

- a) **DOV/20/01447 – Development comprising engineering and excavation works (including land re-profiling) to facilitate the creation of a shallow artificial lake for water sports activities with associated facilities (including reception building with ancillary uses, cable pulley system, inflatable aqua park and storage units), parking, landscaping and formation of a new site access from Ash Road – Land at North Poulders, Ash Road, Sandwich**

Reason for report: Number of contrary views.

- b) **Summary of Recommendation**

Planning Permission be Granted.

- c) **Planning Policy and Guidance**

Planning and Compulsory Purchase Act 2004

Section 38(6) – requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Draft Dover District Local Plan

The Consultation Draft Dover District Local Plan is a material planning consideration in the determination of this planning application. At this stage in the plan making process however the policies of the draft Plan have little weight and are not considered to materially affect the assessment of this application and the recommendation as set out.

Core Strategy Policies

CP1, DM1, DM11, DM13, DM15 & DM16

Dover District Local Plan 2002

OS7 – Proposals for outdoor sports and recreational facilities or for the expansion/enhancement of existing facilities will be permitted provided:-

- i) major facilities are located in Dover or Deal, or if no such suitable sites are available they are well-related to the urban edge of Dover or Deal and sited so as to enable a significant proportion of users the opportunity to access the facility by public transport, cycle and on foot; or
- ii) if located at a rural settlement, they only satisfy an identified local need and associated built development is small in scale, ancillary to the outdoor sports or recreation use and unobtrusively sited.

In all locations development will not be permitted if it would cause harm to residential amenity through noise or illumination and where floodlighting is permitted conditions will be imposed to regulate operation, including hours of use.

National Planning Policy Framework (NPPF)

The most relevant paragraphs of the NPPF are: 8

11 - states that development proposals that accord with an up-to-date development plan should be approved without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular

importance provides a clear reason for refusing the development (having regard for footnote 6); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 80

83 - says that planning policies and decisions should enable the sustainable growth of all types of businesses in rural areas, the development and diversification of agricultural and land-based rural business, and sustainable rural tourism and leisure development which respect the character of the countryside.

84 - Sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. If so, it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraphs 91, 96,108, 109, 110, 117

118 - states that decisions should (amongst other things) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains such as developments that would enable new habitat creation or improve public access to the countryside.

Paragraphs 127, 155, 163

170 - says that planning decisions should contribute to and enhance the natural and local environment by (amongst other things) recognising the intrinsic character and beauty of the countryside, and minimising impacts on and providing net gains for biodiversity.

175 - says that when determining planning applications, if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for, planning permission should be refused. Development whose primary objective is to conserve or enhance biodiversity should be supported.

The National Design Guide and Kent Design Guide (KDG)

d) Relevant Planning History

DOV/03/00010, DOV/03/00936, DOV/04/01260 – Three separate applications all for change of use of land to recreational use for hovercraft experience – Refused.

e) Consultee and Third-Party Responses

Sandwich TC – Recommend approval, subject to the applicants agreement that they plant a variety of native trees and shrubs, not just a single species, and that the hedgerows be planted in two parallel, staggered rows.

Ash PC – Only the northern boundary of this site is shared with the parish of Ash and so the committee would support the comments of the Sandwich Town Council. However, should the application be granted, it is requested that consideration be given to a traffic management plan that would deal with any traffic tail backs on the A256/A257

roundabout in the peak evening times ie up to 18.00 from vehicles accessing and leaving this site and also in the event of the use of Manston for the holding of HGVs.

Environment Agency – The proposed development will only meet the National Planning Policy Framework’s requirements if the following planning conditions are included:

The development shall be carried out in accordance with the submitted flood risk assessment (ref Herrington Consulting April 2021) and the mitigation measures it details in the Recommendations section 9.

Our 8m Byelaw Margin adjacent to the Main River Gosshall Stream shall be kept clear of any development.

Advice is also offered on the need for permits from the EA for any works within specified distances of existing drainage infrastructure.

Southern Water – It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

KCC LLFA – Application is supported by a Flood Risk Assessment produced by Herrington Consulting Limited (April 2021). This report includes a drainage strategy and development proposals for the Aqua Park.

1. It is noted that the EA have provided a planning condition for the development.
2. The applicant has noted that modelling will be required to inform detailed design for the diversion of the ordinary watercourse.
3. It is noted that the area is located within an area that is protected by flood defences and therefore there is a lack of fluvial flood risk to the development.
4. It should be noted that the site falls within the jurisdiction of the River Stour Internal Drainage Board; any works whatsoever that may have the potential to affect any adjacent watercourse (or the network’s ability to convey water) will require their formal prior written permission.

Information has been presented to demonstrate that a waterbody can be created at this location with an outlet control; therefore we do not have any objection to this application but would recommend that the following conditions:

Development shall not begin until a detailed drainage design including a drainage model, which reflects the ordinary watercourse diversion, has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has

been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

River Stour IDB – We have reviewed the submitted Flood Risk Assessment, which refers to our pre-application consultation from the applicant's flood risk consultants. We are therefore satisfied that the Board's interests have been duly considered in the preparation of the proposals and are satisfied that our comments and concerns have been addressed within the submitted documentation.

The SuDS scheme proposed makes use of allocated freeboard within the proposed lake, with a climate-change adjusted discharge to the receiving watercourse at a rate shown to be lower than that of the existing 'greenfield' situation. Provided KCC (as LLFA) are similarly satisfied, and that this is controlled by way of a suitably worded condition, we can confirm that we have no objection to this aspect of the application.

