the proposed development to encourage sustainable travel alongside a substantial package of financial contributions to incentivise sustainable travel, it is considered that the application adequately mitigates any potential adverse impacts on local air quality.
- 7.7.20 In summary it is considered that the air quality conditions at the site are suitable for the proposed end uses and that the development would not worsen existing air quality through its operation, such that there is no conflict with local and national planning policy.

#### Odour

- 7.7.21 The application site is within close proximity of the Northfleet Wastewater Treatment Works (WwTW) which is located to the south adjacent to the River Ebbsfleet corridor and opposite Blue Lake on Thames Way, and is operated by Southern Water. As raised at the EIA Scoping stage, it is necessary to assess the impact of odour on the occupants of the proposed development to understand whether any adverse impacts could be mitigated to avoid compromising their health and quality of life.
- 7.7.22 There are no quantitative planning policies in place on which to judge the acceptability of odours. However, a number of odour criteria have been developed based on an odour concentration and relying on the output of dispersion models in order to provide a quantitative basis for assessment.
- 7.7.23 From the technical advice provided by the applicant's consultant and accepted by the LPA's environmental advisor (AECOM), it is understood that 'offensive' odour such as sewerage should be regarded as causing an adverse impact likely to result in complaint if it exceeds a measurement of 1.5 OUE/m<sup>3</sup> for residential uses and 3 OUE/m<sup>3</sup> for commercial uses. These thresholds were also agreed between the applicant and Southern Water. No thresholds are identified for other uses, such as a primary school or nursery, albeit they should reasonably be regarded as being sensitive to odour.
- 7.7.24 An odour survey was carried out during a five day period in 2022 prior to this application being submitted. The results indicate that the highest odour concentration within the application site is predicted to occur at the southern corner of development parcel EC2.D4 (opposite Springhead Bridge). At this location, the predicted 98<sup>th</sup> percentile of hourly mean odour concentrations is 5.9 OUE/m<sup>3</sup> which corresponds to a 'substantial adverse' impact when residential (i.e. high sensitivity) land use is assumed.
- 7.7.25 The odour contour plan generated using the results of this survey indicates that odour concentrations exceeding 1.5 OUE/m<sup>3</sup> are predicted within the southern half of EC2. The only section of EC1 included within these limits are those parts of the River

Ebbfleet corridor where no built development is proposed. The implication of this is that, based on the available survey results, any residential or commercial floorspace to be proposed in the southern half of EC2 would require odour mitigation.

- 7.7.26 Due to the outline nature of the proposed development, the applicant's position is that consideration of odour mitigation options should be undertaken once the land uses within each development parcel have been confirmed at the detailed design stage. The design of these mitigation options would be focussed on reducing odour exposure within the areas of the site to below that considered acceptable (as per the above thresholds) so that the effect of odour could be considered to be 'not significant'.
- 7.7.27 This approach has been considered by the LPA's environmental advisor who consider that it is appropriate given that the future use of the land is not yet known, but do recommend that a planning condition is required to ensure that no development takes place on the affected areas of the site until appropriate mitigation is approved. However, it would not be necessary for this matter to delay advanced infrastructure works as they would not be sensitive to odour.
- 7.7.28 Mitigation options could relate to the uses being proposed, which would principally prevent any residential floorspace being located in the southern half of EC2, which would compromise the overall vision for the development particularly noting this would not comprise the location of the proposed commercial hub. Alternative mitigation could involve reducing odour emissions from the source, such as carrying out works to the WwTW facility, which is an option currently under consideration by Southern Water in discussion with the applicant.
- 7.7.29 Notwithstanding the latest survey results, it is equally appropriate for detailed mitigation to be informed by updated and potentially more detailed odour surveys which is a matter for the applicant.
- 7.7.30 At this stage, in order to ensure the appropriate and necessary safeguards are in place to avoid odour adversely impacting the proposed development, as requested by Southern Water and agreed with the applicant, it is recommended that a planning condition is imposed preventing any development comprising sensitive uses in those parts of the site affected by odour until an odour mitigation scheme is approved.

#### Daylight, Sunlight and Overshadowing

- 7.7.31 The location of the site and its physical separation from adjacent development is such that the proposed development would not have a direct impact on the daylight or sunlight received to existing or planned built development. Impacts on ecology have been discussed earlier in this report.
- 7.7.32 This section focusses on ensuring good daylight and sunlight conditions are experienced by the occupiers of the proposed development, which is an important consideration for internal spaces as well as external open spaces. Good daylight provision has the benefit of improving energy efficiency of building as well as improving the health and wellbeing of occupants. As well as for general amenity, it is also necessary to avoid areas of proposed photo-voltaic panels being cast in shadow as that would compromise their efficiency.
- 7.7.33 A high level daylight and sunlight analysis based on the illustrative masterplan is included in the Design and Access Statement. It identifies a design principle to avoid tall buildings on the southern edges of development plots so that courtyards can

benefit from a good amount of sunlight during the day. The same principle applies to buildings enclosing key public spaces and routes.

- 7.7.34 At this outline stage there is limited information on which to base a detailed assessment, so the main point is to ensure that daylight, sunlight and overshadowing is a consideration at the detailed design stage. The Area Design Code would require details of design approaches and principles to ensure suitable daylight and sunlight within buildings, streets, key public routes and open spaces and all applicable reserved matters applications for buildings and public space would need to be accompanied by a daylight and sunlight assessment. This is sufficient to ensure this matter is fully considered at the detailed design stage.

#### Wind Microclimate

- 7.7.35 The application includes a high level assessment of the wind microclimate based on the outline massing of the proposed development as established through the parameter plans. Although high level and requiring refinement as part of the detailed design process, it aims to identify potential wind effects. It concludes that the development exhibits a relatively low propensity to create strong winds at ground level within and outside of the development boundary and demonstrates that the majority of the new spaces to be created would be within appropriate thresholds for comfort and safety. It identifies a few small areas between tall buildings along the western boundary of EC2 adjacent to the HS1 railway line that would be exposed to strong winds but indicates that soft landscaping should be sufficient to mitigate adverse effects.
- 7.7.36 Due to the nature of the development, which would include a number of key public spaces where it would be essential to provide appealing and comfortable conditions for users, the wind micro-climate (along with the above mentioned daylight and sunlight conditions) would be an important consideration at the detailed design stage. It is also important to ensure acceptable wind conditions are experienced within private and semi-private spaces above ground floor level, such as roof gardens and balconies.
- 7.7.37 It is therefore recommended that wind conditions form a consideration at the Area Master Plan stage and a separate planning condition is recommended requiring future reserved matters applications to include an assessment of the wind conditions to identify any necessary mitigation to be implemented.

#### Summary

- 7.7.38 In summary, the site is considered to be suitable for the proposed mixed use development and, subject to mitigation through detailed design and building fabric, including layout and orientation of buildings, distribution of uses and landscaping, would ensure acceptable environmental conditions for the people living, working and socialising in the development.

### **7.8 Transport, Access and Movement**

- 7.8.1 The NPPF requires that new developments should mitigate their impact on the highway and public transport networks to ensure delivery of travel choice and sustainable opportunities for travel. This requirement is reinforced through local planning policies, notably Dartford LP Policy M15 and Gravesham LPCS Policy CS11.

- 7.8.2 The proposed development seeks to provide a sustainable and public transport orientated development by making the most of the highly sustainable location adjacent to the Ebbsfleet International Station and in close proximity to Northfleet Station.

#### Traffic Impact

- 7.8.3 In terms of traffic impacts, the NPPF states that development should only be prevented or refused on transport grounds where the impacts of development are severe. It states further that planning decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- 7.8.4 To enable assessment of traffic impact the application is accompanied by a Transport Assessment (TA) which includes modelling to predict impacts on the highway network and to help identify the extent and timescale for mitigation. Following objections from National Highways and KCC Highways and subsequent extensive discussion between parties, the TA was updated and formally re-issued. This included additional information and justification for assumptions made to inform the transport modelling, undertaking new traffic surveys and including additional local junctions in the assessment. This was sufficient for both National Highways and KCC Highways to remove their original objections.
- 7.8.5 Removal of these objections was subject to various requirements principally intended to embed sustainable travel principles into the development. For these reasons, in assessing traffic impacts it is relevant to note that traffic generation forecasts used in the modelling assume low trip rates for the proposed development on the basis of its highly sustainable location and a package of sustainable travel measures comprising physical infrastructure as well as softer measures to encourage non-car use. These are discussed later in this report but this is an important point to be mindful of when considering transport impacts.
- 7.8.6 KCC Highways raised initial queries over the trip generation associated with the proposed leisure and healthcare uses, which could potentially generate significant additional traffic movements above those assessed in the TA. However, sufficient justification was provided by the applicant to demonstrate to KCC's satisfaction that the nature of leisure uses that may be provided on site would not result in significant movements during peak hours and that, subject to a restriction on the maximum healthcare floorspace that can be used for GPs, the healthcare uses wouldn't either. A planning condition is recommended to provide a restriction on GP floorspace.
- 7.8.7 The TA identifies a need to provide significant improvements to the existing highway and access junctions in the immediate vicinity of the site (see comments below), but not to junctions further away. This is partly due to the relatively recent upgrades to the A2 Ebbsfleet junction which was designed to cater for planned development such as at Ebbsfleet Central and so requires no further upgrades as part of this proposal.

