

- a) **DOV/22/01152 – Erection of a 120-bed hotel (C1) building with associated spa facilities, gym, restaurant/bar, access, landscaping and parking - Betteshanger Country Park, Sandwich Road, Sholden**

Reason for referral – public interest and number of objections (615)

b) **Summary of Recommendation**

That planning permission be granted subject to conditions and completion of a s.106 agreement to secure planning obligations.

c) **Planning Policy and Guidance**

Development Plan

The statutory development plan comprises:

- Core Strategy (2010) (“**the Core Strategy**”)
- Land Allocations Local Plan (2015)
- Saved Policies of the Local Plan (2002)

Relevant policies of the Core Strategy include:

- CP1: Settlement Hierarchy
- CP2: Provision for Jobs and Homes
- CP5: Sustainable Construction Standards
- CP6: Infrastructure
- CP7: Green Infrastructure Network
- DM1: Settlement Boundaries
- DM11: Location of Development and Managing Travel Demand
- DM12: Road Hierarchy and Development
- DM13: Parking Provision
- DM15: Protection of the Countryside
- DM16: Landscape Character
- DM25: Open Space

Relevant saved policies of the Local Plan include:

- CO8: Development Affecting Hedgerows
- ER6: Light Pollution

As is the case with the development plan, where existing policies were adopted prior to the publication of the National Planning Policy Framework (July 2021) (“**the Framework**”), the weight to be given to them depends on their degree of consistency with the policies of the Framework (paragraph 219).

Other Material Considerations

National Planning Policy Framework (2021)

The Framework sets out the Government's planning policies for England and how these are expected to be applied. It is therefore a material consideration, to which significant weight should be attached in determining the application.

Sections of the Framework are referred to, as relevant, in the assessment section of this report below.

Planning Practice Guidance

The Planning Practice Guidance ("**the PPG**") is a live document containing more detailed advice on how policies in the Framework should be interpreted and applied. It was first published in 2014 and is subject to frequent updates and revision.

Draft Dover District Local Plan

The draft Dover District Local Plan (Regulation 19 submission – October 2022) ("**the draft Local Plan**") sets out planning policies and proposals for new development in the district over the period from 2020 to 2040 and when adopted will replace the existing development plan. The draft Local Plan has been subject to Regulation 19 consultation and was submitted in March 2023 for examination.

The draft Local Plan is a material planning consideration in the determination of this planning application. The weight to be afforded to its policies depends (in accordance with paragraph 48 of the Framework) on the stage of preparation of the emerging plan, the extent to which there are unresolved objections to the relevant policies, and the consistency of relevant policies with the Framework.

Relevant policies of the draft Local Plan include:

- SP1: Planning for Climate Change
- SP2: Planning for Healthy and Inclusive Communities
- SP6: Economic Growth
- SP11: Infrastructure and Developer Contributions
- SP13: Protecting Designated Environmental Sites
- SP14: Enhancing Green Infrastructure and Biodiversity
- CC1: Reducing Carbon Emissions
- CC2: Sustainable Design and Construction
- CC4: Water Efficiency
- CC5: Flood Risk
- CC6: Surface Water Management
- CC8: Tree Planting and Protection
- PM1: Achieving High Quality Design, Place Making and the provision of Design Codes
- PM5: Protection of Open Space, Sports Facilities and Local Green Space
- E4: Tourist Accommodation and Attractions
- R2: Sequential Test and Impact Assessment
- TI1: Sustainable Transport and Travel
- TI2: Transport Statements, Assessments and Travel Plans
- TI3: Parking Provision on New Development
- NE1: Biodiversity Net Gain

- NE2: Landscape Character and the Kent Downs AONB
- NE3: Thanet Coast and Sandwich Bay SPA Mitigation and Monitoring Strategy
- NE4: Air Quality
- NE5: Water Supply and Quality

Legislation

The combined effect of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) is that planning applications must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) applies in the event that planning permission is granted and requires that a planning obligation (under s.106 of Town and Country Planning Act 1990) may only constitute a reason for granting planning permission for the development if the obligation is (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.

Under section 40 of the Natural Environmental and Rural Communities Act 2006 (as amended), the Council as a public authority has a duty to have regard to conserving biodiversity as part of its decision making.

d) Relevant Planning History

Betteshanger Colliery and Tip Site

02/00905 Erection of Class B1, B2 and B8 business, industrial and warehousing units, creation of community park and country park, erection of visitor centre, construction of recreational cycling facilities and sculpture park and construction of water treatment facilities, access roundabout, roads and car parking facilities. Permission granted 17/08/04.

Betteshanger Country Park

06/00131 Erection of visitor centre for temporary period. Permission granted 12/05/06.

09/01165 Construction of two play areas. Permission granted 05/05/10.

14/00262 Erection of a single storey building for use as a visitor centre, re-siting and upgrade of children's play space, erection of a 'camera obscura' structure, ground works and alterations to internal access road and parking (existing visitor centre to be removed). Permission granted 26/09/2014.

Betteshanger Former Colliery Pithead (located to the west of the application site)

20/00419 Outline application with all matters reserved for up to 210 dwellings including up to 12 self-build plots, together with up to 2,500 sqm of office (Class B1 use) floorspace and up to 150 sqm of retail (Class E) floorspace. Planning permission granted 27/07/21, not implemented.

22/01364 Replacement of existing road. Planning permission granted 19/12/22.

22/01379 Reserved matters application for the details landscaping, layout, scale and appearance for the residential phase of approved outline permission 20/00419. Approved 27/04/23.

Environmental Impact Assessment (EIA) screening for development of a 120 bed hotel building with associated spa facilities, gym, restaurant / bar, access, landscaping and parking. Screening opinion issues 03/07/23 that development is not EIA development.

e) **Consultee and Third-Party Responses**

Sholden Parish Council

Response 06/11/22

Objects on the grounds of ecological destruction and transport issues.

- There are, at the time of writing, 175 objections and only 12 supporting the application. The vast majority of those objections quite correctly cite ecological destruction (in particular for lizard orchids and a potential habitat for turtle doves) as the grounds for refusing the application.
- Sholden Parish Council fully agrees with these ecological/destruction of biodiversity objections. We see no reason to repeat those well founded, evidence-based arguments here (some submitted by known ecology experts). Suffice to say that the application breaches the following paragraphs of the NPPF: 8(c), 174 (a), 174 (d), 180 (a) and 180 (d) and as such the application should be refused.
- Wish to bring to the attention objection by KCC Highways to development (155 dwellings) on land southwest of London Road, Deal: "The proposals will result in the increased use of the existing junction of London Road with Manor Road and London Road with Mongeham Road, which will create a severe impact on the local highway network, to the detriment of highway safety..."¹.
- A 120 bed hotel plus ancillary facilities will easily generate more vehicular movements throughout the day and night than a proposed development of 155 dwellings. It follows therefore that on NPPF highways grounds alone, and the evidence already stated above by KCC Highways, that this application should be refused.
- Aware of a Section 106 agreement agreed by Dover District Council in 2004 with the then applicant which expressly (and legally) foresaw the creation of a nature reserve in and/or around the land on which this proposed hotel is to be built. Any decision (conditional or otherwise) should not break that extant Section 106 legally binding agreement.
- We note that no pre-application advice was sought from DDC prior to the submission of this application.

Response 04/02/23

¹ The original objection of KCC Highways to this development was removed in subsequent consultation responses received.

Object strongly to this application in terms of ecological and transport issues.

- The vast majority of objections cite ecological destruction (in particular for lizard orchids and a potential habitat for turtle doves and now beavers) as the grounds for refusing the application. Sholden Parish Council fully agrees with these ecological/destruction of biodiversity objections.
- In addition to objections from Mr Packham, the following esteemed organisations are objecting to this development and re-consultation: Kent Wildlife Trust, the Council for the Protection of Rural England, the RSPB, Buglife, Plantlife, the Botanical Society of Britain and Ireland, Sandwich Bay Bird Observatory and others. Suffice to say that the application, re-consultation or not, still breaches paragraphs 8(c), 174 (a), 174 (d), 180 (a) and 180 (d) of the NPPF and as such the application should be refused.
- In addition, NPPF paragraph 9 states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account. As, above there are 548 objections versus only 27 supporting. In effect, local circumstances directly point to the application being refused.
- Application fails to adequately address the impact on the local highway network (as raised in previous response).
- Inextricably linked to this application is the application to build a surfing lagoon (22/01158) and SPC now understands that visitor numbers to both these proposed developments are predicted to be above the 250,000 where Environmental Impact Assessment is mandatory. To date this has not been done and thus the application should neither be considered nor determined until an independent EIA is done and submitted for consideration.
- There is a great deal of evidence to show the importance of open green space to support people's mental and physical health. Betteshanger Country Park, as part of Dover District's green infrastructure, should thus be kept free from any and development including hotels and surfing lagoons. Not doing so would breach NPPF 8(b)- supporting strong and vibrant healthy communities. It could be argued that a gym and a spa alongside a surfing lagoon would lead to a healthier lifestyle, but probably not for the elderly, infirm and those unable to visit such sites.
- In the draft Local Plan, Betteshanger Country Park is listed as "Protected Open Space". Saved policy AS2 requires the Park to be used for low key recreational use provided nature conservation interests are not compromised. It is now obvious that nature conservation will be compromised.

Worth Parish Council

Fully support the objections of Sholden Parish Council.

Walmer Parish Council

Objects on the grounds of traffic and biodiversity. From application DOV/22/00652 we have already had information that the Upper Deal roundabout and the Mongeham Road junction with the A256 are over capacity. Whilst the report states that the majority of traffic will be routed via the Eastry Bypass and past Worth there will still

be additional pressure put on the overcapacity A256 junctions which the Kent highway report refers to as dangerous.

Reject the notion that you can move nature around to facilitate building. The rare Lizard Orchids and Turtle Dove population need to be protected; the site is an SSSI and therefore the needs of the wildlife that make this site a SSSI needs to be protected over development.