Our formal Land Drainage Consent will need to be obtained for any works whatsoever that may affect any existing watercourse within the boundaries of the site, and it must be ensured that the ongoing maintenance of any existing or diverted channel is provided for. We would recommend that the applicants or their appointed agents contact us at their earliest convenience to discuss our formal Consenting requirements. The ecology, biodiversity and water quality of the fluvial network must not be adversely affected by this development, both during and after construction works. It must also be ensured that the Environment Agency's permission is obtained for any works affecting the adjacent main river, and for any waste handling issues that may arise from the creation of the lake.

Natural England – Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Kent Wildlife Trust – No response received.

KCC Highways – The site access arrangements shown are acceptable, however I suggest that within the site there should be a pedestrian connection from the car park to the path shown linking to the aqua park and facilities building, together with some form of informal crossing point across the car park access.

The response on trip generation is noted, as is the assertion that the expected patronage of the aqua park would only be 30 people in any one hour for operational, safety and management purposes. Together with the expected maximum 8 patrons of the water-ski cable runs, I concur with the suggested likely peak two-way hourly trip generation of 52 trips in the original Transport Statement, in relation to the day-to-day use of the site, and that there is unlikely to be a severe impact on the highway network from this number of trips.

The proposal for 100 spaces is likely to accommodate the demand generated by the number of patrons identified above and associated staff. The response on events/competitions at the site does not provide the details of the nature, frequency, timing and likely attendance for the same as previously requested. Clarification is also required as to whether or not the aqua park would continue to operate during such

events/competitions on the lake, or whether the whole site would be dedicated to the event only.

The comments on bunding and landscaping proposals along the A256 Sandwich Bypass boundary of the site are noted, however details of such proposals do not appear to have been submitted. Such details should therefore be provided and include cross sections or other suitable information to indicate the likely visibility of the site to drivers on the A256.

If all other matters are satisfactorily resolved, it will be necessary to impose a condition restricting the number of patrons per hour to that identified.

(Additional comment upon receipt of further information): If DDC is happy that we can deal with events and landscaping by condition then I have no problem with that, but please bear in mind the details agreed through the conditions will need to be acceptable in highway terms. I note your agreement to restrictions on the maximum number of patrons at any one time. The only outstanding matter is not really a highway issue but relates to the internal pedestrian path arrangements.

KCC PROW and Access Service – Does not wish to comment.

Kent Fire and Rescue Service – I can confirm that it is my opinion that the off-site access requirements of the Fire & Rescue Service have been met. I note that the existing site entrance is to be retained for fire brigade access to the Facility building I believe this will now also satisfy the on-site access requirement.

KCC Archaeology – The site is located on reclaimed marshland within the former Wantsum Channel and there is the potential for deposits of palaeoenvironmental and geoarchaeological interest, and also possibly for buried ancient land-surfaces and associated archaeological remains. We are not aware of any previous archaeological/geoarchaeologically-led investigations of the deposits within North Poulders area (nor any part of the Goshall Valley or indeed the wider channel on the southern side of Richborough Island) and therefore questions around the depths at which significant deposits (be those organic-rich sediments, peats or indeed archaeological surfaces) might survive, have not been addressed.

As well as such buried sequences and deposits the site covers a significant part of RAF Sandwich - a WW2 Ground Controlled Interception (GCI) radar station. The wartime 'Happidrome' (operations room) is extant a little further to the east (at White Mill) but there are extant radar plinths within the proposed application site - the most obvious being the Type 79 radar plinth (and adjacent substation) which is visible on aerial photographs. We think that this survives in good condition. The significance of the surviving remains of the radar station would need to be assessed to inform these proposals. Other sunken equipment, wells, etc may survive and have been infilled rather than removed.

We would also note our concerns about the impact of the scheme in altering the sense of how the undeveloped nature of the reclaimed marshlands contributes to our understanding of the Wantsum, its great scale and the sense of place derived when visiting the very important medieval town of Sandwich and Roman Richborough. Based on the 3D visualisations the proposed scheme would appear to include some substantial vertical elements in an otherwise low-lying and flat landscape.

Before a decision is made on this application we recommend that an Archaeological Desk-Based Assessment (DBA) is undertaken and this should include the results of a detailed walkover survey with input from someone appropriately experienced in identifying military remains.

Given the scale and depth of excavation impacts we would also recommend that purposive geoarchaeological evaluation of the site is undertaken and this would need to include both electromagnetic or electrical resistivity survey (the latter if impact beyond 6m depth) and borehole core studies. We would wish to provide a brief for field evaluation

and this would be dependent on the results of the Archaeological Desk-Based Assessment. The latter should include a consideration of any available data from existing geotechnical or ground investigation studies and if such data is available the DBA should include a preliminary deposit model.

If a decision is made on the application without the above submissions, a condition is requested requiring archaeological field investigation works. Further comments awaited following submission of Archaeology Desk-based Assessment.

Kent Police Designing Out Crime Officer – Has provided detailed advice on security and related issues. In particular:

- The rear and side boundary treatments to be min height of 2m continual. The development layout must not allow any access strip to the rear elevations, between the units and the perimeter treatments as this could attract crime.
- The parking areas are unrestricted, and the design would make securing them difficult, therefore, the crime opportunity risks can be reduced if access onto the site beyond the entrance forecourt and car park is restricted. Vehicle mitigation methods such as heavy-duty planters, sculptures and bollards can assist with ensuring vehicles have no further access to the site other than to the car park.
- Lighting is required, we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.
- To minimise the opportunity for crime, especially out of hours and as these units might be used by businesses that could attract crime the physical security standard should meet current standards as shown in SBD Commercial 2015. Cycle and Bin Store should be secure and well lit.
- Security should be provided for Motorbikes, Mopeds, E-bikes and similar. Secured by Design or Sold Secure approved ground or wall anchors can help provide this.
- CCTV is advised for all areas, especially at entry points and other areas with limited natural surveillance. Please ensure the CCTV supports the lighting plan.
- If approved, site security is required for the construction phase.