#### Highway Design and Access

- 7.8.8 Whilst "access" is a matter reserved for future consideration, it is still necessary for an outline application to state the area or areas where access points to the development would be situated.

7.8.9 The application is not seeking to secure detailed approval of any highway works at this stage but the application does include detailed proposals for such works in order to inform the transport modelling referred to above. This principally relates to providing new or upgraded vehicular accesses into the site and alterations to the adjacent road network and junctions along the A226 (Thames Way) and the A2260 (Ebbsfleet Gateway) to improve highway capacity. The proposed site access arrangements and alterations to the adopted highway are described and discussed in turn below.

**Thames Way / A226 / Car Park C Roundabout** - The existing roundabout would be replaced by a signal controlled junction to allow for controlled crossing provision to be introduced on all arms to provide the ability to prioritise the movement of pedestrians and cyclists. This would comprise two lane entry from Thames Way and the A226 and single lane to and from existing Car Park C. This would be completed prior to first occupation in EC1.

**Thames Way Priority Junction (EC1)** – 3no. new priority junctions are proposed onto Thames Way to provide access to the development (2no. on south side and 1no. on north side). Whilst they are required to serve the development and would be provided when required, KCC advise that a secondary access is needed in EC1 prior to the 300<sup>th</sup> residential occupation, so this would be secured through a planning condition along with an emergency access prior to 50<sup>th</sup> residential occupation.

**Thames Way / Northfleet Terminal Roundabout** – The existing roundabout would be replaced by a signal-controlled junction. Staggered crossings are proposed on the northern and eastern arms providing the ability to prioritise the movement of pedestrians and cyclists. The existing service access to the rail sidings south of the junction, currently unused, would be relocated a short distance further south of the junction. This would be completed prior to first occupation in EC1.

**Thames Way Priority Junction (EC2)** - A new priority junction onto Thames Way, south of the railway bridge, is proposed to provide a new access into the EC2 development area to accommodate the routing of Fastrack bus services which would turn to and from the north. KCC accept the lack of right turn bay for this priority junction providing that a bus gate is implemented along the link to reduce general through traffic (exact location to be determined at reserved matters stage) to be secured by planning condition. The new junction would be completed prior to first occupation in EC1 or EC2.

**Thames Way / Ebbsfleet Gateway Signal Control Junction** – The existing signal controlled junction would be retained, with changes including widening the western arm to 2 lanes (left turn and right turn) and a third lane added to the westbound lanes. This would be completed prior to first occupation in EC1 or EC2.

**International Way / Ebbsfleet Gateway Signal Control Junction** – The existing signal control junction would be relocated east of its current position with works including widening Ebbsfleet Gateway to provide a three lane approach from the north (including a single right turn lane into International Way) and a two lane approach from the south. This would be completed prior to first occupation in EC1 or EC2.

**Springhead Bridge / Ebbsfleet Gateway Signal Control Junction** - A new arm is proposed to be added to the junction in a crossroad arrangement opposite the Springhead Bridge arm to serve a proposed podium car park but with no through

route to the remainder of the development area. This would be completed prior to first occupation of the adjacent development plots in EC2.

**International Way / Ebbsfleet Gateway Roundabout** – The existing roundabout would be retained and modified by adding white lines to better delineate circulatory lanes, with a two-lane entry and exit on eastern arm and widening the southern arm entry from two to three lanes. Following detailed discussions, it was accepted by KCC that it is not necessary to provide crossings on the southern and eastern arms of this roundabout. This would be completed prior to first occupation in EC1 or EC2.

**International Way** – The current one way section would be replaced by a two way arrangement providing continuous two way connection between Ebbsfleet International Station and the International / Ebbsfleet Gateway Roundabout. Access to and from Car Park D would be maintained. This would be completed prior to first occupation in EC1 or EC2.

- 7.8.10 The timeframes for completion of these works has been agreed with KCC Highways and would be secured through planning conditions, and incorporated into an updated Transport and Parking Strategy.
- 7.8.11 In addition, the application proposes a speed limit reduction for the sections of Thames Way and Ebbsfleet Gateway that run through the site to 30 mph, from the north west junction into Car Park C to the Ebbsfleet Gateway roundabout junction. The application commits to implementation of measures to facilitate this proposed speed reduction prior to first occupation in EC1 or EC2 as set out in the Transport and Parking Strategy. This does not involve works requiring planning permission so would be covered through highway agreements, but the requirement is set out in the Transport and Parking Strategy.
- 7.8.12 Whilst highway plans showing the above highway works are submitted for approval, because this is an outline planning application (and because the works extend beyond existing highway land) it would be necessary for the applicant to secure reserved matters approval for these works prior to construction (in addition to any separate highway approvals). However, to aid timely delivery it has been agreed that these works could constitute “advanced infrastructure” to be allowed and defined by a planning condition. This would mean that reserved matters applications for these highways works could be submitted and approved in advance of other site-wide documents such as the area master plans and design codes being approved. These submissions would be required to include details of associated footpaths, cycleways and verges and would require compliance with the Access and Circulation Parameter Plan. The exact location of proposed site accesses would be confirmed at that stage and would be supported by necessary information, including a junction capacity assessment, visibility splays, tracking plans etc.
- 7.8.13 Vehicular, pedestrian and cycle access and crossings within the site are also details that would be sought for approval at a later stage, albeit they would need to follow approval of area master plans and design code to ensure a coherent design approach.
- 7.8.14 It is relevant to note that the highway plans submitted for approval have been amended following discussions with the LPA and KCC Highways to incorporate a minimum 6 metre corridor either side of Thames Way and to the west side of Ebbsfleet Gateway to ensure future flexibility to incorporate appropriate space for landscaped roadside verges as well as pedestrian and cycle paths – this replaces previous versions that showed footways directly adjacent to the carriageway and so is



a positive change that acknowledges the importance of creating attractive and functional streets in accordance with the Ebbsfleet Public Realm Strategy.

- 7.8.15 These physical highway works are acceptable in principle to ensure adequate additional capacity is built into the highway network to support the development, noting the particular importance attached to the design of the new and enhanced junctions to prioritise pedestrian and cycle movements and to ensure the provision of tree lined verges adjacent to the main roads.

#### Public Transport

- 7.8.16 In terms of public transport infrastructure, in combination with the above works the application proposes a dedicated Fastrack link between Southfleet Road and International Way. KCC recommend that this includes traffic signals on Southfleet Road to provide priority to Fastrack buses moving between the application site and the adjacent strategic development site at Whitecliffe, which should be provided unless the applicant can demonstrate that it is not feasible. The Access and Circulation Parameter Plan identifies a broad area within which this connection would be located, but feedback from KCC, including the Fastrack Team, and fully endorsed by the LPA, is that this should be located to provide a direct connection to the partly constructed Fastrack link (the SRAMP) into Castle Hill, to avoid buses getting delayed by congestion along Southfleet Road. A recommended planning condition refers to a preferred alignment for this connection, which would include an adjacent pedestrian and cycle path and landscaped verge. A recommended planning condition requires completion prior to first occupation of the development.
- 7.8.17 As discussed above, a new priority junction and road is proposed onto Thames Way, immediately south of the railway bridge. This would provide general vehicular access to some development plots but use would be restricted through installing a bus gate, as this new road would principally be for the use of Fastrack buses. As per the Southfleet Road link, this new road and junction would be required prior to first occupation of the development to complete the east-west Fastrack route through the site.
- 7.8.18 The location of the bus gate will be an important consideration. Whilst KCC would prefer to see it located close to Thames Way to reduce the number of vehicles accessing this new road from Thames Way, for reasons related to place-making and sense of pedestrian priority and safety there is a justification to locate it further away to reduce the number of vehicles accessing the adjacent development plots via International Way and therefore through the public space in the Station forecourt area. Initial LPA concerns have been adequately addressed at this stage due to annotations incorporated onto the Access and Circulation Parameter Plan confirming this as a high quality shared surface location, to be considered further at the Area Master Plan stage.
- 7.8.19 The Access and Circulation Parameter Plan includes indicative locations for bus stops on the secondary streets within the application boundary and, to support Fastrack bus provision through the site, the applicant has agreed to fund the installation of Fastrack bus shelters including real time information screens, in addition to funding installation of bus gates and ANPR cameras to enforce the bus only sections of the route. These would be secured through a s.106 Agreement between the applicant and KCC.