Environment Agency

Response 02/11/22

- The site is partly affected by tidal inundation in the 1 in 200 year return period (with a climate change allowance). A detailed drawing of the outer face of the development relative to the flood extents has not been provided, however, it appears that although the extents do reach the site boundary, they will not affect the development itself. The finished floor levels are located significantly above the design flood level.
- The site is also affected by a breach at Sandwich Bay Estate, but the residual risk to the development itself is low, due to the finished floor levels.
- The ground floor uses are less vulnerable and appropriate in the context of fluvial and tidal flood risk.
- No objection subject to conditions regarding finished floor levels, including that sleeping accommodation is set no lower than 4.80m AODN.

Response 03/02/23

- Previous comments remain unchanged.

Natural England

Response 05/10/22

- Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.
- Subject to an appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the designated site(s).

Response 08/02/23

No further comments confirmed from those made on 05/10/22.

Response 17/02/23

A response relating to lizard orchids. Natural England has subsequently confirmed that this matter relates only to the proposed wave pool scheme, application 22/01158.

Response 04/07/23

Relates matter of lizard orchids, concerning the wave pool scheme.

Reports receipt of information that the fiery clearwing moth is present on the site.

National Highways

Response 06/02/23

- It is currently not possible to determine whether the application would have an unacceptable impact on the safety, reliability and/or operational efficiency of the strategic road network (SRN). Steps that need to be taken to resolve this issue are hourly traffic profiles for weekends; and the extension of the distribution and assignment analysis to the SRN for review.
- National Highways recommends that planning permission should not be granted to allow the applicant to resolve the outstanding matters.

Response 22/02/23 - upon receipt of the above information.

- No objection: content that the proposal would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN.
- Dover District Council may wish to seek a proportionate contribution towards an improvement scheme at A2 Whitfield roundabout.

Southern Water

Response 14/10/22

- The exact position of water main assets within access of the development site must be determined on site by the applicant in consultation with 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 proposed development is some distance from the nearest public foul sewer. The applicant should ensure they have adequate rights to utilise the intervening private drainage systems. The applicant will need to further confirm that the private sewer does in fact connect into an existing public sewer further downstream.
- If the connection to the public sewerage system is proposed, an assessment is required if the network is able to accommodate the needs of proposed development without improvements to local infrastructure.
- Where SuDS rely upon 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. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Response 03/02/23

- Additional comment: The applicant should consult the Environment Agency regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.

The Coal Authority

Response 26/09/22 & 17/01/23

- The application site does not fall within the defined 'Development High Risk Area' and is located instead within the defined 'Development Low Risk Area'. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

KCC Flood Water and Management / Lead Local Flood Authority (LLFA)

Response 13/10/22

- The LLFA is generally satisfied with the principles proposed for dealing with surface water, namely via a system of attenuation prior to the discharge of water to neighbouring watercourses and as such have no objection to the application subject to conditions to secure final drainage details and subsequent verification.

KCC Highways and Transportation

Response 09/11/22

- The site is accessed from the A258 Sandwich Road via an existing access road into Betteshanger Country Park, which forms the eastern arm of the A258 roundabout. The private access road is approximately 5.25 metres in width and incorporates a shared footway/cycleway on the northern side. The access is a no through road that leads solely to the country park and car park.
- The cumulative impact of both this application and that for the surfing lagoon (22/01158) will need to be considered.
- Details of the parking accumulation are required and how single occupancy car use may be reduced by way of a dedicated Travel Plan. All car parking spaces should measure 2.5 metres x 5 metres, increased to 6 metres in length for all parallel spaces. The landscaping of planting proposed along the edge of the parallel spaces to ensure that passenger doors can be opened sufficiently. Pedestrian routing from parallel spaces and more generally are required.
- The cumulative trips are 124 two-way trips in the AM peak and 146 two-way trips in the PM peak. TRICS has been interrogated to establish that the hotel and spa facilities will generate 59 two-way trips in AM peak and 93 two-way trips during the PM peaks period.
- It is assumed that the gym will be solely for hotel guests. Should it be open to the public, trip assessment is required as this will clearly hold its own trip attraction. Similarly, the restaurant/bar trip rates have not been provided, which is likely to attract PM trip rates. While it may be assumed that a proportion of the diners will be hotel guests, there will be standalone trips to the site which

need to be accounted for. The number of staff associated with all the uses has not been quantified.

- The applicant identifies that the majority of trips will be taking place to and from the north and west of the site – Canterbury, Whitstable, and Thanet to the north, and Dover, Folkestone and Ashford to the west. Furthermore, it is estimated that a smaller percentage of trips will be generated from the towns of Deal and Walmer directly to the south of the site, due to their comparatively low populations.
- The methodology for deriving these trip distribution percentages has not been quantified. Therefore, justification of these assumptions is required. The broad principles appear fine: it has to be assumed that with a facility such as a hotel, the trips will be along main routes as opposed to the more rural road network.
- While junction assessments have been provided, further information is required with regard to the restaurant and gym facilities associated with the site. The trip generation is required for these uses as currently the full trip generation is not known.

Response 09/03/23 - Upon receipt of the above information

- No objection.
- The parking provision has now been reviewed to provide a separate car park of 97 spaces (87 for guests and 10 for staff), and a separate pick up / drop off area. The remainder comprises a consolidation of the existing 770 Country Park spaces. This sees a removal of parallel configured spaces along the access route, which is considered a more appropriate arrangement.
- Pedestrian routes and crossing points have been illustrated, and the layout represents a safer and more appropriate route through the site.
- Data indicates that the existing site has a peak parking demand of circa 412 vehicles between 1400-1500 on a weekend. It is accepted that events at the Country Park result in an increase in visitor numbers.
- The hotel adds a maximum of 10% parking stress, equating to 86 vehicles. The spa would see an additional maximum of 20 vehicles. The restaurant sees the smallest number of vehicle movements / parking stress, assuming that 25% of trips are not linked to hotel guests.
- The hotel car park would be at its highest capacity overnight.
- A parking management plan and signage strategy should be secured by way of suitable conditions.
- A draft Travel Plan has been submitted, which outlines measures to reduce single occupancy car use across the various site uses. This should be subject to reviews, with the applicant to pay a contribution towards staff time and monitoring. The Travel Plan should be secured by way of a suitable condition.
- A cumulative impact assessment of both applications has been undertaken. The proposals would generate 125 two-way trips in the AM peak and 158 two-way trips in the PM peak.

- Future scenarios suggest that the London Road / Mongeham Road junction will operate over capacity during the AM peak. The proposed trips would not be significant to represent a severe impact on the local highway network.
- London Road / Manor Road roundabout already operates at capacity, with the London Road arms operating at capacity in future years. The proposal does not see any changes in the capacity or in future years, and therefore does not represent a severe impact on the local highway network.
- The proposal would have an impact on the Northbourne Road arm of its junction with A256. A mitigation scheme has been proposed, indicating a flare on the minor arm of Northbourne Road to prevent vehicles waiting to turn right onto the A256. While the nature of the works may be considered minor, they would still require a Road Safety Audit as part of the Section 278 Agreement process. This would be a separate agreement with KCC Highways should planning permission be secured. The mitigation works see a decrease in the queue lengths at Northbourne Road.

KCC Public Rights of Way and Access Service

Response 12/10/22

- No objection: there are no public rights of way (PROW) affected by the proposed development.
- Due to increased use on the surrounding PROW network, seek a s106 contribution for clearance, surface repairs, improved signage to enable enhancements and improvements to the network. In turn this would enhance the quality of the proposed development by a major investor Dover's tourism sector.

Response 06/02/23

- Additional comment: travel plan should refer to PROW opportunities.

KCC Fire and Rescue Service

Response 25/01/23

- Large buildings over a certain size, which are not fitted with fire mains, are required to have the provision of fire appliance access to between 15 and 100% of the building's perimeter. The current access does not appear adequate for the size of the building and there is no clear indication if there is the provision of fire mains within the building.

(Officer comment: the applicant has confirmed that fire mains would be fitted within the building).

DCC Environmental Protection

Response 05/10/22 & 10/11/22

- The content of the noise report is accepted, and no further comments are made on this in terms of the protection of hotel residents from existing noise sources.

- For construction noise, a construction management plan is required to address: noise measures of noise and vibration control; times/duration of working where noise might be audible beyond the boundary; community complaints process; parking provision; deliveries; and moratorium on burning of material on the site.
- The content of the air quality assessment is noted. It is required that a dust management plan during construction is secured by condition.
- The submitted phase 1 land contamination assessment shows that further investigation is necessary. Conditions are required regarding further investigation / risk assessment, a detailed remediation scheme as necessary and verification.
- If piling is necessary, a piling risk assessment to be secured by condition is required.

DCC Place, Growth, Investment and Tourism

- This application would provide a major boost and sizable investment in the district and the visitor economy, which would further add to confidence in the locality, especially at this time of greater economic uncertainty and in relation to recovery from the impact of COVID-19.
- The Country Park's long term financial stability must be assured so it can sustain itself for current and future visitors to enjoy.
- The location of the site is well placed in relation to other tourist and recreation offers in the vicinity, including beaches, towns and renowned golf courses. The quality of the hotel and associated facilities would reinforce and expand this offer.
- There is a shortage of accommodation, especially mid-scale to luxury hotel stock in coastal regions and the wider area.
- Such development will reinforce the district as an attractive visitor destination.
- In the context of the contribution the development would make towards the Council's corporate, tourism and economic growth strategies through investment, new jobs, experiences, opportunities and economic benefits for the wider district, the Council's Tourism & Visitor Economy Department (part of Investment, Growth, Place & Tourism) supports this planning application.

DDC Heritage Officer

Confirmed no harmful impacts on any designated heritage asset.

DDC Ecology

Response 13/03/23

Satisfied that the proposal presents an appropriate response to the potential for recreational disturbance impacts to the Thanet Coast and Sandwich Bay SPA / Ramsar site.