DDC Environmental Health – (Initial comments): I note that the issue of residential amenity in terms of potential noise disturbance from the activities. Environmental health do not object to the proposals, however whilst the proposed cable equipment (8pole electric motor 400 v 50Hz) is described as ‘low noise’ I would recommend that details of sound power levels are sought from the applicant to ensure there is no loss of residential amenity. Additionally, clarity should be sought on any proposals to install a public address system within the development area and if so siting details and mitigation measures proposed to ensure noise levels do not cause disturbance should be provided.

(Additional comments following receipt of Noise Impact Assessment): The report examines the noise impact of the wakeboarding activities associated with this development. Conclusions of the report are accepted and I note that the noise levels generated will result in negligible impact at the nearest residential receptor. Whilst no plans appear to be in place to install a public address system, the report identifies acceptable sound levels for such a system in the future if required.

DDC Natural Environment Officer – Initially raised concerns that the survey information on protected species and habitats generally was incomplete and inadequate, particularly with regard to wintering birds, water voles and great crested newts. Advised that further survey work should be undertaken and at the appropriate time(s) of year.

Upon receipt of the results of the further surveys that were undertaken, has raised a couple of technical queries and advised against the use of one particular species in the planting scheme. The technical queries have been resolved and the species in question has been replaced.

Most recent comments: I accept the survey results for protected species, including wintering birds and the proposals for biodiversity enhancement of the site. However, I would expect to see the following proposal for water voles at page 34 paragraph 10.8 attached as a condition of planning consent and the results sent to the council for approval:

To ensure that no animals have moved into the Site prior to construction, a walkover survey of suitable habitat will be conducted within two weeks of the start of works

DDC Leisure Services – Support the provision of Wakeboarding Centre at Ash Road, Sandwich. The proposal provides a unique Sport & Leisure offer to residents in the district and further afield. Accessible design features including disabled parking and accessible shower changing/toilet facilities are important to make this an inclusive facility. The Wakeboarding Centre would greatly complement existing outdoor leisure facilities and help to diversify this offer. In particular, given that Dover is a coastal town, the Outdoor Wakeboard and Aqua Park Centre together with ancillary facilities would help to further promote, grow and develop outdoor water safety & water sports across the district. It is very likely to attract a wide range of abilities, user groups & ages given the variety of challenge and fun water activities. This project will benefit residents of Dover District, helping to encourage users to lead healthier lifestyles and improve physical & mental well-being. It is also very likely to attract tourists and visitors from outside the district given the unique design features of an outdoor water sport & leisure experience. It is understood the applicant is undertaking local engagement through the Statement of Community Involvement and this is welcomed.

DDC Inward Investment and Tourism: This application represents a major investment in Sandwich and the district, which will further add to confidence in the locality, especially at this time and in relation to recovery from the impact of COVID-19. Tourism is a vital industry across the country and district in terms of economic growth with the potential to grow much further. We recognise that tourism is a crucial driver for regeneration and our economy, and any opportunity to explore and harness new projects should be encouraged.

The pandemic has also highlighted the increased importance and value of outdoor leisure activities and amenity space, and this proposed development is perfectly placed to fit market demands. This quality, water-based leisure centre proposal is a considerable opportunity to positively improve tourism and boost the visitor economy in not only Sandwich, but across Dover District as a whole. An opportunity that is extended by the unique nature (cable-system wakeboarding) of the proposed development in Kent.

This sustainable and eco-minded proposal - with already identified avenues for future growth (open water swimming for example) - is in tune with the emerging Dover District Council 'Tourism & Visitor Economy Strategy' and is a recognised potential opportunity to fill a gap in the market, as we seek to build an innovative, employment led economy and position the district and our towns & villages as 'great places to live, work, visit, learn and invest.

The creation of up to 10 members of staff (3 FT /7 PT/ 6.5 FTE) at peak-time are listed as part of this application, with up to 6 members of staff (2 FT/4 PT/ 4 FTE) during off-peak hours – as well as further additional part-time employment opportunities, potentially, also required in the summer months once established.

The proposed development's volunteer scheme is also on note. The applicant's focus upon inclusivity, participation in sport and building a strong community (both resident and visitor) through the centre should also be noted, as well as the aspiration to work with

the wider community, offering opportunities for youth development and school programmes. The leisure-based development's aims to also enable individuals to lead healthier lifestyles and improve physical & mental well-being should also be acknowledged.

This Wakeboarding & Aqua Park Centre investment is a prime example of new potential to deliver new jobs, experiences, opportunities and economic benefit for the entire district. DDC's Tourism & Visitor Economy Department, supports this application.