#### Walking and Cycling

- 7.8.20 The requirement for the development to embed opportunities for active travel through new and improved connections within the site and to adjoining areas is enshrined in local planning policy and EDC design guidance, and is essential to delivering a sustainable new community at the heart of Ebbsfleet. The applicants Vision Statement includes an objective to deliver a masterplan evolved from sustainable transport principles, supporting high levels of sustainable transport use and an exemplar last mile environment to Ebbsfleet International Station.
- 7.8.21 In terms of identifying opportunities for new and improved pedestrian and cycle connections to and from the surrounding areas, the applicant has undertaken an audit of walking and cycling routes. This has identified that existing connectivity is not particularly good or direct, mainly due to the extent of road and railway infrastructure but also topography. There are some public footpaths that provide pedestrian links to Northfleet and to Swanscombe which seem fairly well used but those to Northfleet in particular are in need of improvements. Accordingly the applicant has agreed to pay financial contributions to KCC towards their upgrade and future management of these footpaths, to be secured through a s.106 Agreement.
- 7.8.22 “Making Connections” is a key design principle established in the Design and Access Statement that is essential to establish continuity between existing and new parts of the area. The application acknowledges that new and existing connections should provide resilient, convenient, inclusive and permeable routes emphasising connections for pedestrians and cyclists to public transport modes. Within the boundaries of the site itself, the scheme proposes a well reconciled movement framework that provides a highly permeable pedestrian and cycling network that directly reflects desire lines within each of the development areas (as defined by the constraints of the existing railway lines), as well as the strategic desire lines across the site.
- 7.8.23 The application commits to improvements to the western section of International Way to include a continuous dedicated cycle link between Ebbsfleet International Station and the Ebbsfleet Gateway Roundabout. This is a well-used existing route that was highlighted in the audit as requiring significant enhancement to support walking and cycling so these improvements are positive, and would tie into the proposed new connection to Southfleet Road thus providing an improved link to Castle Hill.
- 7.8.24 The longer term aspiration for a connection to Castle Hill set out in the Dartford Local Plan and the Ebbsfleet Implementation Framework includes utilising the unfinished bridge plaza to provide a more direct and dedicated route. This is shown as an indicative future connection in the Access and Circulation Parameter Plan but falls outside the scope of this application. However, as highlighted by KCC Highways, it would be essential to ensure that this development does facilitate access to the elevated bridge plaza to future proof this connection. Whilst access to, and use of, the unfinished bridge plaza does form part of this application, a necessary safeguard is incorporated into the recommended EC2 Area Master Plan condition.
- 7.8.25 In terms of connections to Northfleet, including to Northfleet Station, topography and existing infrastructure is a major challenge. In addition to the public footpath improvements, the application does commit to provision of 3no. new crossings along Thames Way to reduce the barrier effect of that main road, including a new crossing at the point where the existing public footpath linking to Springhead Park terminates onto Thames Way.
- 7.8.26 However, the principal connection identified in the Ebbsfleet Implementation Framework that would provide the maximum benefit and connectivity is a direct

pedestrian and cycle route between Ebbsfleet International Station and Northfleet Station. It is shown as an indicative future connection in the Access and Circulation Parameter Plan and the applicant has confirmed that provision of this route remains a corporate priority for EDC, but its delivery is not being committed to by the applicant through this planning application. Much of the land that would be required for this also falls outside the ownership of the applicant comprising privately owned third party land in addition to operational railway land owned and operated by Network Rail. It is understood that there would be various technical, legal and financial matters to be considered should such a connection be delivered, albeit it is positive that Network Rail support the principle this new connection through their representation to this application.

- 7.8.27 In planning policy terms, whilst the adopted local policies support the provision of pedestrian and cycle links between Ebbsfleet and Northfleet stations as part of the creation of an enhanced transport hub at Ebbsfleet Station, they do not require a direct link as identified in the Ebbsfleet Implementation Framework. It is therefore proposed that any outline consent granted ensures sufficient land is safeguarded for the provision (including construction) of a dedicated and direct step-free pedestrian and cycle connection between Ebbsfleet International Station and Northfleet Station. Recommended planning conditions require the Area Master Plan for EC1 to identify the safeguarded land, to be informed by an options analysis that demonstrates the spatial and technical feasibility for providing the connection that identifies a preferred concept scheme and a report that identifies the legal constraints and financial considerations to delivery of this connection including evidence of engagement with relevant landowners.
- 7.8.28 Alternative potential routes between the site and Northfleet Station have been considered, including a possible cut through between Thames Way and Railway Street, but that was discounted by the applicant due to limited benefits to users and ecological constraints. However, the applicant has offered a financial contribution to KCC to provide improvements to the existing route between the application site and Northfleet Station beyond the northern boundary of the site, to include but not limited to measures such as relocation of signs, provision of finger posts and provision of dropped kerbs. This would be secured through a s.106 Agreement albeit the contribution would not be required in the event that a direct pedestrian and cycle connection has already been provided between the site and Northfleet Station or if the improvements have already been provided by others.
- 7.8.29 Internally within the application site, the presence of the railway line bisecting the site impacts connectivity and movement between EC1 and EC2. In addition to the existing railway underpass adjacent to the International Station that the applicant has confirmed they have legal rights to use, it is positive that the application commits to provision of a key pedestrian and cycle route utilising the safeguarded Thames Way dualling strip that runs under the North Kent railway spur. This would provide a second pedestrian and cycle connection between EC1 and EC2 as an alternative to walking or cycling along Thames Way. To ensure both routes remain accessible, a planning condition is recommended requiring the existing disabled access ramp to be retained or re-provided in the same or alternative form, noting the underpass remains the most direct link through the site.
- 7.8.30 The Access and Circulation Parameter Plan identifies indicative proposed key pedestrian and cycle routes within the site which reinforces new strategic links including a 'green spine' route running through the whole site from north to south as well as routes to the International Station and towards Blue Lake. These would provide segregated pedestrian and cycle routes and crossing arrangements to

encourage their use. If approved, as the design progresses, further articulation and details of the key routes as well as the more secondary routes within development plots would be developed through area master planning and interfaces with buildings and open spaces to ensure the routes are safe and attractive to use.

- 7.8.31 To ensure connectivity and movement within EC1 the parameter plan commits to the delivery of 4no. bridges over the River Ebbsfleet, three of which would be solely for pedestrians and cyclists. An indicative pedestrian/cycle crossings plan has been submitted showing the location and potential form/design of the highway crossings.
- 7.8.32 In summary, based on the Access and Circulation Parameter Plan and design principles established in the Design and Access Statement and applied through the illustrative masterplan, the proposed scheme is considered to be highly walkable and cyclable, with excellent local and regional public transport services ensuring residents have minimal need to drive within the development areas.

### Vehicle Parking

- 7.8.33 The NPPF acknowledges that patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places. In order to deliver a sustainable, attractive and walkable development at the heart of Ebbsfleet the transport modelling has assumed a low on-site parking provision to serve the development. The LPA strongly support the principle of exploring opportunities for a “neighbourhood parking” approach and for sharing the necessary station parking with development parking, in order to reduce the overall amount of car parking that is required.
- 7.8.34 The application is accompanied by a Transport and Parking Strategy which provides an overarching summary of all measures to be implemented across the site, including highway mitigation, how such measures will be realised and the programme across which that is currently planned. It states that, with the exception of office employment use, all car and cycle parking provision would be provided in line with the Ebbsfleet Sustainable Travel Strategy. The office parking provision would be lower due to the sustainable location in addition to other initiatives to be funded by the applicant including car clubs and commercial travel plans. It also refers to arrangements for on street parking restrictions and re-provision of Station drop off facilities, as well as the approach to consolidating existing Station parking from surface car parks into multi-storey car parks.
- 7.8.35 KCC Highways have reviewed this document and advise that it requires updating to incorporate additional matters but also to update it in line with requirements to be established through planning conditions and obligations. In addition to further details of parking restrictions and management it also seeks specific details in respect of arrangements for any permit and/or allocated parking system to be implemented including any lease restrictions for parking spaces within any multi-storey car park. A planning condition is recommended requiring approval of an updated Transport and Parking Strategy prior to first occupation.
- 7.8.36 The Area Master Plans for EC1 and EC2 are also required to consider parking standards, including identifying appropriate parking typologies and its broad distribution and location, including car club parking spaces and electric vehicle (EV) charging infrastructure. The Design and Access Statement refers to a parking strategy that is predicated on the integration of parking into the built form. This is an important design requirement as the principle of surface parking would not supported

for any block typology, as set out in the Ebbsfleet Sustainable Travel Strategy and would be a consideration for the Area Master Plans and Design Codes.