The 'Document to Inform a Habitat Regulations Assessment' identifies specific measures in relation to the site's history as a former spoil tip. These measures of ground investigations, risk assessments and remediation as necessary must be secured by condition.

Clarification is sought as to whether or not the extension to the reedbed will form part of the surface water management strategy.

(Officer comment: it is confirmed by the applicant that it will not).

Implementation of a detailed construction management plan and surface water management strategy must be secured by condition. The drainage board should provide confirmation that proposals affecting the ditches are acceptable in principle.

(Officer comment: the River Stour Internal Drainage Board has confirmed it is satisfied with the level of information provided, noting that final details would be secured by condition).

Two replacement ponds are proposed – one within the site, the other at Hammill Field. Commentary is sought as to whether the replacement ponds could be closer.

Support the use of pre-hardstanding habitats in the biodiversity metric. Clarification sought on the condition assessments for the mixed scrub and tall ruderal habitats.

Satisfied with the tree protection measures; query trees proposed for removal.

Management of Recreational Activity

The Outline Visitor Management and Turtle Dove Strategy (OVMTDS) needs to fully consider the increased impacts of visitors to the Country Park through development.

The proposed core visitor area would restrict biodiversity in that area. Concern that the core visitor area is adjacent to the central area of habitat creation without sufficient barriers.

Concern that northern turtle dove feeding location (Biodiversity Offsetting Area D) will be in close proximity to areas of high visitor use.

The OVMTDS does not include restricted access to the areas which it is hoped that turtle doves will expand into through the 20/00419 turtle dove mitigation strategy.

To address impact to Biodiversity Offsetting Area D, the OVMTDS proposes mitigation in the form of a new pond and turtle dove feeding location in the eastern part of the Country Park – the future success of this is unknown.

Questions over the effectiveness of the Country Park warden to control visitor behaviour.

Unable to conclude that the Country Park will be able to accommodate the additional visitor pressure without impacts to turtle doves.

Given the proximity to confirmed turtle dove territories, the Hammill Field proposal appears to be an appropriate location in which to establish turtle dove habitat, although would not provide adequate compensation for the residual impacts of the proposed

development. Consideration of this site is needed for wintering birds including golden plover.

Lighting and Disturbance

In relation to bat and invertebrate activity, further detail needed as to whether lighting impacts from external and internal sources can be avoided.

Badgers

The proposed method for the temporary closure of a badger sett is acceptable in principle. The detailed approach will be subject to Natural England licence application.

Water Voles

The principle of translocation water voles from the ponds to be lost to the newly created habitat is acceptable, but further information on the amount of new habitat to be provided should be provided.

Further information on water vole surveys is sought, including suitable habitat on and around the site, to inform the detailed mitigation strategy. This can be secured by condition.

Mammal Safeguards

Standard construction methods for avoiding and minimising impacts on badgers, hedgehogs and other small mammals are proposed. These are satisfactory and must be secured by condition.

Reptiles

Suitable reptile habitat will be lost to development. Habitat manipulation is proposed to move the reptiles from the habitat to be lost. Further details are sought to demonstrate that there will be suitable habitats retained and available to reptiles.

Given the time that has elapsed since the potential reptile translocation to the site (associated with 02/00905) and lack of spatial legal protection, the proposed approach to reptile mitigation is acceptable in principle (notwithstanding the query above).

Birds

The proposed measures in relation to the clearance of nesting bird habitat is satisfactory and must be secured within the planning permission by condition.

Biodiversity Net Gains

Support the intention to deliver over 10% biodiversity net gain. Details of biodiversity net gain can be secured by condition, if planning permission is granted.

Beavers

Beavers have been recorded near to the site. Clarification is sought as to the extent of the beaver survey. High levels of beaver activity in the area mean that there is potential for beavers to establish lodges / dams in suitable habitat. Mitigation must involve monitoring of beaver activity.

Response 18/04/23

Regard is had to 'Technical Note 05 Consideration of Dover District Council Senior Natural Environment Officer's Consultation Response' (TN05), submitted by the applicant in response to previous advice dated 13/03/23.

The core element of concern remains in respect of the impacts to turtle doves as a direct result of the proposed development and indirectly through recreational pressure as a result of the increase in visitor numbers.

Pollution Prevention

Comments sought from the drainage board regarding the reedbed habitat to ensure its achievability.

(Officer comment: the River Stour Internal Drainage Board has confirmed further that it has no objection to the detailed habitat creation being secured by condition; and the applicant has confirmed that the reedbed creation would not result in an obstruction to flow, a change to the volume of water downstream or affect the ability of the River Stour Internal Drainage Board to carry out routine maintenance).

Habitat Mitigation and Compensation

Satisfied that appropriate measures to avoid impacts to priority habitats have been undertaken by the applicant.

Satisfied with the principle of delivering biodiversity net gains at Hammill Field. Full details of habitat compensation and biodiversity net gain can be secured by condition / obligation.

Tree Protection

The loss of scrub / trees needs to be appropriately accounted for in the biodiversity metric.

(Officer comment: the applicant has confirmed that the loss of linear habitat of a row of Leyland Cypress trees can be readily address in the biodiversity metric through the creation of species rich hedgerow along the roadsides).

Visitor Management Plan

As the success of the 20/00419 Turtle Dove Strategy has yet to be demonstrated, and the current proposal puts the success at further risk, it is reasonable to require the OVMTDS to incorporate the baseline visitor numbers as well as the additional visitors generated as a result of the proposed developments

Impacts of recreational electric vehicle use (known as Swincars) should be considered.

The scope of future visitor surveys to inform the detailed management strategy should be agreed with the planning authority.

Further details of the core visitor area and its proposed uses are provided in the updated OVMTDS, and it is clarified that the core visitor area is not intended to "include any further large-scale facilities". My concern regarding the proximity of the core visitor area to the 20/00419 central area of open mosaic habitat creation, and turtle dove

supplementary feeding site (BOS area B) has not been addressed with additional protection measures, only the reiteration that the area is “*considered to be well screened, with existing natural features*”, and provision for signage and fencing to further discourage public access.

Concerned that events in the ‘Occasional Events Area’ could impact turtle dove use of BOS area B, noting that the habitat is still establishing and that turtle doves have not yet been recorded in this area (so the success of the 20/00419 Biodiversity Offsetting Scheme and Turtle Dove Strategy is still at an uncertain stage). There is risk to the success of the 20/00419 Turtle Dove Strategy, in terms of attracting new turtle dove territories to be established in this location, as there are no specific controls over the types, timings or frequency of the ‘occasional events’, and no understanding of the levels of noise or lighting that the events could generate.

With regard to the proposed warden / wildlife officer, I have not been sufficiently assured of the efficacy of this position. I do not have confidence that the postholder will have sufficient influence to effectively resist inappropriate activities to ensure a balance between the wildlife interest of the Country Park.

The results of the 2022 turtle dove monitoring are referenced for the first time in the updated OVMTDS, with two territories recorded in ‘new’ locations along the north-eastern Country Park boundary, and a turtle dove territory recorded again in the northern area of scrub, near to the proposed hotel. I advise that two years of breeding bird surveys is not a significant amount of survey data on which to base a conclusion of: “*the distribution of Turtle Dove at the country park varies from year to year, such that individuals are likely able to respond to new provision of habitat outside of previous core habitat zones*”.

The new recorded turtle dove territories do provide support for the location of the proposed additional turtle dove habitat and supplementary feeding area, but I highlight the risk of impacting known turtle dove territory habitat (i.e. that in close proximity to the proposed development site) without first demonstrating that the new habitat is functioning effectively (i.e. by recording new turtle dove territories in the new habitat areas).

The relationship between the OVMTDS and the 20/00419 Turtle Dove Strategy is still not entirely clear, particularly in respect of the delivery of the objectives in the 20/00419 Turtle Dove Strategy.

As a stand-alone document for the current planning applications, the OVMTDS is lacking in specific aims, except to “*minimise impacts on wildlife*”. There is a risk that turtle doves could be doubly impacted if the 20/00419 Turtle Dove Strategy objectives are not achieved and the OVMTDS supersedes the 20/00419 Turtle Dove Strategy without clear aims to monitor, safeguard and improve turtle dove conservation status in the Country Park.

There remains uncertainty as to whether the measures to avoid and mitigate impacts to turtle doves will be fully effective. If, as a worst-case scenario, BOS area B and D do not provide sufficiently suitable opportunities for turtle doves, there is not sufficient provision in the OVMTDS for remedial measures that will ensure the maintenance and expansion of turtle dove populations in the Country Park, a core objective of the 20/00419 Turtle Dove Strategy.

I acknowledge the proposals to deliver enhanced habitat for turtle doves at Hammill Field, and the provision for additional off-site remedial measures, but with an aim to only 'maintain' the long-term conservation status of the local turtle dove population.

With reference to the commentary provided above, I am not able to conclude that the potential impacts to turtle doves as a result of the proposed development are adequately addressed in the application submission.

Lighting and Screening

Development presents significant opportunities for light to spill from the hotel onto adjacent vegetation. Need to demonstrate in principle that mitigation measures – of controls through location of glazing, carefully located and recessed light fittings, blinds, and low-level external lighting – will be sufficiently effective in minimising light spill.

Measures sought to minimise noise and visual disturbance.

Agreed Matters

Following matters are agreed and details must be secured in the planning permission:

- financial contribution to Thanet Coast and Sandwich Bay SPA;
- ground investigations / remediation as required;
- construction management plan;
- surface water management strategy;
- water efficiency standards;
- tree protection measures;
- badger mitigation strategy;
- water vole mitigation strategy;
- implementation of mammal safeguards during clearance and construction;
- implementation of habitat manipulation for reptile mitigation;
- implementation of nesting bird impact avoidance / mitigation;
- biodiversity enhancement measures;
- adequacy of beaver surveys

Response 29/06/23

Reedbed

It seems that the intention may be for the reedbed to have no direct connection to the adjacent ditch.