Third-Party Representations:

52 objections received, raising the following issues:

- Proximity to housing
- Will bring noise and disturbance
- Concerns over traffic generation and adequacy of parking
- Out of character with mediaeval Sandwich
- Safety concerns
- Impact on wildlife (nesting birds and mammals); proximity to LNR
- Wrong location for this development; experience of previous uses was not good
- Distraction to drivers on the bypass
- Lack of local consultation
- Economic benefits are only seasonal and won't benefit Sandwich
- Loss of countryside/outside settlement boundary
- Buildings are of poor quality
- Flood risk; impact on drainage flows
- Risk to archaeology
- Business model is unsustainable
- Should go to Dover/Ramsgate/Margate instead, where there are more young people; encouraging young people to the area will bring noise, vandalism and theft

46 representations in support, raising the following issues:

- Welcome addition to sports provision locally; will complement other local facilities such as Betteshanger
- Will bring economic benefits: jobs; multiplier effect; tourism
- Good use of an unproductive site
- Health benefits
- Will be a boost for Sandwich town
- Good design and well laid out
- Good strategic location and away from the town
- Principle OK, but traffic and wildlife impact will need to be managed
- Brings a unique offer to Kent

4 further representations received, neither objecting nor supporting, but raising comments already mentioned, above.

f) 1. The Site and the Proposal

1.1 The application site extends to around 7ha and lies to the north of Ash Road and to the east of the A256 Sandwich bypass. The north/north-eastern boundary is partly formed by Gosshall Main Stream. The site itself is largely flat, although the bypass sits on a raised embankment to the west. A network of drainage ditches cross the northern and eastern parts of the site and there is a small lake (size varying seasonally) towards the western boundary. It currently appears to be used for agriculture (low intensity rough grazing) although it is understood that at various

times in the past it has been used for recreational uses, either under permitted development rights or unauthorised. It lies outside any settlement confines and therefore in the countryside for planning policy purposes, and in part is within Flood Zones 1, 2 and 3. There are two points of vehicular access to Ash Road. The surrounding countryside is characterised by agricultural uses including a farm shop and nursery; apart from isolated dwellings, the closest residential properties are at Wantsome Leas, beyond the railway line and approximately 280m to the east at the closest point on the site boundary.

- 1.2 It is proposed to use the site for open air water-based recreation purposes including a wakeboarding centre, open air swimming and an aqua park. Wakeboarding is a sport and leisure activity in which an individual is towed across the surface of the water on a board, a bit like water-skiing. In this instance, instead of being towed behind a boat, the participant is pulled by a series of cables suspended above the water and winches using raised pylons and electrically powered motors.
- 1.3 In order to accommodate these uses, excavation would take place to create a lake on the western part of the site, approximately 200m long and 100m wide, minimum depth 1.5m (for wakeboarding). The aqua park would be located in a south-eastern extension of the lake and have a minimum depth of 2m. The excavated material would be used to form low bunds around the lake, partly to accommodate informal seating/viewing areas. Five masts (with supporting anchors) would support a 430m long cable pulley system to propel participants clockwise around the lake. Although the masts are up to 16m tall, much of this will be below water level; the cable run is 9m above water level. Within the lake there would be a timber launching pad and a series of anchored ramps and obstacles for the participant to negotiate. A central island would be retained within the lake; this would have limited access and is intended to provide a nature conservation "refuge". The aqua park element would cover an area about 32m x 21m and comprise a series of inflatable features up to 3.8m high (above water level), for swimming under/through and climbing over.
- 1.4 A number of single-storey buildings would be provided at the southern end of the site, between the lake and Ash Road. These include a facility building 16m x 12.5m (reception, café/bar, shop, viewing deck), changing rooms (including toilets and wetsuit storage) and two shipping containers (within a 2.4m fenced enclosure) for storage. The buildings would be finished in wood/composite cladding with aluminium sheet roofs. A new vehicular access would be created towards the eastern end of the Ash Road frontage. A car parking area formed of permeable materials would be created in the south-eastern corner of the site (100 parking bays including 10 disabled), together with cycle parking for 20, close to the facility building. The existing access closest to the roundabout would be closed; the other existing access towards the centre of the site frontage would be retained for emergency fire access only. The proposed opening hours of the leisure facilities would vary according to season: every day from June to October and at Easter; Tuesday to Sunday in April and May, and Wednesday, Saturday and Sunday for the rest of the year, apart from December and January, when it would be closed. Whenever it is open it is intended to close at dusk; there would therefore be no requirement for extensive external lighting (apart from security lighting).
- 1.5 Part of one of the drainage ditches currently crossing the site would be diverted to make way for the lake. The proposals also include the creation of an extensive ecological compensation and enhancement area, to include ditches, scrapes and wetland scrub bunds as well as significant areas of wetland scrub planting around the margins of the created lake and proposed screening bunds. The proposal

makes provision for a 1,400m² scrape with a 20m mown grazed grassland buffer, with native planting and reed planting throughout the site. A series of ditch banks (circa 720m in total; along a series of 360m of linear bank) is also proposed. In total, a 10% biodiversity net gain is proposed across the site, improving the ecological characteristics of the site beyond that of its current configuration.

2. Main Issues

2.1 The main issues are:

- The principle of developing this site for recreational use;
- Landscape impact and impact on the character of the area;
- Drainage implications, closely related to the water environment and ecology/biodiversity impacts;
- Impact on residential amenity (particularly noise);
- Parking and highways considerations.