- 7.8.37 Specific design and location of cycle parking facilities would need to be developed through area master planning and design coding.
- 7.8.38 Although the provision of EV charging is now dealt with under Building Regulations it remains appropriate to approve the approach to the distribution and location of it as that is not covered elsewhere. Also, there is some uncertainty in the Building Regulations in respect of EV requirements for covered spaces which is likely to be the predominant parking typology in this development due to its density, i.e. undercroft parking along with multi-storey parking. As per KCC advice, it is considered necessary to ensure adequate EV charging infrastructure is incorporated into the development which is proposed to be secured through the updated Transport and Parking Strategy along with details in the Area Master Plans and to be submitted with applicable future reserved matters applications.
- 7.8.39 In order to avoid adverse impact on the viability and operation of Ebbsfleet International Railway Station it is necessary to retain sufficient car parking so a planning condition is recommended preventing loss of any existing spaces until temporary or replacement parking has been provided. Due to the density of the development this would involve provision of multi-storey car parks. By their nature these will be large structures and establishing design principles for ensuring appropriate visual scale and appearance of these buildings is a requirement of the Area Master Plans. When designing these structures it has also been advised, including from input via the Design Forum at pre-application stage, that they are resilient, adaptable and sustainable. Whilst not fixed by the parameter plans, the LPA support the principle of locating the multi-storey car parks (MSCPs) to the periphery of the development to reduce the need for cars to access them through the development, subject to appropriate design and consideration for providing active and/or attractive facades.
- 7.8.40 The LPA also support the principle of incorporating undercroft parking to deal with level change between the Unfinished Bridge Plaza and the development with public realm on top to create an entrance area and avoid excessive steps or other vertical connection to step up. This is a positive approach to addressing site levels whilst ensuring the provision of discretely located but accessible parking.
- 7.8.41 To support the approach to providing low parking provision on site, and therefore reduced trip rate assumptions for the transport modelling, the application proposes a substantial package of measures aimed at encouraging sustainable travel. In addition to the physical measures already discussed, this includes committing to a number of actions and planning obligations described below.
- Establish a Transport Review Group and appoint a Travel Plan Co-ordinator;
  - Approval and compliance with a Site Wide Travel Plan, including approving individual occupier travel plans for large non-residential uses. Specific residential travel plans are not required on the basis that the site-wide Travel Plan commits to provision of an up to date travel information pack for all new homeowners when they move in. A Travel Plan monitoring fee would be payable to KCC;
  - Set up a Transport Toolkit Fund (£1,000,000) to set aside funding to enable implementation of transport mitigation measures should traffic movements exceed targets set out in the site-wide Framework Travel Plan. Any such measures would be agreed by the Transport Review Group as necessary. There is a linked

requirement for annual traffic monitoring to assess compliance with the Travel Plan to ascertain whether targets are being exceeded. It is proposed that the monies would be transferred into account held by landowner based on the instalments agreed with KCC and set out in the s.106 Heads of Terms;

- Set up a Sustainable Transport Fund (£880 per household) to incentivise sustainable travel by occupants of the development, principally residents, by making Mobility as a Service (MaaS) credits available for use, the amount based on annual Fastrack bus ticket;
- Cycle vouchers (£50 per dwelling); and
- Establish an on-site car club comprising at least 2no. spaces including provision of 2no. electric vehicles and associated electric vehicle charging infrastructure prior to first occupation.

### Summary

7.8.42 In summary, the application includes the provision of substantial new and improved transport and movement infrastructure including the provision of a mobility hub and bus interchange at Ebbsfleet International Station, dedicated Fastrack access through the site and to adjacent communities and, through design to be established through approved parameter plans and detailed design principles, the creation of walkable communities. In addition it proposes highway improvements including new and improved site accesses and upgraded local roads and junctions to increase capacity. The application also commits to a significant package of sustainable travel measures including the introduction of car clubs, travel information packs and vouchers to incentivise occupants to travel by sustainable means. The proposed development would therefore provide a sustainable and public transport orientated development that makes the most of the highly sustainable location adjacent to the Ebbsfleet International Station and in close proximity to Northfleet Station.

## **7.9 Design (including Open Space)**

7.9.1 Section 12 of the NPPF relates to achieving well-designed and beautiful places and sets out the Government's requirements in relation to design issues. Paragraph 131 emphasises the importance of achieving high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 of the NPPF seeks to ensure that development will add to the quality of an area, be visually attractive, sympathetic to local character and history, establish a strong sense of place, and include an appropriate amount and mix of development with green and other public space.

7.9.2 Dartford LP Policy M1 and Gravesham LPCS Policy CS19 reflects these aims and requires that new development takes opportunities to create distinctive high quality and beautiful places, is visually attractive, fit for purpose and conserves and enhances the character of the local built, historic and natural environment, as well as integrate well with the surrounding local area and meet anti-crime standards.

7.9.3 The Design for Gravesham document identifies the Gravesham part of the application site as a regeneration area and establishes key design principles for the future of Northfleet which generally seek to support principles established in planning policies. This includes improved connectivity, strengthening the local economy, creating a network of unique local centres, improved access to green space and play facilities, incorporating nature into the urban area, improved legibility of streets with landmarks

to aid navigation, protecting heritage assets and promotion of housing to cater for an ageing population.

- 7.9.4 In terms of a framework for assessing design quality of the proposed development, the parameter plans would establish fixed design principles that would require compliance through all subsequent submissions. A Design and Access Statement (DAS) is provided to establish principles and approaches to delivering the development and would be expected to inform future design work, albeit not comprising an approved document. Through planning conditions it is recommended that detailed design principles are approved through submission of Area Master Plans (AMPs) and Area Design Codes (ADCs) for EC1 and EC2 post outline determination. With the exception of “advanced infrastructure”, such as the primary streets as defined in the applicable planning condition, the AMP and ADC would require approval prior to submission of any reserved matters applications. In combination with site-wide strategies it is considered that this would provide an appropriate framework for the design and assessment of future applications.
- 7.9.5 Whilst the outline nature of this application is such that the design of the scheme, including matters of layout, scale, appearance and landscaping, is reserved for future detailed consideration, it remains necessary to assess the opportunities and constraints presented by the application site to resolve whether it is capable of accommodating the broad quantum of development proposed whilst according with policy requirements and design expectations.
- 7.9.6 An illustrative masterplan has been submitted to show one option for how the quantum of development applied for could be configured on the site in a manner to achieve the key design principles explained in the accompanying DAS. These include a landscape led character with public realm providing a legible network of streets and spaces, making connections, creating places and active spaces, sustainable design, being responsive to the unique character of the site as well as being flexible to ensure long term resilience of the master plan and to support phased delivery. The illustrative masterplan has been subject to a Building for a Healthy Life Assessment discussed later in this report.
- 7.9.7 The following section provides a high level assessment of the scheme design having regard to the parameter plans, DAS and the illustrative masterplan, based around the future reserved matters of layout, scale, appearance and landscaping.

#### Layout

- 7.9.8 The parameter plans start to define the broad layout of the site by splitting it into 12no. Development Zones identifying where built development would be located. Most notably this establishes principal routes and spaces including a commitment to no built form within the corridor of the River Ebbsfleet. A separate parameter plan identifies how the Development Zones would be further subdivided into Development Plots to allow further articulation both in terms of access routes, building grain and maximum building heights.
- 7.9.9 The illustrative masterplan employs flexibility in the location and layout of the various land uses to preserve the vision for mixed-use development blocks that can also respond to the demands of the market during the lengthy build out period. Whilst the ability to confirm the exact mix and type of uses is limited at this outline stage, the vision and the testing of development blocks within the DAS demonstrates that the development blocks can accommodate everything from smaller scale high street retail, a broad range of workspaces from small workshops and maker spaces through

to large floorplate offices, as well as all forms of community facility from theatres to community centres.

- 7.9.10 Visual connections within the masterplan, including views to and from surrounding local landmarks are also carefully considered, with the masterplan aligning vistas from key public spaces outwards to key local buildings such as the church towers within Northfleet.
- 7.9.11 The broad layout is informed by the topography and varying levels of the site and the application includes parameter plans detailing the existing and proposed site levels on each Development Plot. Within EC1 the proposed site levels are within a range of roughly 4 to 5 metres AOD whereas in EC2 they are generally higher ranging between 5 to 9 metres AOD, albeit with some flexibility to deviate slightly at the detailed design stage. Due to the level changes, particularly adjacent to the River Ebbsfleet corridor and due to the requirement for raised building floor levels to mitigate flood risk, an important aspect of the ADC would be to establish acceptable approaches to integrating level changes between buildings, streets and open spaces.
- 7.9.12 Based on the illustrative masterplan the scheme responds positively to the opportunities afforded by the challenging topography to create a masterplan with a broad range of integrated but distinct spaces that would provide high quality environments for both people and wildlife.
- 7.9.13 This broad layout and distribution of built form, whilst being subject to detailed design, is considered to be acceptable as a starting point for more detailed master planning and design work at the next stages of the planning process.

#### Scale

- 7.9.14 The application includes a Maximum Heights Parameter Plan to establish the maximum height of buildings within each Development Plot, measured as height in metres above AOD level as opposed to storey heights. The development would not be permitted to protrude beyond the maximum envelope of built form as these are the maximum building heights assessed through the Environmental Statement, particularly in respect of landscape and visual impact assessment.
- 7.9.15 The application site is separated from surrounding buildings and uses by rail and road infrastructure as well as topography, so has no immediate neighbours. However the nature of the site, comprising primarily surface car parking, is such that any visual impacts associated with high density redevelopment would be significant, so it remains necessary to assess impacts on the surrounding area and users which, to a large extent, would arise from the physical scale of the proposed built form. The matter of building heights and visual impact has been raised by two local residents, concerned that the development would be inappropriately tall and be detrimental to the ambience of the area.
- 7.9.16 The principle of tall buildings on this site is supported as it would help achieve the density and critical mass of development required to create a vibrant and sustainable community and also to reinforce the hierarchy and status of this site as the heart of Ebbsfleet. The Design for Gravesham document identifies the site as a high density area for development with an opportunity for a tall building and, as discussed earlier in this report, the principle of building at a high density on this site accords with expectations of national and local planning policy in terms of making most efficient use of a sustainably located site.