The proposed reedbed creation forms part of the mitigation and compensation strategy for the proposed development, for both the biodiversity net gain calculations and for water vole habitat compensation, so having confidence in its successful delivery is an important consideration.

Understand that additional informal correspondence from the River Stour IDB confirms they are satisfied that a condition securing the detailed design would be acceptable.

I advise that the details of the reedbed creation proposals can be secured by condition, if planning permission is granted.

Habitat Assessment and Trees

I am satisfied that the details of the final biodiversity net gain calculations, along with appropriate landscape planting, can be secured within the conditions, if planning permission is granted.

Visitor Management Plan and Turtle Dove Mitigation

Concerns remain regarding the uncertainties of successfully mitigating for uncertain current and post-development extents and levels of impacts. Would question how restricting events in the Country Park would be effective.

More time should be given to consider whether the 20/00419 biodiversity offsetting and turtle dove strategy is effective. Without this proven, there is not confidence to rely on further measures.

A further area of turtle dove habitat creation is now proposed by the applicant for an offsite area adjacent to the east of the Country Park. While I welcome this as an additional area of turtle dove habitat, presumably without any public access, this does not overcome my concerns expressed above. I am not able to say that the mitigation and compensation 'offer' for this proposal is sufficient.

Lighting and Screening Strategy

Indicative lighting calculations have been provided by the applicant. I do not consider the submission to be a 'lighting assessment', and it does not accord with Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust & Institute of Lighting Engineers), for example lacking vertical calculation planes

The lighting of the proposed development will present a significant change to the current site lighting levels, with the potential to impact upon foraging and commuting bats, for which the 'northern tree line' presents a key area of habitat, with bat use identified as being important at the 'local' level in the Update Ecological Appraisal

The submitted lighting calculations do not enable me to conclude that the impact of lighting on bats will be adequately mitigated, but I advise that it is now reasonable to conclude that the residual impact of lighting on bats is unlikely to be significant if the implementation of all of the proposed lighting mitigation measures (as specified in MM7 of the Updated Ecological Appraisal) are secured within the detailed lighting strategy.

I advise that similar conclusions can be reached in respect of the turtle dove territories that lie in close proximity to the proposed development.

Kent Wildlife Trust

Response 18/11/22 & 17/02/23

Objects to this proposal on the basis of the destruction of previously existing habitats prior to the submission of this application, the creation of a net loss of biodiversity and impacts to turtle doves.

Concerns regarding the existing works undertaken within the red line boundary for the proposed hotel, which appear to have resulted in the installation of large areas of hardstanding.

When referring to the originally consented planning permission for the creation of the country park and its associated infrastructure, the plans saved under 02/00905

highlight the proposed location for the hotel as a 'Reptile Translocation Zone'. Kent Wildlife Trust are concerned that the area of "car park" installed by the applicant ahead of this planning application being submitted were done so without relevant planning permissions and is highly likely to have resulted in death, injury and disturbance of reptiles.

Further on this issue, the biodiversity baseline for the proposed hotel development site should be taken prior to the installation of the hard standing.

Kent Wildlife Trust queries how the consented bunds under the previous application will provide sufficient screening during the construction phase of the proposed hotel given that it is at a higher elevation and how during the operation phase that mitigation measures will be enhanced to account for increased recreational disturbance.

Amendments to the Ecological Appraisal are welcomed, including the adjustment of the Biodiversity Net Gain (BNG) baseline being taken prior to the introduction of hard standing within the red line boundary for the hotel. It is believed that this area was previously secured as a reptile translocation area for planning application 02/00905 and we ask that Dover District Council undertake an investigation into this issue.

Additional information submitted by the applicant further reinforces our serious concerns regarding the incompatibility of the two proposed schemes with the delivery of the consented Turtle Dove Mitigation Strategy for 20/00419:

- the detrimental impacts of recreational disturbance on the success of the Turtle Dove compensation strategy and the effectiveness of the now consented bunds, for 20/00419 was raised by KWT at the time of consulting on conditions for 20/00419. These concerns are now exacerbated by these two new proposals and have clearly also been picked up by the applicant's ecologist who in reference to Area D states that "Notwithstanding this, given the area is still likely to be subject to disturbance from increased activity in its surrounds, additional Turtle Dove habitat provision is proposed in the eastern part of the country park, as set out in Section 5 below." This acknowledgment by Aspect Ecology demonstrates that they are in agreement that the proposed schemes would prevent successful delivery of the consented compensation strategy.

It is unacceptable for the goalposts for species mitigation to be continually moved, with Turtle Doves being continually impacted by each new application brought forward in this area, being squeezed into more marginal areas of habitat.

Hammill Field is not a substitute or variation on the delivery of essential compensation habitat secured within the Country Park for a previously consented application.

RSPB

Response 04/11/22 & 17/02/23

- The Turtle Dove is a RSPB priority species due to the significant population decline of this species both in the UK and across its breeding range. The national Turtle Dove survey for England revealed the importance of Kent for turtle doves, showing that Kent supports approximately a third of the total England population with approx. 700 territories recorded in Kent.

- Development undermines measures set out within the Turtle Dove Mitigation Strategy, set to satisfy the requirements of condition 54 of planning permission 20/00419.
- The scale of this development in conjunction with planning application 22/01158 and its accumulative impacts will be very challenging to mitigate in a way that will not be damaging for turtle doves.
- The hotel and the associated disturbance could result in the loss of this important breeding territory, as well as degrading the existing scrub habitat and foraging areas.
- The Ecological Appraisal is incomplete and does not offer a complete picture on priority species present on the country park, with survey results still to be completed and analysed. Survey data is still outstanding for bats, reptiles and invertebrates.
- It is clear that Betteshanger Country Park is a site of extremely high biodiversity value. The RSPB believe that every effort should be made to maintain and enhance the nature value of this rich site.

Considers that planning permission should be refused because:

- there are insufficient reassurances concerning protection for breeding birds, nationally scarce and protected plants, and other wildlife such that it fails under the guidelines of the National Planning Policy Framework (NPPF) and relevant policy in the Dover District Local Plan;
- the mitigation and compensation proposed, including Biodiversity Net Gain (BNG), is not appropriate;
- priority habitats and proposed receptor sites have not been adequately assessed;
- a mitigation strategy for Turtle Doves consented a year ago is already proposed to be discarded, with Turtle Doves pressured and relocated yet again; and
- the anticipated large increase in visitor numbers and their impact across the country park and its species and habitats have been understated.

Third-Party Representations

A larger number of representations have been received from individuals, interest groups and other organisations, which are summarised below (and available in full on the planning application section of the Council's website).

Representations of Objection

620 letters of objection to the proposed development have been received, raising matters including:

- concerns over the road network in the area as the single carriageway leading to/from the park would be overwhelmed;
- site is only accessible by car; infrastructure cannot cope with traffic;

- hotels are needed but not in this location;
- hotel would only benefit rich / privileged;
- provision of low paid and poor-quality jobs;
- there are plenty of hotels already / Deal is already well serviced by the hospitality sector;
- foul drainage cannot cope;
- hospitals / GPs / ambulances cannot cope;
- unacceptable impact on demand for water when there is such a shortage of water in this part of east Kent already;
- the south east is a region at water stress. Grounder water sources should be protected;
- contradictory to climate change emergency;
- biodiversity underpins our survival – development is unsustainable;
- loss of open space would be detrimental impact on people's mental health and wellbeing;
- harm to the vitality of town centres – a retail impact assessment is required;
- development should be accompanied by an EIA Environmental Statement;
- loss for local community of nature site;
- loss of natural beauty / change in character;
- development will ruin the landscape and take away heritage;
- devastating effect on the wildlife, including beavers;
- a large number of bats known to roost in the trees bounding the site and the development will have a detrimental impact on them;
- the site is located within the reptile translocation area from the Betteshanger Grove application area;
- negative effect on lizard orchids. Transplanting orchids invariably leads to their demise;
- the loss of the two ponds being infilled;
- development would have negative impact on the designated mitigation area for turtle doves relating to planning application 20/00419;
- impact on rare moths present on the site;

- concerns over possible impacts on grass poly
- development will destroy an area of valuable open mosaic habitat;
- detrimental impact on Skylarks and other rare birds;
- concerns over habitat mitigation and effectiveness of Hammill compensation site;
- light pollution will be detrimental to wildlife.
- taxpayers' money has been used in the creation of the park;
- noise and air pollution;
- park is not being well maintained at present;
- concerns raised over accuracy of some of the transport assessment and ecological documents documents
- detrimental impact on the skyline;
- Kent is being developed at an alarming rate without regard to wildlife;
- the country park is a regionally important geological site;
- there will be a net negative effect on biodiversity;
- concerns over the connections to existing water treatment system;
- proposed development will have a negative impact on local businesses as it will be stealing business;
- the country park should have been publicly maintained, not sold privately.