Assessment

Principle of Development

- 2.2 The starting point for decision making is Section 38(6) of the Planning and Compulsory Purchase Act 2004. This states that regard is to be had to the development plan; for the purpose of any determination to be made under the Planning Acts, the determination must be in accordance with the plan unless material considerations indicate otherwise.
- 2.3 Policy CP1 states that the location and scale of development in the District must comply with the Settlement Hierarchy which informs the distribution of development in the Core Strategy. The site lies outside the confines of any defined settlement and is therefore in the rural area/countryside for the purposes of applying planning policy.
- 2.4 Policy DM1 says that development will not be permitted on land outside settlement confines unless specially justified by other development plan policies, or it functionally requires such a location, or it is ancillary to existing development or uses. Saved policy OS7 relates to the provision of outdoor sports and recreation facilities and requires major facilities to be provided in Dover or Deal, or close to the urban edge of those towns or, if located at a rural settlement, they are intended only to satisfy an identified local need. This proposal relates to a major water-based facility for which there is no readily identifiable and available site within or close to Dover or Deal. Given the nature of the facility, the specific functional requirements, and the size of site required to accommodate a facility of this scale, it is reasonable to conclude that it functionally requires a rural location, thus fulfilling one of the requirements of DM1. Notwithstanding this compliance with DM1, the restrictive nature of the policy with regard to development in the countryside is not entirely consistent with the NPPF (policy DM1 pre-dating the NPPF by several years). For example, NPPF paragraph 84 explicitly says that sites for business and community needs may have to be found beyond settlement boundaries.
- 2.5 Notwithstanding policy OS7, there are no other adopted policies in the Development Plan that directly address the issues raised by a facility of this nature. This being the case, NPPF paragraph 11(d) provides the basis upon which this application should be decided. This applies a presumption favour of sustainable development and says that permission should be granted unless either:

- the application of NPPF policies that protect areas or assets of particular importance (such as habitats sites, AONB, SSSI) provides a clear reason for refusing the development proposed; or
- any adverse effects of granting permission would significantly and demonstrably outweigh the benefits, when assessed against NPPF policies taken as a whole.

As discussed in more detail below, there are no clear reasons for refusal under the first of these criteria, so it is the second criterion that will be the primary determining issue.

- 2.6 The NPPF identifies a social objective as being one of the three overarching objectives contributing towards achieving sustainable development. This social objective is defined as being to support strong, vibrant and healthy communities with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. This is expanded further in NPPF paragraphs 91, 92 and 96 which, in summary, provide support for development that enables people to live healthy lifestyles by being able to participate in outdoor sport and recreation. As set out above, the Council's Leisure Service strongly supports and welcomes this proposal, seeing it as an opportunity to build upon the water-based leisure themes already catered for, but by providing a new type of facility that broadens the range.
- 2.7 Although, by virtue of the nature and scale of the facility and the comparative lack of similar facilities on a regional basis, it is aimed at a wider catchment than Dover District alone, this is also seen as a benefit in terms of the District's economy and tourism offer. In this regard, further support is gained from NPPF paragraph 83 which supports the sustainable growth and expansion of rural businesses, specifically mentioning sustainable rural tourism and leisure developments which respect the character of the countryside.
- 2.8 Taken together, these considerations provide a case for supporting the provision of this type of facility on this site and, subject to consideration of all other issues including landscape and visual impact, ecology, highways and residential amenity, it would be possible to conclude, under NPPF paragraph 11(d), that there are identifiable benefits that justify the granting of planning permission. The determining issues for this application therefore rest on detailed consideration of the impact of the proposed development under the various headings set out below. Subject to those issues being appropriately addressed, there is general support in the NPPF for this proposed development.

Landscape Impact and Impact on the Character of the Area

- 2.9 Members aware of the different, but inter-related, requirements of policies DM15 and DM16. The support from the NPPF for open recreation and sports facilities (paragraphs 83 and 84) and the encouragement to make effective use of land (paragraphs 117 and 118) are also subject to the impact on the countryside and rural environment being acceptable. Although the extent of built development proposed is relatively small, and limited to the southern end of the site, the formation of the large lake, creation of bunds and introduction of other paraphernalia such as the pulley system and supporting masts, will also have an impact on the character and appearance of the site.
- 2.10 The Landscape Character Assessment prepared as part of the background evidence for the new Local Plan identifies the site as lying within the Ash Levels Landscape Character Area (LCA). This is described as a distinctive large scale,

flat and low-lying area of arable and pasture grazing. Key characteristics include flat, low-lying marshland with a network of linear water-filled drainage ditches and small streams. It is a largely undeveloped landscape, with few roads or buildings, and limited tree cover. However, although large parts of the LCA are characterised by an open, visually exposed landscape, this site is visually separated from the remainder of the LCA by the embankment that carries the bypass, meaning that it does not share the longer-distance views that prevail in the rest of the LCA.

- 2.11 The Landscape and Visual Assessment submitted with the application concludes that:

“The nature of the proposal is predominantly flat and low lying. The lake will be created with proposed water level corresponding to existing water levels on and around the proposal site. New topographical features consist of a bund running parallel to the existing embankment of the Sandwich bypass and around the north and north east sides of the lake. The proposal recreates drainage ditches to the north east of the proposed lake to recreate habitat and provide net gains. The new scrape with grassland buffer, lake and filtration pond comprise a combination of seasonal and permanent standing water which is characteristic of the area. New ditches will assist with drainage of the site and ensure the existing character of the site is conserved. Characteristic wetland reed and sedge planting will enhance habitat resource around water bodies and along ditches. The proposal conserves a flat open landscape across the majority of the site. Bunding has been located to enhance tranquillity of the site in relation to the Sandwich Bypass. Earthworks - The Monk’s Wall and flood defence berm close to Discovery Park - are characteristic components of the setting of the character area.”

- 2.12 In assessing the proposal against the sensitivity of the characteristic features of the LCA, the effect is described as “insignificant” for most of the identified features. Where adverse effects occur, the significance of the effect is “low”. Some enhancements occur through the creation of water features and ecological features. In terms of the impact on visual amenity, the comparative visual enclosure provided by the bypass is noted; there is a “moderate” impact on visual amenity from a number of viewpoints, but these are primarily those on the bypass itself, which affords elevated views into the site. The overall conclusion is that there would be no significant harm to either landscape character or visual amenity.