- 7.9.17 In EC1 the parameter plan would allow buildings ranging in height above existing ground level from 16 to 35 metres, but with one Development Plot extending up to 55 metres. In EC2 the maximum building heights above existing ground level would range between 38 and 51 metres. On the basis of residential storey heights being 3.2 metres and commercial storey heights being 4.2 metres, and acknowledging the need to incorporate variation to building heights and roof levels, the illustrative masterplan suggests buildings ranging in height across the site from 2 to 14 storeys. Lower buildings are situated towards the edge of the site, mid height buildings are located on the primary routes and a limited number of taller buildings are located to act as landmarks.
- 7.9.18 High density development and tall buildings require particularly careful design to ensure they do not cause harm to the character of the area through being overbearing, intrusive or disrupting important views. These details are not for consideration at this outline stage so would be developed at a later stage in the planning process, but it is relevant to note that the overall maximum floorspace proposed is such that it would not allow all buildings to extend up to the maximum building heights allowed for by the parameter plans. This would ensure that variation in building heights and rooflines would remain a matter for consideration at the detailed design stage with AMPs and ADCs expected to establish a rationale for the location of tall buildings as well as identifying key vistas to protect and spaces to enclose. A specific AMP requirement would be to establish minimum building heights for reasons including maximising development on this sustainable site as well as ensuring appropriate enclosure and surveillance of key routes and spaces and supporting legibility of movement through hierarchy of buildings and spaces.
- 7.9.19 The design approach to the proposed multi-storey car parks would require particularly sensitive treatment. At an anticipated 6 to 8 storeys in height, and with large floor plates, they could appear as dominant structures in long and short distance views so external treatment would be a key consideration to be covered by the ADCs. Ideally they would be “wrapped” with active uses to hide the car park structures but the DAS also includes precedents for high quality facades treatments which could deliver attractive and interesting buildings.
- 7.9.20 The LPA’s landscape advisor has reviewed the Landscape and Visual Impact Assessment submitted with the application. They advise that the assessment (and accompanying methodology) is very thorough and in accordance with relevant assessment guidance and that they generally agree with the majority of judgements reached, both in terms of the existing baseline value/sensitivity and the level of anticipated landscape and visual effects. The assessment identifies a significant visual effect on a specific viewpoint from Hamerton Road (north of Railway Street in Northfleet) but does not acknowledge that there would be adverse effects on some other residential receptors in Northfleet. No further response has been provided by the applicant but it is considered that, through appropriate detailed design to include consideration of impacts of surrounding areas and views and having regard to the physical separation between the site and adjacent sensitive uses, any adverse impacts could be addressed through detailed design.
- 7.9.21 The broad scale of the built form proposed is considered to be acceptable and aligns with expectations in national and local planning policy to make efficient use of sites in highly sustainable locations. The proposed scale is considered necessary to achieve the density and critical mass of development required to create a vibrant and sustainable community and to reinforce the hierarchy and status of this site.

### Appearance

- 7.9.22 The height of the proposed buildings reinforces the need for outstanding design, architecture, materiality and detailing.
- 7.9.23 The application does not include specific design principles for the built form, as these would be developed through design coding and area master planning at a subsequent stage, but it establishes the ambition to create a 'distinctive urban form and identity'. To reinforce this a planning condition is recommended to require the ADC to establish a narrative based design process aligned with the Design for Ebbsfleet Guide and articulate how it should be used to generate the architectural design of buildings to create locally distinctive built form, including massing and form, roofs and window design, facade articulation and materials and detailing. It also requires details of the approach to design character areas to be identified in the AMP. The DAS does establish high level principles for the design of tall buildings including that they should exhibit outstanding architecture and incorporate high quality materials, finishes and details at lower and upper levels. It also identifies that large facades should be broken into human-scaled sections with a finer grain, to avoid large buildings appearing overly dominant.
- 7.9.24 The illustrative masterplan has carefully considered the principles for the landscape design of all streets and public spaces, the facilities included within these spaces, and the key principles for the enclosing building frontages, to ensure the characteristics required to facilitate activity and vibrancy within these spaces are embedded within the master planning. This includes locating more active uses along these spaces, defining the locating of active frontages, and avoiding vehicular entrances and servicing points within these frontages.
- 7.9.25 To reinforce the importance of activity and natural surveillance the application is accompanied by an Active Frontages Parameter Plan that would be developed through design coding and area master planning. The intention is to prioritise active frontage along the key sequence of public spaces that flow down from Ebbsfleet International Station to activate the key public spaces in EC2 alongside a secondary tier of active frontage to line secondary routes across both development areas. The detailed approach to active frontages, including detailed definitions, would be a key matter for the AMP and ADC stage noting that some frontages would require more than a minimum 50% activity and acknowledging further that there are different ways of providing activity and interest within a street scene.
- 7.9.26 Potentially the most significant challenge would be in the landscape design and activation of buildings fronting onto the strategic roads of the Thames Way and the A2260 on the periphery of the application site. The illustrative masterplan indicates the use of strategic landscaping and the inclusion of less sensitive land-uses to line these arterial routes to mitigate the impact of traffic, but this would require more detailed design development in later stages.
- 7.9.27 Through a combination of the parameter plans, principles in the DAS and a requirement for area master plans and design coding, an appropriate framework would be in place to enable a robust assessment of future detailed designs in respect of appearance.

#### Landscaping

- 7.9.28 The NPPF (paragraph 102) considers that access to a network of high-quality open spaces and opportunities for sport and recreation is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to

address climate change. NPPF (paragraph 135) requires appropriate and effective landscaping in new developments and looks to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, including green and other public space).

- 7.9.29 Dartford LP Policy M13 states that new development on sites over 20 hectares such as the application site will be required to contribute at least 30% of the site area to the Green and Blue Infrastructure network, to include multi-functional land providing opportunities for formal and informal recreation, habitats and corridors for wildlife, native trees/landscaping, and other measures to mitigate and adapt to the impacts of climate change. Gravesham LPCS Policy CS13 does not specify a minimum amount of open space but does require development to make adequate provision for and to protect and enhance the quantity, quality and accessibility of green space.
- 7.9.30 The application provides an opportunity to create a variety of distinct spaces, including natural river based spaces, vibrant civic squares and informal gathering areas, all incorporating landscaping to support its functional, ecological and aesthetic appeal. The applicant's Vision Statement includes an objective to deliver a landscape led development that facilitates a fully integrated high quality environment, enhancing and embracing the local landscape, biodiversity and heritage. The fixed elements of landscaping are presented on the Landscape and Public Realm Parameter Plan, but the application is accompanied by an Illustrative Landscape Strategy for information purposes only.
- 7.9.31 The Landscape and Public Realm Parameter Plan and the Development Specification both commit to the provision of at least 30% of the site area as open space to ensure compliance with adopted policy.
- 7.9.32 The Landscape and Public Realm Parameter Plan establishes key principles including enhancement of the existing ecological river corridor that runs through the site. As discussed earlier in this report, this provides a key opportunity for securing net gains for biodiversity but it is also important for the development to meet the needs of the people who will be using it. This would require careful balancing in particular during detailed design of the open spaces in EC1 which is the part of the site where the River Ebbsfleet runs through the land proposed for built development.
- 7.9.33 This parameter plan also establishes a key public realm route through the site linking the "unfinished bridge plaza" in the south to Stonebridge Road in the north, via a new pedestrian and cycle connection proposed on land previously safeguarded for Thames Way dualling beneath the North Kent Railway Line. This key public realm route includes a connection between Ebbsfleet International Station and Blue Lake. The delivery of these routes is essential as a key role of the Ebbsfleet Central site is to provide improved connections to and from the surrounding communities. A planning condition is recommended to secure triggers for the delivery of these routes linked to development in EC1 and EC2.
- 7.9.34 In terms of spaces for people, the Landscape and Public Realm Parameter Plan includes a commitment to the provision of 2no. Primary Public Spaces and 3no. Key Public Spaces. The following definitions, which were updated following revisions to the Development Specification, are considered sufficient to establish the functional requirement of these spaces without the need to identify minimum sizes at this early stage:
- *Primary Public Spaces will provide the central hubs of activity, bringing together places to eat, drink, play, socialise or dwell. The size, shape, configuration and*

*landscaping of these multi-purpose spaces should reinforce their role as the highest tier of public open space within the development and should include both active and passive uses including flexible open areas for larger civic events, and public art. At least one of these spaces shall comprise a City Square as defined within the Ebbsfleet Public Realm Strategy. Passive areas should include shaded seating areas framed by distinctive planting or water features. Consideration should be given to activity, accessibility, inclusivity, utilities/services and public safety throughout all hours of the day.*

- *Key Public Spaces are smaller open spaces which relate to the specific functions and character of the surrounding local neighbourhood. The function and character will differ depending on predominant residential or commercial land use. Key Public Spaces should include for specific functions such as play, recreation, socialising and/or biodiversity and all such spaces, including those adjacent to transportation hubs, should provide high quality landscaping, furniture (including a range of seating), lighting and circulation space applicable to its function.*

7.9.35 A planning condition is recommended to secure triggers for the delivery of these public spaces linked to development in EC1 and EC2.

7.9.36 To guide detailed submissions and the AMPs and ADCs, a site-wide Landscape, Open Space and Play Strategy would be required building on details in the DAS to establish key principles to delivering a landscape led development, establish open space typologies and, notably, principles to ensure a consistent approach to delivering enhancements to the River Ebbsfleet corridor. It would also establish an approach to effective public engagement in the design of landscape and open space and principles for its management and maintenance.