Friends of Betteshanger

A number of letters and representations have been received from 'Friends of Betteshanger', with comments including:

- the hotel site is within the buffer zone surrounding the recorded Turtle Dove territory in this area. Turtle Doves are the UK's fastest declining bird species;
- the proposal is going to have a negative impact on birds in the immediate area including Red listed species Linnet and Song Thrush, and we would submit Turtle Doves too. Amphibians, besides Great Crested Newts may also be impacted, plus Water Voles, Reptile and Bats. Only further surveys will determine this;
- loss of priority habitats – OMH, pond, reedbeds;
- threat to invertebrates;
- all the protected and priority species identified on the site must be given proper protection;

- the access road to the hotel would disrupt one of the densest concentrations of nesting birds in the whole park;
- the Country Park is in a biodiversity opportunity area;
- the current site is likely to be used by the Turtle Doves as habitat;
- development is contrary to Dover District Council planning policies and priorities, including the draft Local Plan, Green and Blue Infrastructure Strategy and Open Spaces Assessment;
- development fails to comply with the Council's climate change target;
- contrary to Dover Local Plan 2002 saved policy AS2, as well as condition 4 of planning application 15/00157;
- a fungi survey is required as well as recording of bryophytes. The Country Park is notable for these species;
- concerns over the accuracy of the Ecological Assessment and proposed mitigation proposals;
- concerns raised over loss of habitats and the disturbance and disregard to the existing wildlife populations including lizard orchids, invertebrates, reptiles, nesting populations (specifically turtle doves and skylarks), water voles, bats, badgers, beavers and fungi;
- the site is used for translocation of reptiles from elsewhere. Reptiles should not be relocated further. They are protected under the Wildlife & Countryside Act 1981;
- concerns raised over legal covenants attached to the sale of the site, restricting its use to a community and country park. The Country Park should be protected as a valued green space;
- linked to this is the S106 agreement, dated 2004 and attached to planning application 02/00905 when the Park was originally set up. This obliged the Council to designate a Local Nature Reserve at the Park but for some reason, that the Council is unable to explain, the designation was never carried out and wildlife has paid the price;
- concerns over the proposed achievement of a BNG and whether the correct approach has been adopted;
- concerns raised over the detrimental impact from the increase in visitors on the wildlife features of the park;
- concerns over the implementation and monitoring of the proposed landscape mitigation and enhancements;

CPRE Kent

Response Nov 22, Feb 23, April 23 & July 23

CPRE Kent objects to the erection of a 120-bed hotel complex with ancillary car parking for the following reasons – development would:

- be in an unsustainable location only accessible by car;
- destroy and harm local ecology, biodiversity and priority habitats;
- be highly likely to lead to the failure of the turtle dove (*Streptopelia turtur*) mitigation nearby;
- create light pollution, noise pollution and human/dog recreational disturbance;
- be out of keeping with the character of the local area;
- be damaging to the local landscape;
- be contrary to the original intentions for this site to be preserved for nature.

The operation of electric vehicles at the country park is noisy and disruptive to wildlife.

Increased visitor numbers will harm wildlife. People will stray from areas where they are only supposed to be. Visitor numbers will make ineffective any turtle dove mitigation; and result in the loss of biodiversity.

The country park has been used as reptile and turtle dove mitigation from other sites, on the basis that it was suitable and not likely to be developed. These mitigation areas are under threat.

The country park is a public resource and should be maintained as open green space.

Development would breach the s.106 for the residential development at the 'sustainable park' 20/00419.

Turtle Dove mitigation - it is not acceptable or best practice to continuously alter a strategy that is intended to safeguard a protected species in severe decline and has already been legally agreed upon for a previous development.

We fundamentally disagree with Aspect Ecology's assessment that no significant impact on local bat and invertebrate populations will occur.

Consider that it is claimed that there are potentially 875 visitors per day using the hotel and SeaHive facilities is an underestimation of the number of visitors.

Aspect Ecology mention Turtle Dove enhancements at Hammill field. Whilst we would welcome any enhancements for a species in critical decline, Hammill field firstly will not benefit the Turtle Doves at Betteshanger due to being too far away and secondly there are no guarantees that Turtle Doves will utilise this area.

To come to a view that there would be no significant harm to biodiversity could not be justified and is strongly cautioned against.

Compensation should only be used as a last resort. Harm to biodiversity must be weighted strongly against the proposal in the overall balance.

There are other harms in addition to those to biodiversity. These planning harms collectively outweigh the purported economic and social benefits. Planning harms include the loss of open space; harm the the landscape including light pollution; traffic congestion impacts.

The Deal Society

- The Ecology Appraisal is not complete.
- This application in its current form does not address the issues around infrastructure including road and transport networks, water supply and drainage and the current visitor accommodation.
- The Deal Society requests that consideration of the application is deferred until those vigorous appraisals have been completed and assessed.

Environmental Law Foundation

Betteshanger Country Park should legally be considered a Local Nature Reserve under obligations of the s.106 agreement for planning permission 02/00905.

Ownership of the Country Park is not relevant to the enforceability of the s.106 agreement for planning permission 02/00905.

The s.106 agreement for planning permission 02/00905 is a relevant material consideration.

(Officer comment: this matter is considered and addressed in the report below).

Dover and Deal Green Party

- This site was formerly publicly owned by SEEDA and under SEEDA, designation as Local Nature Reserve was applied for in 2004, but the application got lost.
- This is a well-loved biodiversity hotspot, a habitat of a number of endangered species. As such, all this site must be designated as a Local Green Space for the Local Plan to become sound and effective.
- Regard the site reports of Aspect Ecology reports 2022 and 2023 to be incompatible with independently provided evidence.
- None of the 'mitigation or offsetting' proposals compensate for the reality of the expected loss of habitat and wildlife.
- Expect a knock-on effect so that the A258 + other roads within 4 miles of Deal currently experiencing intermittent gridlock to become impossible in holiday time.

Sandwich Bay Bird Observatory

- The site is an asset to the growing numbers of people in the local community.

- There is no reassurance that any mitigation measures that have been suggested as a result of the proposed hotel development will properly protect the ecological interests of the site.

Botanical Society of Britain & Ireland

Proposing translocation carries considerable uncertainties for the survival of the Lizard Orchids and ignores that there must be many more uncounted developing young plants underground which have not yet reached rosette stage to be identifiable.

Orpington Field Club

- Bat, water vole and reptile surveys have not been included.
- Grass-poly, a nationally rare, endangered plant listed in Schedule 8 of the Wildlife & Countryside Act 1981 (as amended) is likely to be lost from the area if this development goes ahead.
- The development is likely to damage/reduce the breeding population of red listed turtle dove through reduction in foraging habitat and disturbance.
- Loss and reduction of other red listed breeding birds also listed as priority species in the NERC Act 2006, Section 41: song thrush and linnet (both recorded breeding on this site) skylark, yellowhammer, dunnock, turtle dove and cuckoo (recorded breeding in the additional/wider area).
- Artificial lighting disrupts diurnal rhythms of all wildlife including invertebrates and bats.
- Increased disturbance during and after development will negatively impact habitats and species.
- Reduction in scrub and ruderal grassland habitats favoured by harvest mouse and hedgehog.

East Kent Climate Action

- Development is totally unnecessary.
- It would serve to increase traffic (with its attendant carbon emissions and particulate pollution) on a road that is only just coping with current use.
- The building process would give rise to significant carbon emissions.
- Concerns over the fact that many priority species would suffer considerable harm from a large and busy hotel.
- The proposed hotel and associated amenities would engender a dramatic increase in road traffic, which would result in a surge in CO₂ emissions as well as damaging air pollution (from particles) and congestion on an already overwhelmed road.
- The updated proposals do not take into account that the wildlife in this part of the the park will still be very much affected by noise and light from the hotel and associated buildings.

Plantlife International

- Object to the proposed development due the adverse impact it will have on protected species and upon the overall biodiversity of the area.
- Support the comments requesting further information in respect of grass poly (Lythrum hyssopifolia).
- Welcome the requirement for the applicants to submit a quantifiable Biodiversity Net Gain calculation.

Buglife

- The development would lead to the loss of habitats with the potential to support national scarce and threatened invertebrates.
- The application site is entirely within the recently mapped Kent Coast & Downs Important Invertebrate Area.
- The application fails to address the potential impacts of Artificial Light at Night which has numerous direct and indirect impacts on invertebrates, including exhaustion, increased predation, and a disrupted ability to navigate.
- Buglife would also like to support the comments submitted by CPRE Kent, Kent Wildlife Trust and RSPB regarding the assessment and value of habitats and features, Biodiversity Net Gain calculations and the cumulative use of mitigation areas for multiple proposals.
- The proposed mitigation remains insufficient and inappropriate for the loss of these habitats, which make an important contribution to the Kent Coast and Downs Important Invertebrate Area.
- Buglife notes that effort has been made to address the potential impacts of Artificial Light at Night which has numerous direct and indirect impacts on invertebrates. However Buglife would like to see both a further change to reduce the spectrum of light to further reduce the impacts on invertebrates.

The Froglife Trust

- Concerns raised over the accuracy of the Ecological Assessment and proposed mitigation proposals.
- Ecological concerns raised over loss of habitats and the disturbance and disregard to the existing wildlife populations including lizard orchids, invertebrates, reptiles, nesting populations (specifically Turtle Doves and Skylarks), water voles, bats, beavers and fungi.

River Stour Internal Drainage Board

- The Internal Drainage Board's prior written consent will be required for any works which will affect any non-main river ditch or watercourse on this site, in accordance with the Land Drainage Act 1991 and the RSIDB's own Byelaws.
- We have reviewed the submitted FRA/Drainage Strategy and are generally satisfied with the level of detail provided and the reference made to the pre-

application discussions we have held with the applicant's flood risk consultants and KCC (as LLFA). No objection to the proposal.

Representations of Support

20 letters of support for the proposed development have been received, making the following comments:

- the local area is in need of high-quality hotel beds to encourage affluent visitors to this part of East Kent;
- development will add value to local business, trade and community;
- development will create much needed tourism and employment;
- old mine site is an ideal location for the development, being private and not overlooked;
- development will contribute well to the other attractions on offer at Betteshanger;
- Deal is heavily economically reliant on tourism but the town does not have any hotels of significant capacity;
- this is a brownfield site which was previously an economic and employment hub for the town.

Visit Kent

- The development at Betteshanger Country Park will drive increased economic benefits by creating more opportunities for visitors to stay longer and as a result, spend more money in the local area.

Deal & Walmer Chamber of Trade

- There is an aspiration to see a significant hotel built in the area and attract the type of custom such hotels attract which is currently lost to accommodation providers outside the area.
- Inward golf tourism is an important economic and employment driver for the area and supports other hospitality focussed businesses. The jobs directly created by this hotel would increase spending in other local businesses by those employed.
- If considered proportionate a condition should be imposed requiring the provision of a green shuttle bus to and from Deal town centre to encourage linked trips and travel by train.