- 2.13 These conclusions are accepted and the proposal satisfactorily meets the requirements of policies DM15 and DM16, and the slightly different requirements of NPPF paragraph 170. It is also worth noting that, given the comparatively flat landscape and the intervening development, there will be no adverse impact on the setting of the town of Sandwich itself, and no intervisibility between the historic features of the town and this site. Similarly, because of the physical presence of the bypass and its embankment, the LVIA demonstrates that there is no intervisibility between this site and Richborough. Given that it is intended to close the facilities at dusk (whatever the season), it is not anticipated that there would be a requirement for external lighting, other than for security purposes; this can be secured by condition.

Drainage and Biodiversity

- 2.14 These topics are dealt with together because changes to the water environment are a major part of the proposal overall and, arguably, this is what gives rise to the greatest potential for biodiversity impacts. There are several aspects to consider, including the need to avoid increased flood risk (NPPF paragraphs 155 and 163), to protect the water environment (paragraph 180) and protect and enhance

biodiversity (paragraphs 170 and 175). In addition to the formation of the lake, a significant length of drainage ditch is to be removed and replaced; this has implications not only for the drainage regime but also for habitat protection and reinstatement. The application is supported by an updated Flood Risk Assessment and an amended Ecological Impact Assessment, which includes the results of additional surveys relating to birds, water voles and great crested newts. Details of the proposed ecological compensation and enhancement measures are described in paragraph 2.24 below.

- 2.15 Parts of the site lie within Flood Zones 1, 2 and 3 but the majority is within Zone 3; the main flood risk comes from tidal flooding, as the local drainage network is hydraulically linked to the tidally influenced River Stour. However, the site is shown to be protected by flood defences; it is not functional flood plain. The NPPF requires that inappropriate development should be avoided in areas at risk of flooding by directing it away from areas of highest risk. However, given the specific nature of the proposed uses, requiring a relatively flat site capable of accommodating a sizeable body of water, and the consequential requirement for an extensive site, it is unlikely that a suitable alternative site could be found in an area of lesser flood risk; indeed the regional significance of the proposal is indicative of the wide area of search that would be appropriate. Moreover, water-compatible development is categorised as “less vulnerable” in NPPG advice regarding the location of development in different flood zones; the Exception Test does not need to be applied, therefore.
- 2.16 The FRA concludes that there is a low risk of flooding to the site and that the residual risk is low, given the flood defences, and even in the absence of those defences any inundation would be gradual and with adequate warning. The proposed buildings are predicted to be unaffected by any flood event, being on raised land, but flood resistance and resilience measures are to be incorporated. Surface water from the roof of the buildings will drain to the proposed lake, which has been designed to accommodate this additional water, before controlled discharge to the watercourses within the site. Foul water drainage is to be dealt with by a package treatment plant on the southern edge of the site; this would discharge to an adjacent drainage ditch; details of the plant can be secured by condition.
- 2.17 The EA does not object to the proposals provided that it is carried out in accordance with the recommendations in the FRA, and subject to conditions relating to the protection of existing drainage infrastructure. KCC, as LLFA, has no objections subject to conditions including a requirement to submit a detailed drainage design for the diversion of the watercourse. Similarly, the IDB raises no objection. However, it is noted that formal consent (separate from the process for granting planning permission) is required from both the EA and the IDB for different elements of the scheme.
- 2.18 Turning to biodiversity issues the amended Ecological Assessment takes into account the outcomes of several additional surveys undertaken at appropriate times of year relating to water voles and newts, and also assesses the potential of the site for accommodating birds, including those species whose protection underlies the designation of the nearby SSSI, SPA and Ramsar sites.
- 2.19 The results of the submitted Ecological Assessment may be summarised as follows. No Habitats of Principal Importance are present within the site. Due to the poor species composition of the grassland and overall management of the site, it does not constitute grazing marsh habitat. The site lies within 7.2km of the Thanet Coast and Sandwich Bay SAC, SPA and Ramsar Site. There is potential, although

low due to the nature of proposals, for indirect and in-combination impacts, including an increase in recreational pressure.