#### Play and Sport

7.9.37 There is no minimum quantum of play provision within the Development Specification. However, the Design and Access Statement includes a Play Strategy that includes a series of play spaces including a Neighbourhood Equipped Area of Play (NEAP), Local Equipped Areas of Play (LEAP) and Local Areas of Play (LAP). This is based on the illustrative masterplan but reference is made to meeting the Fields in Trust standards for play provision. Initial concerns have been raised in respect of the proposed location of the NEAP within the ecological corridor in EC1 with a lack of natural surveillance and, although the illustrative drainage strategy has amended the attenuation basin to avoid a direct conflict with the NEAP, there remains a concern in terms of the NEAP's indicative location.

7.9.38 The LPA is comfortable that, through approval of a Landscape, Open Space and Play Strategy to require specific reference to a more detailed play strategy, and the subsequent Area Master Plans that would require broad locations of play provision, no further details are required at this stage.

7.9.39 In terms of sport and recreation, Dartford LP Policy M13 and Gravesham LPCS Policy CS13, including policy pre-text, both refer to the need for new development to take opportunities for the provision of facilities for formal and informal sport and recreation. Additional details were incorporated into the updated Design and Access Statement, and indicates a range of courts, outdoor gyms, table tennis and climbing walls, together with potential locations for such facilities, all of which are welcomed and provide a realistic level and type of sports provision given the space available. Notwithstanding this illustrative detail, further assurances are required on the delivery of sports provision. Comments from Sport England, DBC and GBC are noted in

respect of provision for formal sport facilities, albeit focussed on a financial contribution to enhancing existing facilities in the area.

- 7.9.40 Whilst accepting that the nature and density of the development might preclude standard forms of such provision, the preference would be to seek secure some delivery on site to more directly meet the needs of the new community. Rather than defer to securing financial contributions it is recommended that a site-wide Formal Sport Strategy is submitted and approved prior to approval of Area Master Plans, to establish the need arising from the planned development and to identify opportunities for meeting that need on site, but to include an approach to off-site provision in the event that either full or partial on site delivery is not feasible. This latter option might comprise a financial contribution to the Local Planning Authority.
- 7.9.41 Overall, the creation of high quality and sustainable buildings and places are fundamental to these proposals, and through a landscape and public realm led masterplan the proposed development can provide an exemplary scheme.
- 7.9.42 The revised Development Specification and Landscape and Public Realm Parameter Plan, read alongside the Design and Access Statement, provide a good starting point for future detailed design, but it is considered that additional work and detailed principles require approval prior to submission of reserved matters applications so it is recommended that a Landscape, Open Space and Play Strategy is submitted and approved to inform the detailed Area Master Plans and Area Design Codes.

#### Summary

- 7.9.43 In summary it is considered that, subject to appropriate high quality design, with particular regard to massing, rooflines, vistas and architectural detailing and materials, development of the application site generally has the potential to positively impact on the landscape and visual character of the area. The site also presents an opportunity to deliver a genuine landscape led development that balances the needs of people with the need to protect and enhance biodiversity, with the River Ebbsfleet corridor and new strategic routes to connect high quality public spaces.

### **7.10 Sustainable Design and Technology (including Carbon Reduction)**

- 7.10.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 7.10.2 Dartford LP Policy S3 states that development will be well located, and innovatively designed and constructed, to mitigate and adapt to the effects of climate change. Development should contribute to minimising carbon emissions from properties and processes and increasing resilience to the effects of climate change by a package of bespoke measures integrated within development at an early stage of design and planning. This includes that development will efficiently manage and re-use natural resources and waste, including through the use of water efficiency measures, and will minimise energy consumption and incorporate renewable or low/ zero carbon energy sources. Dartford LP Policy M3 also relates to sustainable technology, construction and performance and states that the design, construction and whole life carbon cost of development must contribute to the mitigation of, and adaption to, climate change and sets requirements in respect of preserving resources and energy and carbon. Dartford LP Policy E4 specifically states that development at Ebbsfleet Central should be designed to secure significant zero carbon and energy positive technology.

7.10.3 Gravesham LPCS Policy CS18 sets out expectations in respect of flood risk, water quality, sustainable drainage, water demand management and carbon reduction, set against the overarching principle of supporting sustainable development. In seeking to reduce the overall carbon footprint of Gravesham, Policy CS18 requires development of key sites, such as Ebbsfleet Central, to consider the potential and include proposals for low carbon and renewable energy regeneration. The Design for Gravesham document supports this policy and includes requirements for applicants to demonstrate that they have maximised energy efficiency through aspect, orientation and design elements and that developments must adopt a fabric first approach to reduce their energy demand before integrating renewable alternatives.

7.10.4 The application is accompanied by an Energy Statement that sets out applicant's vision and ambition for the site and identifies the energy reduction measures that are applicable to the emerging masterplan and that could be explored at the detailed design. It states that the energy strategy would be developed using a 'form and fabric first' approach through the Be Lean, Be Clean, Be Green and Be Seen energy hierarchy through maximising reduction in energy through passive design measures first, before seeking opportunities to deliver energy efficiently and then maximising the provision of low and zero carbon technologies.

- Be Lean – It is proposed that the masterplan targets reductions in regulated energy demand of 10% for domestic and 15% for non-domestic buildings through robust passive design and energy efficiency measures.
- Be Clean – Whilst a site-wide district heating system and CHP system are both deemed unlikely at this stage, the report indicates that ambient loop energy sharing is to be explored further between nearby buildings showing greatest simultaneous heating and cooling demand, and will also explore opportunities for recovery of waste heat.
- Be Green – The report commits to installation of air source heat pumps and solar PV and proposes an all-electric scheme with no gas boilers.
- Be Seen – The report states that the strategy could seek to optimise the performance of building services in all seasons and verify performance against the design intent, seeking to close any performance gap and reporting on true performance and lessons learned.

7.10.5 It is relevant to note that, of the different domestic scenarios tested, the energy assessment identified that replacement of gas boilers with electric heat pumps is critical to achieving the upcoming Future Homes Standard, combined with enhanced building fabric and solar PV. Also, the area of roof mounted solar PV tested in indicated as likely being unfeasible, noting other pressures on roof space such as ecological mitigation, rainwater storage and potentially recreation space. However green and brown roofs can be considered in combination with the installation of PV panels, rather than instead of, as well as other on-site renewable technologies that could contribute to operational energy carbon emission reductions and should be explored.

7.10.6 This report identifies an interesting opportunity for utilising sewerage waste to provide an alternative fuel source to natural gas through producing biomethane using anaerobic digestion, particularly relevant due to proximity to the Northfleet Wastewater Treatment Works. This is an example of a possible opportunity that would require further consideration regarding its feasibility, noting also that the application currently identifies an all-electric system for heating as opposed to natural or other forms of gas.

- 7.10.7 A Sustainability Statement and Climate Change Report has also been submitted which includes details of energy reduction but includes other sustainability requirements including climate change, greenhouse gas emissions, water management, green infrastructure and biodiversity, flood risk and transport. Measures include minimising waste through the construction phase, flood risk reduction measures including a sustainable surface water drainage strategy, retention and creation of habitats, green infrastructure and open space and a form and fabric approach to the energy strategy including building orientation and design to optimise heating and cooling gains.
- 7.10.8 It is considered that these reports adequately cover applicable matters relevant to a high level assessment at outline planning application stage. However, whilst they are intended to be aspirational, with targets and opportunities that are subject to change as the development and energy technologies evolve, it is considered necessary for the development to establish clearer energy and water efficiency performance targets for new buildings against which future submissions can be assessed.
- 7.10.9 It is therefore recommended that a site-wide Energy and Sustainability Strategy, informed but not limited by opportunities identified in these reports, is approved prior to the approval of the first Area Master Plan. In addition to establishing energy performance targets for residential floorspace and setting a minimum BREEAM “excellent” rating (or equivalent) for all non-residential floorspace, it is recommended that this strategy covers related matters including approach to how incorporating zero carbon and energy positive technology, establishing targets for biodiversity net gain, urban greening and water management as well establishing principles for embedding a circular economy approach. This timeframe is necessary to ensure that any spatial requirements associated with the strategy are incorporated into the applicable area master plans.
- 7.10.10 Thereafter, each reserved matters application where applicable would be required to provide an Statement of Conformity to set out how that phase of development will accord with the site wide strategy. It is considered that this should relate to reserved matters for infrastructure as well as for buildings and would include much greater level of detail and commitment than the applicant is currently able to provide due to the early stage in the design process.
- 7.10.11 Notwithstanding the above, a planning condition is recommended to require compliance with the optional requirement of Part G of the Building Regulations 2010 (as amended) in respect of water demand and efficiency, consistent with the approach taken on other developments in Ebbsfleet, in accordance with Dartford LP Policy M3 and Gravesham LPCS Policy CS18.
- 7.10.12 In summary, and subject to requirements through recommended planning conditions to ensure that energy reduction and climate change resilience is embedded into the design decisions as the scheme progresses, it is considered that the submitted information provides a good starting point and sufficient commitment for the scheme to incorporate appropriate measures to meet the existing and emerging planning policy requirements but also to seek to achieve exemplar development appropriate to a development of this scale and prominence.