Tourism Southeast

- The provision of hotel accommodation would have widespread economic benefits to the local Dover and wider Kent economies, attracting visitors and encouraging the extension of visits to overnight and breaks.
- Tourism South East therefore supports the planning application that has been submitted.

The R&A

- The Open Golf Championships has previously been held at Royal St George's, however the availability of high-end accommodation is an ever pressing issue. This often results in accommodation being sourced elsewhere beyond Dover District.
- The proposed development would present opportunities for the R&A along with their Corporate Sponsors in close proximity to Royal St. George's.
- Visitors using the other courses beyond Royal St George would also utilise the hotel.

Royal St George's Golf Club

Running a major golf course in Sandwich, we are continually looking for high class (4* and above) hotels to accommodate high value clients from UK and all around the world.

Prince's Golf Club Sandwich

There is a need of improved accommodation in Kent, particularly in this area. Sandwich and Deal have three world-class golf courses but find it difficult to attract visitors who require 4* or 5* hotel rooms.

Kent Minor Heritage Foundation

Any development and growth within the park will draw in more visitors and therefore more awareness of the heritage of the site as well as continuing income from shop sales and donations.

The current owners are following in the footsteps of previous owners in developing this land to make it a rich asset for the local community.

Royal Cinque Ports Golf Club

There are three first rate golf courses in Sandwich and Deal in Royal St George's, Prince's and Royal Cinque Ports and all three continue to host prestigious national and international competitions on a regular basis and attract visitors who would make use of the new facilities as opposed to having to travel some distance to find comparable accommodation.

The proposed development would act as a stimulus to golf tourism in the area and help secure the wide-ranging benefits set out in the socio-economic statement accompanying the application.

e) The Site and the Proposal

The Site

1.1 The application site is located within Betteshanger Country Park ("**the Country Park**"), with a redline boundary ("**the Site**") that contains:

- the existing access and roadway into the Country Park from the A258;

- land between the main access roadway and existing car park, and adjacent to the car park's northern edge;
- land adjacent to the north east of the existing car park; and
- the existing roadway adjacent to the southern edge of the car park.

1.2 The Site is identified at Figure 1.

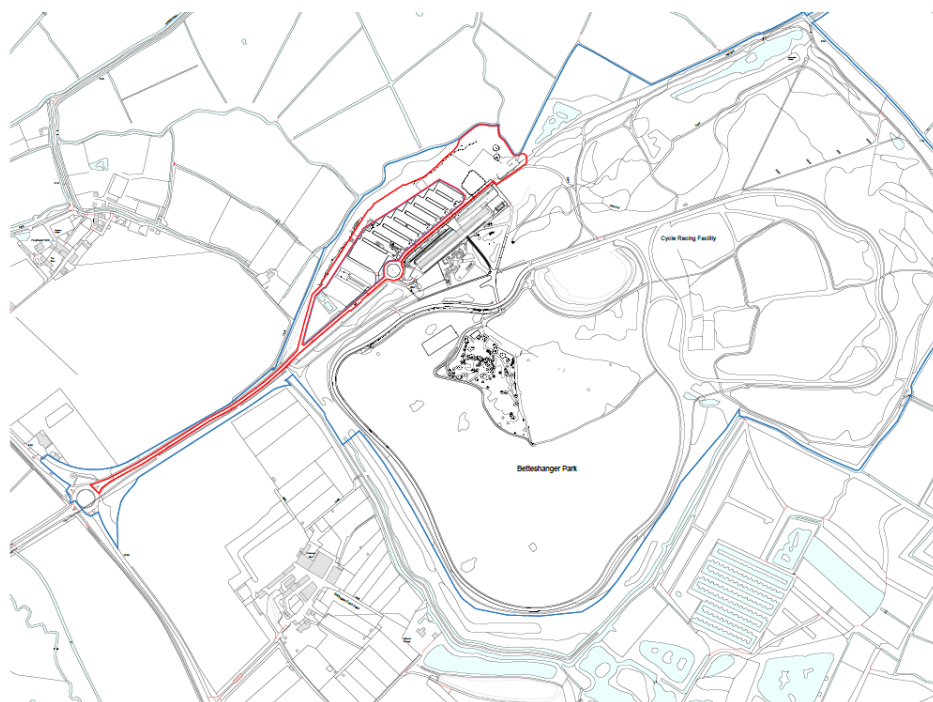


Figure 1: Existing Site

- 1.3 The land to the west and north of the existing car park is vegetated by mixed scrub, species poor grassland and bramble dominated scrub (as described in the applicant's Ecological Appraisal), as well as containing a number of trees.
- 1.4 The land to the north east of the car park is a mix of bare or sparsely vegetated ground, mixed scrub, bracken, tall ruderal vegetation and reedbed. It also contains three ponds and a number of groups of trees, generally described by the applicant's tree survey as young to semi-mature with a variety of species.
- 1.5 The Site is bound to the north and north east by a ditch and established mature tree line.
- 1.6 There is a notable change in level between the existing main car park (of circa 2.5m to 3m AOD) and the land within the site to the north east (of circa 4.5m AOD).
- 1.7 The hardstanding on the land to the north east of the car park is subject to an enforcement investigation as to whether or not it is authorised in planning terms.

Betteshanger Country Park

- 1.8 The Country Park covers a much larger area than the Site, broadly measuring some 1.34 km east-west by 1.1 km north south. Across the Country Park there is a network

of walking and cycling paths / trails amongst areas of habitat including open grassland, woodland, ruderal vegetation, scrub, wetland and open mosaic.

- 1.9 Existing built facilities in the Country Park are focussed in its north western section close to the Site, including visitor centre that contains the Kent Mining Museum, restaurant/bar and events space; existing surface car park; and children's play area.
- 1.10 The Country Park was formerly the spoil tip of the Betteshanger Colliery coal mine that closed in the late 1980s. The loss of this industry and the economic and social consequences led to the South East England Development Agency (SEEDA) acquiring the site, to invest in its regeneration to stimulate renewal and growth.
- 1.11 SEEDA submitted a planning application (02/00905) for the masterplan led redevelopment / regeneration of both the Betteshanger Colliery spoil tip and pit head site located to the west of the A258. This established the Country Park, which has evolved from that original scheme to what it is today.
- 1.12 The Country Park is designated as open space by policies of the Core Strategy and draft Local Plan. The Country Park generally is within flood zone 1 (reflecting its raised spoil tip landform) except for its northern section containing the Site that is within flood zone 2 (in main) with a smaller part in flood zone 3.
- 1.13 The Country Park does not include any heritage designation; is not within an Area of Outstanding Natural Beauty; nor is covered by any specific wildlife/ecology designation.
- 1.14 Representations received question whether or not the Country Park should be designated a local nature reserve through obligations of the Section 106 agreement of planning permission 02/00905. Obligations refer to the Council being able to declare the Country Park as a local nature reserve should it wish to do so. Such a declaration however has not been made by the Council – a position reflected in the Council's published schedule of existing local nature reserves² and adopted policies map.
- 1.15 The Dover Green and Blue Infrastructure Strategy Evidence Report (May 2022) presents that the Country Park is able to "*offer considerable opportunities for leisure and recreation for Deal, Walmer and the wider district. It could help to attract visitors away from coastal areas where there is high pressure on protected nature conservation sites.*"
- 1.16 Other obligations of the 02/00905 section 106 agreement include that any development at the Country Park would need to be approved in writing by the Council (such as through the grant of planning permission) and that such approval to not be withheld (in the context of the section 106 agreement) providing such development would not cause or give rise to *unacceptable* damage to the wildlife value of the land. Matters of ecology are considered further in the assessment section of this report.

Asset of Community Value

- 1.17 The Council received on 30 April 2023 an application by Sholden Parish Council to nominate the Country Park as an Asset of Community Value with regard to provisions of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

² Dover Green and Blue Infrastructure Strategy Evidence Report (May 2022)

- 1.18 The Council has decided that application in June 2023: that as it considers the Country Park furthers the social wellbeing or social interests of the local community, and it is realistic to think it can continue to do so, the Country Park should be included within the Council's list of Assets of Community Value.
- 1.19 The identification of the Country Park as furthering the social wellbeing or social interests of the local community is a material consideration in the assessment of this planning application.
- 1.20 The listing of the Country Park as an Asset of Community Value affords certain provisions intended, generally, to allow a community interest group time to seek to acquire the Country Park should the owners seek to dispose of it (in part or in full) . In these circumstances, it is important to note that should the community interest group make an offer to acquire the Country Park, it remains at the discretion of the vendor as to whether or not they would prefer that offer. The vendor is under no obligation to sell the the asset to the community group or any other person. These provisions relating to any disposal of the Country Park are not considered material in the assessment of the planning merits of the proposed hotel development.

Surrounding Area

- 1.21 Deal/Sholden is the closest settlement to the Country Park at a distance of approximately 2.4 km as the crow flies (from centre of Deal to the centre of the Country Park).
- 1.22 As well as walking and cycling routes via the A258, a number of public footpaths connect the urban area of Deal/Sholden to the Country Park.
- 1.23 Bus services between Deal and Sandwich route along the A258 with stops a 15 minute walking distance of the Site.
- 1.24 Across an area that arcs east-west to the north of the Country Park, and on separate land adjacent to the the south, is the Thanet Coast & Sandwich Bay Ramsar. This land is also designated as the Sandwich Bay to Hacklinge Marshes SSSI; and its western section is part of the Thanet Coast & Sandwich Bay Special Protection Area.
- 1.25 Along the coastline, within a distance of approximately 1km of the Country Park is the Sandwich Bay Special Area of Conservation.
- 1.26 The landform / topography to the north and east of the Site / Country Park is generally low lying and flat.

Proposed Development

- 1.27 Planning permission is sought for a hotel with associated facilities including a spa, gym and restaurant / bar to be constructed on the Site to the north east of the existing car park.
- 1.28 The main hotel building would comprise two wings each measuring 17.8m wide, respectively 86m and 80m in length, and rising to a gable height of 15m with a pitched roof.
- 1.29 Between the two wings would be a third structure to enclose an entrance lobby and central atrium space. This too would have gabled front and rear elevations, rising to slightly lower apex and pitched roof height of 13m.