- 2.20 No suitable roosting habitat for bats is present. The boundary vegetation and ditches within the site provide suitable habitat for foraging and commuting bats. Proposals do not include severance of any commuting corridors, although some foraging habitat will be impacted. Habitat enhancement measures, including the creation of new ponds and ditches and planting of scrub, will provide additional foraging habitat.
- 2.21 No evidence of Water Voles was found within the site or surrounding offsite suitable habitat within 200m of the site boundaries during surveys undertaken in October 2020 and April 2021. Given that Water Voles have been historically recorded within the surrounding area, precautionary mitigation will be undertaken to avoid impact to individual Water Voles that, although unlikely, may colonise the site prior to development works. Enhancement measures, including the creation of ponds and a network of ditches, will provide a net gain in Water Vole habitat in the locality and encourage the recolonisation of the site by the species which are present within the local area.
- 2.22 Wintering bird surveys carried out in 2020 and 2021 show that the site does not constitute functionally linked habitat for the qualifying species of the designated sites, namely Golden Plover. During the surveys no Golden Plover were recorded within the site and only small numbers of a few wetland species currently use the site. Schedule 1 Cetti's Warbler, and species listed as 'red' and 'amber' on the Birds of Conservation Concern may nest within the site. Mitigation and compensation measures to avoid impact to nesting birds and retain and enhance habitat in the long-term will be undertaken as part of development proposals. Enhancement measures, including an overall net gain in ditch habitat, wetland scrub planting and the creation of meadow habitat will provide additional opportunities for nesting birds within the site, including Schedule 1 listed Cetti's Warbler.
- 2.23 The majority of the habitat is unsuitable for reptiles. Survey results confirmed the absence of Great Crested Newts within the site and surrounding accessible waterbodies. Enhancements measures, including a net gain in ditch and wetland habitat within the site and creation of the creation of wildflower meadow and scrub will benefit an array of invertebrate populations within the locality. Other flora and fauna are either unlikely to be present, or the impact is assessed as being low.
- 2.24 The proposal includes ecological compensation and enhancement measures. These include the creation of an ecological enhancement area (approximately 2.65ha in size), which will create an additional 10% of ditch habitat. Ditches will be planted with suitable native wetland and marginal plant species to improve foraging opportunities for water voles, should this species colonise the site in the future. In addition, the lack of nutrient enrichment and bankside poaching from livestock and the appropriate management of marginal vegetation will enhance this habitat type within the site for botanical species and invertebrates in the long-term. The enhancement area will include two permanent ponds managed specifically to benefit the biodiversity value of the site. These ponds will provide suitable habitat for common amphibians, and therefore provide additional foraging opportunities for grass snakes and bird species. An area of wildflower meadow will be created within the ecological enhancement area, which will significantly increase the availability of habitat for invertebrate communities, particularly pollinators, which in turn will provide enhanced foraging opportunities for birds, bats and small mammals. It is intended that these enhancements measures be backed up by a

more detailed ecological enhancement and management plan, and this can be secured by condition.

- 2.25 The conclusions and recommendations within the Ecological Appraisal are accepted, however the commitment to carry out a walkover survey of suitable habitat within two weeks prior to the start of works to ensure that no animals have moved onto the site prior to construction, should be secured by condition.

The Conservation of Habitats and Species Regulations 2017, Regulation 63: Appropriate Assessment

- 2.26 Reference is made within the Ecological Assessment to the potential need for an “Appropriate Assessment”. All impacts of the development need to be considered and assessed. It is concluded that the only aspect of the development that causes uncertainty regarding the likely significant effects on a European Site is the potential disturbance of birds due to increased recreational activity at Sandwich Bay and Pegwell Bay. Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance, predominantly by dog-walking, of the species which led to the designation of the sites and the integrity of the sites themselves. The Council has adopted a mitigation strategy to address these potential impacts, but this is only engaged in relation to housing development, so is not directly relevant here; however, there is still a need to consider whether the current proposal is likely to have any similar effects on the designated sites.

- 2.27 The submitted information establishes, with a reasonable degree of certainty, that there will be no direct impacts on the integrity of the designated sites as a result of this development. Although this scheme is likely to attract additional visitors to the locality, the nature of the facilities provided is such that it is considered that the vast majority will be visiting specifically to use this site, and the potential for this to generate additional trips or visitor pressure on the designated sites will be low. On that basis, it is considered that the proposal would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA and Ramsar sites.

- 2.28 To conclude, the relevant statutory bodies are satisfied that, subject to appropriate conditions, the proposed development will not have an adverse effect on the water environment, including the local drainage regime, and will not increase the risk of flooding; the objectives of NPPF paragraph 163 are met. Similarly, the development has the potential to provide a net biodiversity gain, pursuant to paragraph 170; subject to the mitigation measures that have been set out, there will be no long-term adverse effect on ecological interests, and the principles set out in NPPF paragraph 175 are adhered to.

Impact on Residential Amenity

- 2.29 NPPF paragraph 127 says that planning decisions should create places that have a high standard of amenity for existing and future users. Paragraph 180 also says that planning decisions should take into account the likely effects of new development on health and living conditions, and mitigate and minimise noise from new development in order to avoid this having significant adverse impacts on health and the quality of life. In this instance, given the distance between the application site and the nearest residential properties, the principal issue to consider in terms of impact on residential amenity is noise.

- 2.30 The submitted Noise Impact Assessment identifies two potential sources of noise: noise from wakeboarding activities (principally the pulley system and its drives), and noise from an external public address system. However, it is understood that the applicant has no current intention to install a PA system, and in view of this it is recommended that a condition be imposed requiring details of any such system to be submitted for approval, should that intention change in the future.
- 2.31 Although the properties at Wantsome Lees are about 280m from the closest point on the site boundary, the Noise Assessment identifies that the closest noise-sensitive premises (individual dwellings to the south-east and north-east of the site) are at least 440m from the easternmost cable run, which is the closest noise source. The Assessment concludes that the experienced noise levels at the closest receptor as a result of the proposed development will be significantly below evening background noise levels, and the impact is therefore insignificant. No specific mitigation measures are required. These findings are accepted by DDC Environmental Health.