## **7.11 Planning Obligations and Infrastructure**

- 7.11.1 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s.106 agreements, are a mechanism that a Local

Planning Authority often use to secure financial contributions or other forms of mitigation, such as affordable housing, to make a development proposal acceptable in planning terms.

7.11.2 In accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and policy tests in the NPPF (paragraph 57) planning obligations may only constitute a reason for granting planning permission and must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

7.11.3 It is important to ensure that sufficient infrastructure is provided to meet the needs of new development. As noted through some of the limited representations received to this applications, concerns often arise in respect of additional pressure of development on existing services such as schools, roads and doctors.

7.11.4 DBC LP Policy S2 indicates that development will contribute to infrastructure provision as necessary in line with national policy including through contributions via Dartford's Community Infrastructure Levy (CIL), planning obligations secured by s.106 Agreements (where applicable for affordable housing or site specific infrastructure); and/or provision in-kind. Gravesham LPCS Policy CS10 indicates that where new development leads to the need for new or improved physical or social infrastructure, developers will be required to provide or contribute towards this subject to viability considerations, and indicates that such social infrastructure should be put in place in a timely manner to support new development.

7.11.5 As mentioned above, DBC is a CIL Charging Authority whereas GBC is not. Any applicable new floorspace on land within the local authority area of Dartford would therefore be required to pay CIL. However, as referenced in the above DBC policy, it is still applicable and necessary to secure mitigation through planning obligations where it relates to site specific infrastructure, even in a CIL charging authority area.

7.11.6 The need for planning obligations covering various matters such as education, community services and transport mitigation have been discussed throughout this report. A summary of all the obligations being sought by this application are included in the s.106 Agreements draft Heads of Terms schedule at Appendix 2. In requesting obligations as part of this application, the LPA is satisfied that they meet the necessary tests. The obligations in the schedule have also been agreed with the applicant. It is relevant to note that some requests have not been accepted due to insufficient evidence or justification meaning they were not considered to meet the tests, so they have been omitted from the schedule.

7.11.7 Some financial contributions only relate to new dwellings within the local authority area of Gravesham due to comprising strategic infrastructure that, for Dartford, should reasonably be covered by CIL, for example contributions towards secondary education provision and a waste transfer station.

7.11.8 The draft s.106 Agreement Heads of Terms provide a framework for the detailed legal drafting at which stage they may be subject to refinement and incorporation of additional detail prior to completion and execution of the legal agreements.

7.11.9 As a procedural matter, as EDC are landowner and LPA it is not possible to enter into a legal agreement with each other, principally due to impracticalities and legal



impossibility of enforcing the obligations. The LPA therefore obtained a Leading Counsel's opinion on the ability for the local authorities to enter into separate s.106 Agreements with EDC as landowner, and to be the respective enforcing authorities for the obligations. The advice confirmed that those authorities were able to enter into, and subsequently enforce compliance with any obligations, provided they related to functions ordinarily carried out by that authority. For example DBC and GBC could reasonably enter into a s.106 Agreement securing matters relating to affordable housing, as they are the local housing authorities for their areas, but they could not enter into a s.106 Agreement securing matters relating to education as they are not the appropriate education authority.

- 7.11.10 On this basis, the schedule in Appendix 2 is split into those obligations that would be secured through separate agreements with KCC, DBC and GBC. The local authorities have been involved in discussions on the obligations and accept that they will be entering into these legal agreements with EDC as landowner and that EDC as the LPA would not be a party. Notwithstanding this, EDC in its role as LPA would continue to monitor compliance with the planning obligations, albeit ultimately not having the power to formally enforce if that became necessary, instead deferring to the local authority to take such action. However, although not being a signatory, the deeds do need to be completed to the satisfaction of EDC as LPA, as set out in the officer recommendation at the start of this report.
- 7.11.11 As set out above there are some cases where the local authorities would not be an appropriate enforcing authority for s.106 purposes and, due to EDC as LPA not being able to enter into a legal agreement with EDC as applicant to secure mitigation, in some cases requirements that might ordinarily be secured through a legal agreement are proposed to be secured through planning conditions and the legal opinion received acknowledges this approach. This includes provisions relating to protection of European Sites, formal sport and recreation provision and primary healthcare provision.
- 7.11.12 In terms of the planning obligations to be secured, most have already been discussed earlier in this report, and all are summarised in Appendix 2. However, those not already covered are discussed below.
- 7.11.13 KCC have requested a financial contribution towards a new or expanded waste transfer station within the Borough of either Dartford or Gravesham. This request has been accepted by the applicant and has been suitably evidenced by KCC, but would only relate to new dwellings in Gravesham on the basis that this would comprise strategic infrastructure that, for the Dartford area, would be covered by CIL.
- 7.11.14 KCC have also requested a s.106 monitoring fee, based on £300 per obligation trigger, towards the costs involved in their monitoring of the obligations in the agreement that they are to enter into with the applicant. No such monitoring fee has been requested from Dartford or Gravesham, other than in respect of First Homes.
- 7.11.15 GBC made a request for financial contributions towards the provision of burial space (land and construction costs) and towards the purchase of additional refuse collection vehicles.
- 7.11.16 In terms of burial space, GBC advise that existing provision in the Borough is unable to meet the demand generated by new development, despite the Thames View Crematorium and Cemetery being opened in 2017. As such they request a contribution of £462,692.50 towards the provision of additional burial land and

facilities. This figure is based on costs per person and assumes 500 new dwellings in the GBC part of the application site. Whilst the principle of new development contributing to provision of new burial facilities where demand is proven is generally accepted, at the time of publishing this report insufficient information had been provided to justify and evidence the amount being requested. As such it has not been demonstrated that this request meets the tests for securing planning obligations, including being necessary to make the development acceptable, so cannot be pursued by the LPA.

7.11.17 In respect of waste collection vehicles, GBC (who are the waste collection authority) advise that new residential development places additional demands on their refuse collection fleet in terms of needing to provide additional capacity. They advise that, on average, a refuse collection truck and a food waste collection truck serve 1,100 households per day respectively and that a refuse collection truck costs approximately £260,000 and a food waste collection truck costs approximately £120,000. In order to meet the additional demand generated by the proposed development GBC requests a contribution of £34,500, which is based on costs of £47 per dwelling towards additional refuse collection truck costs and £22 per dwelling towards an additional food waste collection truck. Notwithstanding that the recommended planning conditions require approval of an Operational Waste Management Strategy to identify opportunities for site-wide infrastructure and facilities to support efficient storage and collection of waste generated by the development which might mitigate any such impacts, at the time of publishing this report insufficient evidence and justification had been provided to underpin the amount being requested. As such it has not been demonstrated that this request meets the tests for securing planning obligations cannot be pursued by the LPA.

7.11.18 The proposed planning obligations listed in Appendix 2 are considered by the LPA to meet the relevant tests and are necessary to make the development acceptable in planning terms. As such the applicant/landowner will be required to enter into deeds of planning obligation with KCC, DBC and GBC, to the satisfaction of the EDC as LPA, prior to any decision granting outline planning permission being issued. This is reflected in the officer recommendation, requiring completion of deeds in general accordance with the draft Heads of Terms in Appendix 2, noting this does allow for refinement of the obligations as part of the legal drafting process.

## **7.12 Additional Considerations**

### *Inclusive Economy*

7.12.1 The NPPF (paragraph 85) states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.12.2 The provision of a business hub at Ebbsfleet has been a long standing aspiration through local policy. It is relevant to note the representation received from the South East Local Enterprise Partnership (SELEP) who strongly support the proposal to deliver more commercial property around Kent in general and that Ebbsfleet is a good location for due to good transport links and being on the high-speed line to London which is perfect for businesses looking to tap into London.

7.12.3 Employment density assumptions have been applied to the proposed floorspace quantum to calculate likely gross employment requirements for each employment

generating use within the proposed development. This is expressed in terms of gross number of full-time equivalent (FTE) workers likely to be directly employed in each use.

- 7.12.4 This calculation indicates that the proposed development could generate between approximately 1,470 and 10,358 jobs once fully built out and operational. The reason for this significant range is due to flexibility proposed through the application in respect of the quantum of different uses, principally the range of employment floorspace that could be delivered in a scenario with less residential floorspace. As such reference to forecast job numbers isn't particularly helpful in giving weight to the economic benefits of the development.
- 7.12.5 If approved and built, the development would also generate significant construction related jobs over the forecast 16 year construction period. The ES predicts that this could result in approximately 2,883 net temporary construction jobs.
- 7.12.6 To seek to ensure local people and business benefit from employment opportunities generated by the development, both during construction and once operational, it is proposed that an Employment and Skills Plan is approved prior to the commencement of development on each phase or sub-phase. These are intended to establish objectives and targets relating to matters such as local labour, apprentices and skills training.