- 1.30 There would be a stagger between the position of the three front and rear gables. The total width of the front elevation would be 53.4m.
- 1.31 Adjoining the south eastern corner of the main structure at lower ground floor level would be a rectangular shaped building (measuring some 20m by 23m) containing a spa and gym and with an outdoor terrace on part of its roof.
- 1.32 The proposed layout of the hotel development is at Figure 2; and the layout in the wider context of the Country Park is at Figure 3.



Figure 2: Proposed Layout

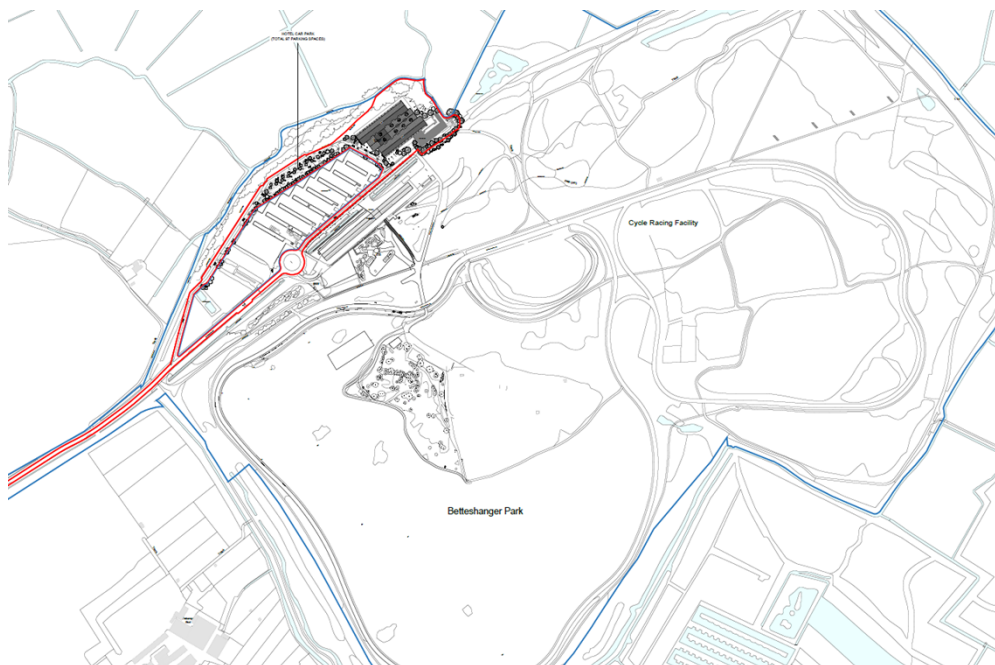


Figure 3: Proposed Layout in Wider Context

- 1.33 Describing the function/arrangement of the building in more detail:
- the main entrance would be positioned within the central gable, set back from

the main roof to provide a canopy, and facing south west toward the existing car park;

- beyond the entrance the ground floor would contain a lobby and reception; seating / lounging space within the atrium; bar, restaurant and kitchen facilities; meeting / conference rooms; and toilets;
- at lower ground floor level the gym and spa would include a swimming pool, changing facilities, and treatment and yoga rooms; and
- 120 bedrooms would be located within the two wings at ground, first, second and mezzanine/third floor levels. Outer facing rooms would benefit from an external terrace (ground floor) or inset balcony (upper floors). Inner facing rooms would have an outlook across the atrium, with those at second floor level having a balcony. 22 rooms would have a duplex arrangement split between the second and third/mezzanine floors.

1.34 The proposed ground floor plan of the hotel scheme is at Figure 4.

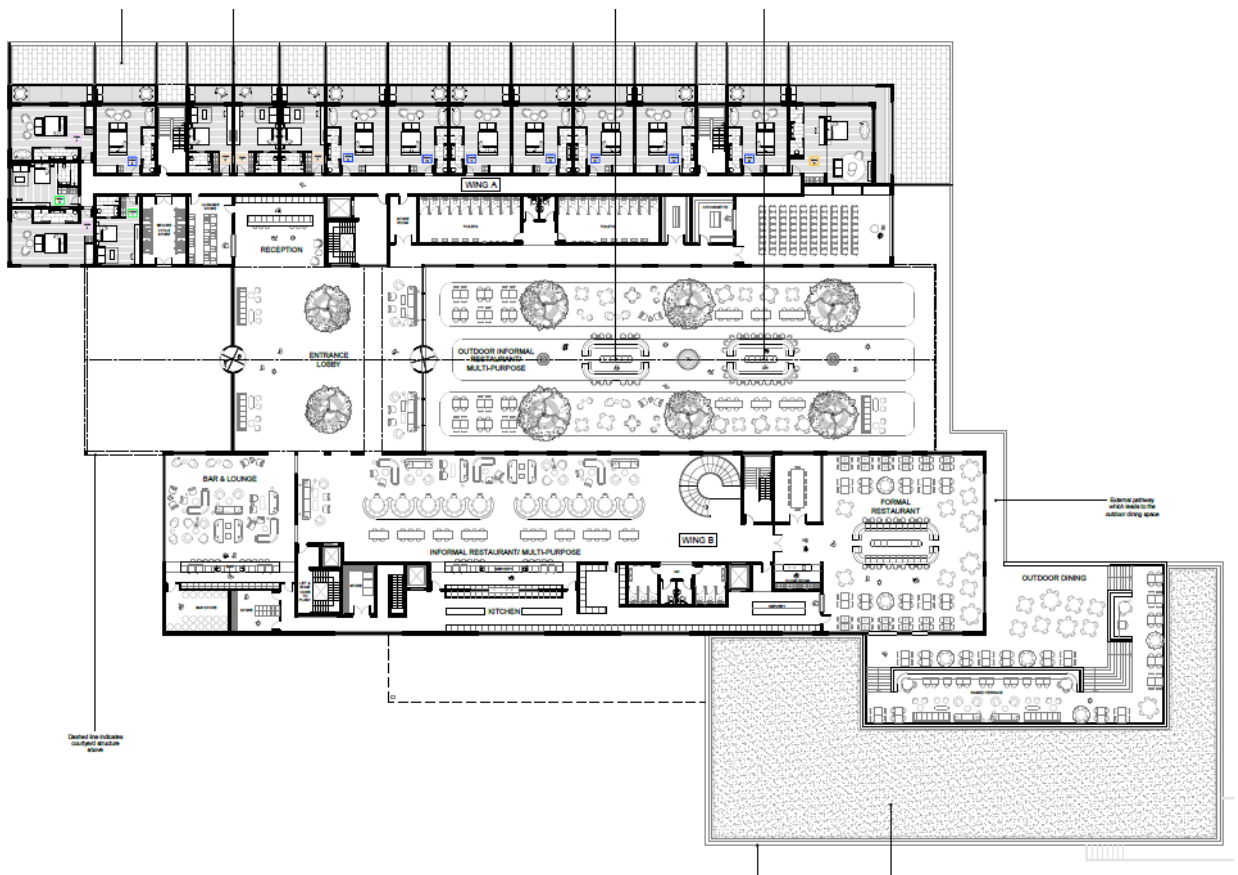


Figure 4: Proposed Ground Floor

1.35 Elevations of the hotel building are at Figure 5 & 6; and a computer generated image of the hotel is at Figure 7.

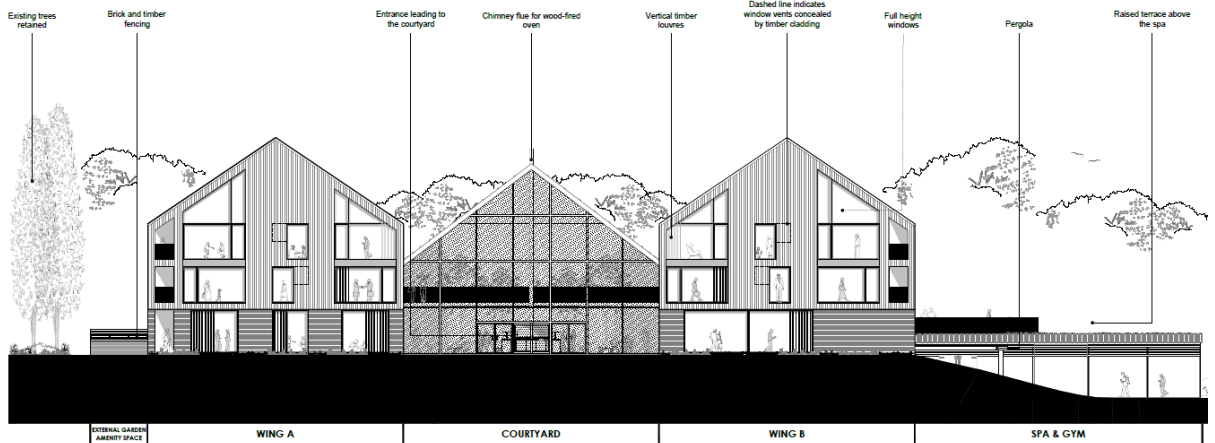


Figure 5: Proposed Front Elevation

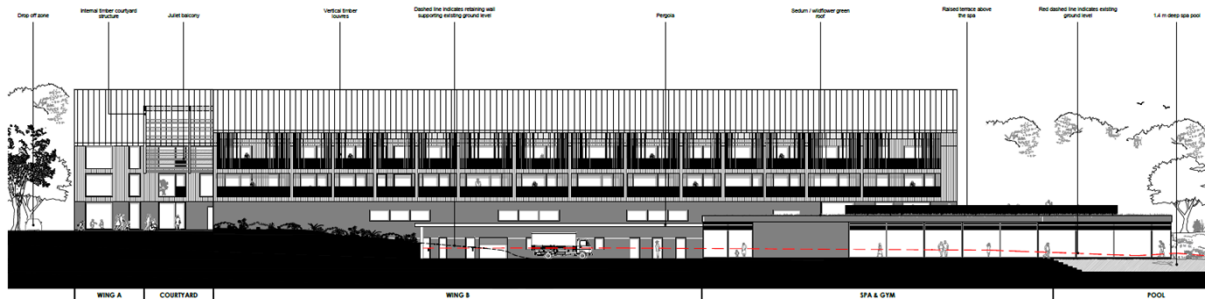


Figure 6: Proposed Side Elevation



Figure 7: Image of Hotel Scheme

- 1.36 External works would include a new roadway off the current main Country Park access; and an additional car park (97 spaces including five disabled bays) adjacent to the north of existing parking facilities. There would be a dedicated drop off area close to the hotel's main entrance, from where vehicles would loop back to the existing roadway south of the car park.