Parking, Highways and Road Safety Issues

- 2.32 Policy DM11 seeks to locate travel generating development within settlement confines and restrict development that would generate high levels of travel outside confines. Whilst in terms of encouraging sustainable development this is broadly consistent with the NPPF, paragraph 84 says that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements; in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads, and exploits any opportunities to make a location more sustainable. Similarly, paragraphs 108 and 110 encourage the use of sustainable modes of transport, require safe and suitable access for all users, and that any significant on the transport network can be mitigated to an acceptable degree.
- 2.33 Policy DM13 advocates a design-led approach to the provision of car parking, based upon the characteristics of the site, the locality, the nature of the proposed development and design objectives.
- 2.34 The application is supported by a Transport Assessment and a Travel Plan. These identify the opportunities for access on foot, by cycling and using public transport. There is a footway along the northern side of Ash Road, providing a pedestrian link into Sandwich. There are bus stops for local services about 200m away from the proposed site entrance. National Cycle Route 1 is approximately 800m to the east. The design and layout of the proposed new access to Ash Road is discussed, along with visibility requirements and safety audit outcomes. The provision of a 100-space car park is based upon assessment of peak demand at similar sites elsewhere in the country, and cycle parking is based on KCC standards. Trip generation levels were assessed using published databases, validated against first principles and it was concluded that peak demand would not coincide with traditional peak periods on nearby roads.
- 2.35 Whilst much of this analysis was accepted by KCC highways, they did raise questions over the likely level of traffic generation (and consequent need for parking), potential clashes of peak hour movements, availability of non-car modes of transport, and the level of attendance that might be expected if competition events were to be staged. Concerns were also raised over the potential for drivers using the bypass to be distracted by activities at the application site. This led to further discussions between KCC and the applicant's Highway Consultants, and

further details were provided. The outcome of those discussions has resulted in the majority of these issues being satisfactorily resolved. The remaining issues related to how “events” were to be handled, whether there was a need to restrict the number of visitors to the site at any one time, and potential distraction of drivers.

- 2.36 In response, the applicant has explained that use for competition events is explicitly outside the scope of the current proposal, although the potential for the site to be used as such in the future is not ruled out; the intention would be to close for public use on such occasions. It is therefore proposed that a condition be imposed requiring that no use of the site for competition events may take place until an “events management plan” has been submitted and approved; this would cover such issues as parking, access and noise.
- 2.37 With regard to the potential distraction of drivers, the proposed bunding and planting between the lake and the bypass will restrict views to a certain extent but, given the height of the bypass embankment, some elevated views will still be available. However, there are a number of other considerations that may be relevant, including the significant distance between vehicles on the bypass and the areas within the site where greatest activity will take place, and the natural or immediate line of vision for drivers which, from those parts of the bypass where uninterrupted views might be possible, is not directly towards the activity areas. In reality, this situation is not dissimilar to many others that occur in various locations, and it would be difficult to justify objection to the current proposals on this ground alone. Overall the proposals would be in accordance with paragraph 109 of the NPPF and the traffic from the development is not considered to be severe.

Other Issues

- 2.38 Archaeology: The County Archaeologist recommended that a desk-based assessment be undertaken in view of the potential for the site to contain remains, both historic and more recent. The applicants have carried out an assessment which concludes that a watching brief during the construction phase would be sufficient to safeguard and remains that may exist. To date, no further response has been received from KCC following receipt of the desk-based assessment. The applicants accept the need for a condition in some form, but the most appropriate wording can only be determined once KCC comment further.
- 2.39 Designing Out Crime: The applicant has considered the advice provided by Kent Police. Whilst it is accepted that some of those suggestions are inappropriate for other reasons (including visual impact), there is scope to incorporate many of them and this can be secured by condition.

3. Conclusion and Sustainability

- 3.1 The proposed facilities would bring a substantial and beneficial addition to the range of water-based leisure opportunities in the District. As well as the consequential health and recreation benefits, there would also be notable economic advantages. It is almost inevitable that a facility such as this would be in the rural area, given the practical considerations of function and size of site; however, this site is well-related in terms of the strategic road network and is in a reasonably sustainable location relative to the built-up area. The visual impact would be relatively well-contained within the site and its immediate surroundings, and the impact on the character of the landscape is acceptable. There would be insignificant impacts on residential amenity, and the concerns over traffic generation and highways issue generally have either been addressed or can be appropriately mitigated through planning conditions. It would bring tangible net gains for biodiversity.

- 3.2 The NPPF identifies three interrelated objectives that underpin the achievement of sustainable development: economic, social and environmental. This scheme brings benefits under each of those headings. As there are no identified adverse effects of granting planning permission that would significantly and demonstrably outweigh the benefits, planning permission should be granted in accordance with NPPF paragraph 11.

g) Recommendation

I GRANT PLANNING PERMISSION subject to conditions to cover the following matters

- i. Standard commencement condition
- ii. List of approved plans
- iii. Submission of details of appearance of masts
- iv. Implementation of landscaping scheme
- v. Provision of car parking (including submission of surfacing material)
- vi. Provision of new access, vehicular crossing and sight lines, before occupation
- vii. Existing access to be closed
- viii. Limitation on use of retained access – emergency only
- ix. Buildings to be constructed at the agreed slab level
- x. Provision of cycle parking
- xi. Submission of a detailed drainage scheme regarding the diversion of the watercourse
- xii. Submission of verification report regarding the above
- xiii. Development to be carried out in accordance with recommendations of the FRA
- xiv. Observance of EA bylaw margin
- xv. Submission of details of foul water package treatment plant
- xvi. Submission of, and adherence to, Construction Management Plan
- xvii. Walkover inspection of site for water voles and other animals prior to construction commencing
- xviii. Submission of, and adherence to, detailed ecological enhancement and management plan
- xix. Submission and approval of external lighting
- xx. Archaeological investigation

- xxi. No competition or similar events to be staged unless and until an event management plan has been approved, and thereafter to conform to the approved plan
 - xxii. No external public address system to be installed unless details have first been approved
 - xxiii. Control over opening hours (including to close at dusk)
 - xxiv. Implementation of Travel Plan
 - xxv. Submission of details to demonstrate compliance with principles of Secured by Design
- II Powers to be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by Planning Committee, and to draft and issue a Statement of Reasons.

Case Officer

Neil Hewett