#### Minerals Safeguarding

- 7.12.7 Minerals infrastructure is essential for the transport of minerals into and out of the County as well as for the recycling and/or processing of minerals into products. In particular, Kent's wharves receive a range of construction aggregates from mainland Europe, as well as marine-dredged aggregates. The NPPF requires local plans to safeguard existing, planned and potential minerals transport, processing and manufacturing infrastructure as development proposed in proximity to such facilities could result in loss of, or constraints applied to, current or future operations. The safeguarding of sufficient port capacity is supported through adopted planning policy at Borough and County level, notably Kent Minerals and Waste Local Plan Policy DM8.
- 7.12.8 Whilst the application site is not within 250 metres of a safeguarded operational mineral facility, the access road to and from Wharf 42 via Vineyard Pit is within the application site as it connects with a roundabout on Thames Way. As such, as required by Policy DM8 of the Kent MWLP, it is necessary for the planning application to demonstrate that vehicle access to and from the safeguarded facility would not be constrained by the development proposed, both during construction and once operational.
- 7.12.9 The application is accompanied by an Infrastructure Assessment which was been produced following the applicant's engagement with Tarmac who own and operate the safeguarded facility. The assessment is focussed on the operational phase of development on the basis that this represents a 'worst case' scenario due to construction traffic volumes being less.
- 7.12.10 The application proposes a series of alterations to Thames Way and Ebbsfleet Gateway, including changing the existing roundabout junction serving the safeguarded wharf site to a three arm signal controlled junction. Staggered crossings are proposed on the northern and eastern arms to provide the ability to prioritise the movement of pedestrians and cyclists. Junction capacity assessment

of both the existing junction and the proposed signal control junction were carried out as part of the Transport Assessment which concluded that both would operate within accepted levels of capacity during the development build out and once fully operational. The TA modelling, including trip rate assumptions, was reviewed and accepted by National Highways and KCC Highways.

7.12.11 This concludes that, in accordance with KCC Policy DM8, vehicle access to and from the safeguarded 42 Wharf would not be constrained by the proposed development, a position accepted by KCC in its role as minerals and waste authority. Similarly, no concerns have been raised by the Port of London Authority.

7.12.13 However, an objection has been raised by the owner and operator of 42 Wharf (Tarmac) on grounds relating to proposed changes to the highway network adversely impacting highway capacity on the junction to and from their operational site. This concern stems from the trip generation figures used by the applicant to assess the highway impact associated with existing and approved operations at the Tarmac site, and subsequent impact on existing junctions. The Transport Assessment has used trip generation figures that were included in the transport assessment work prepared by Tarmac's consultants when applying for planning permission for their bulk aggregates and bulk powder import terminals in 2009 and updated more recently when seeking variations. Tarmac's position is that these figures are not reflective of the vehicle movements that could be generated, indicating they could be significantly greater, and therefore request that updated modelling is carried out to assess the impact on the junctions from additional vehicle movements to and from their sites. This matter has been considered by the applicant and discussed between parties including the applicant's transport consultant, Tarmac's transport consultant, the applicant and the Local Planning Authority, albeit this has not been sufficient to address the Tarmac objection, which is sustained.

7.12.14 In considering this, it is relevant to note that neither KCC Highways nor National Highways have raised concerns with the transport assessment and the approach to appraising impacts of existing and committed development. Also, neither KCC Minerals nor the Port of London Authority have concerns regarding the proposed development, both of whom have a remit for ensuring protection of safeguarded wharves. Whilst additional traffic modelling utilising the higher trip generation figures suggested by Tarmac would provide a conclusive answer to their concern, in light of the above, and the fact that the figures used are taken from assessments commissioned by Tarmac in the past, the LPA do not consider it reasonable or necessary to request this additional information. Similarly, it is not a reason to delay formal consideration of this application, and the LPA accepts the position that the proposed development would not constrain vehicle access to and from the safeguarded 42 Wharf.

#### Thames Way Dualling Safeguarding

7.12.15 Gravesham Local Plan First Review Saved Policy T6 safeguards land adjacent to Thames Way to allow for future upgrades/dualling and states the Borough Council will "*resist development which would prevent or impede implementation the road proposals*". The application (as specified in the parameter plans) would not protect the land safeguarded for Thames Way Dualling as it is seeking approval for built development on the safeguarded land.

7.12.16 The Thames Way scheme is a strategic priority for the local highway network within the Ebbsfleet area (Dartford and Gravesham border) and will provide the necessary

capacity improvements on the highway network to accommodate additional vehicular traffic associated with housing developments within Ebbsfleet and the surrounding area.

7.12.17 However, modifications to the scheme were endorsed by KCC's Environment and Transport Cabinet Committee on 19<sup>th</sup> January 2023 that had the effect of removing the initially proposed dualling of Thames Way. In making that decision KCC noted that, whilst dualling would increase capacity, it would have an adverse impact on local ecology, would prevent plans for development of Ebbsfleet Central to progress in their current form and the predicted cost exceeds available funding. In reaching this decision KCC also noted that the Ebbsfleet Central proposal itself proposes upgrades to three of the four junctions within the original KCC scheme, thus improving capacity across the western end of Thames Way.

7.12.18 Accordingly, the requirement of GBC saved Policy T6 is effectively superseded by more recent decisions so adequate justification is provided for approving development that would not safeguard land for the dualling of Thames Way through the application site.

#### High Speed 1 Safeguarding

7.12.19 Although part of the site is identified in the Gravesham LPCS (Policy CS11) as being subject to HS1 safeguarding, the extent of this safeguarding has subsequently been reviewed by the Department for Transport and significantly reduced. The effect of this on this application is that the land within the boundary of the application site is no longer subject to HS1 safeguarding.

#### Nationally Significant Infrastructure Project (NSIP) – London Resort

7.12.20 Part of the application site comprises land that falls within the red line boundary of the proposed London Resort entertainment resort and theme park which was awarded status as a Nationally Significant Infrastructure Project (NSIP) in May 2014. The NSIP was subject to a Development Consent Order submission accepted for examination by the Planning Inspectorate in January 2021 but later withdrawn. The London Resort scheme retains NSIP status.

7.12.21 Relevant case law suggests that in the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative proposals on an application site are normally irrelevant in planning terms and that even if an alternative proposal may be relevant, a vague scheme that is uncertain to be delivered can only be given little to no weight. Given the present status of the potential NSIP application for London Entertainment Resort, as an alternative scheme, it is not considered to impact assessment of this application under the Town and Country Planning Act 1990 (as amended).

#### Broadband

7.12.22 The NPPF (paragraph 112) and the Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all. A planning condition is recommended to require 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity.

#### Building for a Healthy Life (BfHL)

7.12.23 NPPF Paragraph 138 states that local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of the development. These include design advice and review arrangements and assessment frameworks such as Building for a Healthy Life (BfHL).

7.12.24 BfHL is a design tool to measure and assess good design for new homes that is supported by the housebuilding and architectural industries as well as Government and Local Authorities. A BfHL assessment based on the parameter plans and the illustrative masterplan has been undertaken by the LPA and results are summarised below:

#### Integrating the neighbourhood

1 Natural Connections	2 Walking, cycling and public transport	3 Facilities and services	4 Homes for everyone
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#### Distinctive Places

5 Making the most of what's there	6 Memorable Character	7 Creating well defined streets and spaces	8 Easy to find your way around
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#### Streets for all

9 Healthy Streets	10 Cycle Parking and Car Parking	11 Green and Blue Infrastructure	12 Back of footpath-front of house
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7.12.25 It is relevant to note that the assessment is not based on a detailed proposal so further design assessments would be undertaken at future stages in the planning process. However this assessment is useful in acknowledging that the parameter plans, and design principles incorporated into the illustrative masterplan consistent with those established in the Design and Access Statement, do provide a strong framework for ensuring a high quality development at the application site.

## 8.0 FINANCIAL CONSIDERATIONS

8.1 Regard should be had to any local finance considerations so far as material to an application for planning permission. 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 and Business Rates for new commercial floorspace.

8.2 In addition, those parts of the development that are situated within the Borough of Dartford would be eligible for payment of the Community Infrastructure Levy (CIL). CIL is charged on the net increase in floorspace of the proposed development in

accordance with the adopted DBC CIL charging schedule. In the case of this outline application the floor area is not yet specified and would be set at the reserved matters stage, at which point the relevant CIL liability will be calculated. Any CIL amount would be subject to indexation and would fall to be paid to the CIL collecting authority (Dartford Borough Council) on implementation. CIL money received from developments must be used to fund infrastructure to support development in the area, this includes new schools and strategic junction improvements where the money would be paid to the authorities responsible for providing those services. Regard should be had to CIL as a local finance consideration in connection with this proposal as, if the development were to commence, CIL monies received would assist in the delivery of infrastructure projects that support local development.

## **9.0 HUMAN RIGHTS**

9.1 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.

## **10.0 PUBLIC SECTOR EQUALITY DUTY**

10.1 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.

10.2 It is considered that the application proposals would comply with objectives of the Duty.

## **11.0 CONCLUSION AND RECOMMENDATION**

11.1 As set out throughout this report, and as summarised in the Summary section at the beginning, it is concluded that the application presents an exciting opportunity to realise the long established aspiration for redevelopment of the site in accordance with national and local planning policies and the Ebbsfleet Implementation Framework. A combination of the Development Specification and parameter plans, in addition to requirements that would be imposed through planning conditions and planning obligations, would present a clear and strong planning framework to inform the next stages of scheme development and to ensure the timely delivery of infrastructure alongside development to support creation of a sustainable and vibrant new community at the heart of Ebbsfleet.

11.2 It is therefore recommended that outline planning permission is approved as set out in the Recommendation section at the start of this report.