- 1.37 There would be a dedicated delivery bay and service vehicle turning area adjacent to the south east hotel elevation.
- 1.38 Landscaping would include tree planting within the new car park and around the perimeter of the hotel building.
- 1.39 As well as the existing and proposed plans and elevations, the following documents accompany the application:
- Design and Access Statement
 - Planning Statement
 - Air Quality Assessment
 - Arboricultural Impact Assessment
 - Archaeological Assessment
 - Flood Risk Assessment and Drainage Strategy
 - Flood Risk Sequential Test
 - Heritage Impact Assessment
 - Phase 1 Land Contamination Assessment
 - Landscape and Visual Impact Appraisal (LVIA) and Addendum
 - Noise Assessment
 - Statement of Community Involvement
 - Socio Economic Benefits Assessment
 - Transport Assessment
 - Topographical Survey
 - Hotel Sequential Test
 - Hotel Transport Response Note (including Framework Travel Plan)
 - Ecology information as detailed below in this report

Main Issues

- 2.1 The main issues in the consideration of this application are:
- tourism and the visitor economy
 - hotel development
 - open space
 - ensuring the vitality of town centres
 - transport and highways
 - design
 - landscape and visual impact
 - public rights of way
 - ecology
 - archaeology and built heritage
 - noise and air quality
 - ground conditions
 - drainage and flood risk
 - s.106 contributions
 - planning balance

Assessment

Tourism and the Visitor Economy

- 2.2 The challenges facing Dover District's economy are highlighted in the Core Strategy (paragraph 2.67): the district's economy lags behind other parts of the county; is polarised between low and higher value businesses; and has an underdeveloped tourism sector with the district seen as a transit location rather than a destination.
- 2.3 The Core Strategy expands on matters relating to tourism (paragraph 2.45): that visitor spend is lower than Kent's average, and visits to some key attractions and overnight trips by overseas visitors have declined. The Core Strategy identifies that the lack of a destination hotel is one reason why tourism is underachieving its potential.
- 2.4 The Core Strategy presents (paragraphs 3.23 - 3.25) the considerable opportunity to encourage economic growth through tourism, including by improving the overall hotel offer (including with an upper/mid-range hotel of around 200 bed-spaces) and better promotion of the district's historic and natural assets.
- 2.5 The Council's more recent 'Growth strategy for tourism and the visitor economy 2020 to 2030 – Executive Summary' (May 2021) ("**the Growth Strategy**") seeks to encourage investment in the tourism industry; attract new providers and increase the number of visitors coming to the district; and encourage visitors to stay longer and spend more. Its objectives include to build an innovative economy with tourism, visitors and sustainability at its heart; and to generate good jobs and greater earning potential in tourism, hospitality and the service sector.
- 2.6 To help achieve these objectives, the Growth Strategy seeks to facilitate new hotels and attractions to help boost the number of visitor day trips, number of overnight stays, duration of stays, visitor spend and level of satisfaction.
- 2.7 The Growth Strategy presents the current state of visitor facilities and services, including that there is a shortage of quality hotel stock available – especially 4* and 5* accommodation with food & drink facilities and large-scale conference/meeting and event spaces.
- 2.8 The draft Local Plan advances the economic objectives of the Growth Strategy. Its overarching vision and strategic objectives identify tourism as a key sector of a prosperous economy. Strategic Policy SP6 encourages development that would extend or upgrade the range of tourist facilities, particularly where it would attract and extend the season for the staying visitor. This objective of Policy SP6 is generally consistent with the Framework (paragraphs 80 and 81) in setting out a clear economic vision and strategy to encourage economic growth and supporting wider economic opportunities for development.
- 2.9 The importance of tourism development to the Council is reinforced by the joint consultation response from the 'Head of Place, Growth, Investment & Creative Services', 'Strategic Place, Tourism & Town Centre Manager' and 'Places & Tourism Manager' ("**the Economic Response**"), which identifies that:
- the value of tourism to the district has fallen from over £302 million annually (supporting some 6,000 jobs) in 2019 to some £201 million (with fewer jobs of some 4,500 supported) in 2021;
 - the overnight visitor market has fallen to some 280,100 visitors in 2021, down from 424,000 visitors in 2019;

- there is a shortage of accommodation, especially mid-scale to luxury hotel stock in coastal regions and the wider area;
- the location of the Site and the Country Park is well placed in relation to other tourist and recreation offers in the vicinity; and
- tourism is a vital industry across the district in terms of economic growth and regeneration, with the potential to grow much further.

2.10 The Economic Response also recognises the benefits of the proposed development presented by the applicant's 'Socio- Economic Benefits Assessment' including:

- the creation of some 75 new gross direct jobs and some 204 indirect jobs once development is operational;
- total work place salaries of some £2.2 million annually;
- some £8.5 million gross value added (per annum) to the local and wider economy;
- an estimated £8 million per year from overnight visitor spending;
- construction phase direct and indirect jobs and gross value added economic activity to the local and wider economy.

2.11 The Economic Response overall considers the proposed development would provide a major boost to the visitor economy and sizable investment in the district. Development would provide confidence to the visitor led economy, especially at this time of greater economic uncertainty and continuing recovery from the impacts of COVID-19.

2.12 This strategic context is a material consideration in support of the proposed hotel development.

Hotel Development

2.13 The Site is located outside the existing settlement confines, within the countryside defined by Core Strategy paragraph 1.49 as "*undeveloped land beyond settlement boundaries*". In such a location, Core Strategy Policy DM1 (Settlement Boundaries) restricts development other than in specific and limited circumstances – justified by other development plan policies, or functionally requiring such a location, or ancillary to existing development. As the proposed development does not fall within any of these exceptions, it is contrary to Policy DM1.

2.14 Whilst the principle of settlement boundaries of Policy DM1 is considered consistent with the aims of the Framework (including to accommodate development on previously developed land, to make better use of under-utilised land and buildings, and to recognise the intrinsic character and beauty of the countryside), it is also identified that Policy DM1 is a product of the level of development and growth of the Core Strategy.

2.15 Whilst housing need and associated growth has the greatest influence on how settlement boundaries are defined, the district's spatial strategy should also consider the need for visitor economy / tourist-led schemes, particularly as such development is a key strategic component of the Core Strategy and draft Local Plan. It is noted that

the proposed hotel development on the Site is being promoted by the applicant to the draft Local Plan.

- 2.16 Consequently, as a matter of judgement, the evidence base underlying Policy DM1 (including for visitor and tourism led development) is considered out-of-date, such that Policy DM1 should carry less than full weight.
- 2.17 Core Strategy Policy DM15 seeks to resist development that would result in the loss of, or adversely affect the character or appearance of, the countryside. However, given that the spatial provisions of Policy DM1 are afforded less weight, it follows that the blanket restriction part of Policy DM15 to prevent development resulting in the loss of countryside (where the proposed hotel development would be contrary to that) is not up-to-date and must also not carry full weight.
- 2.18 The draft Local Plan includes Policy E4 (Tourism Accommodation and Attractions) that relates to hotel development. The policy is supportive of such development where it is within or adjoining designated settlement confines (as a spatial limitation) and subject to qualitative / technical provisions relating to design and character / appearance of the surrounding area; landscape character and biodiversity; and the accessibility of the site along with sustainable travel options, impacts of traffic generation, and car parking and access.
- 2.19 In respect of the location of the Site outside and not adjoining an existing settlement, there is conflict with that part of draft Local Plan Policy E4. Given the stage of preparation of the Local Plan and unresolved objections to the policy, the weight to be given to that conflict, amongst other matters within the planning balance, is considered later in this report.
- 2.20 Other relevant criteria of Policy E4 are considered in the sections of this report below.

Open Space

- 2.21 Betteshanger Country Park including the Site is designated as open space. Core Strategy Policy DM25 seeks to resist the loss of open space unless there is an identified surplus; or the open space does not / could not contribute to addressing a deficiency; or an equivalent replacement area of open space is provided.
- 2.22 Draft Local Plan Policy PM5 affords protection to open space if it is significant in relation to the character of a settlement or built-up area; provides for the setting of an important building or scheduled monument; or in itself is of historic or cultural value.
- 2.23 For hotel development, draft Local plan Policy E4 iv requires it should not result in the loss of important green spaces that positively contribute to the character of a settlement.
- 2.24 Core Strategy Policy DM25 and draft Local Plan Policies PM5 and E4 should be read alongside paragraphs 98 and 99 of the Framework – that policies should have regard to quantitative or qualitative deficits or surpluses of open space; and existing open space should not be built on unless it is shown to be surplus to requirements, the loss of would be replaced by equivalent or better provision, or development is for an alternative recreational provision whose benefits would clearly outweigh the loss of the open space.
- 2.25 In understanding more about the Site as open space, regard is had to the Council's 'Open Space Play and Standards Paper' (2019) that recognises the Country Park as

semi/natural green space. For such semi/natural green space, the 'Open Space Play and Standards Paper' finds there to be a significant surplus within the district:

*"the existing provision of 3.47 hectares per 1,000 population is well above the national FIT [Fields in Trust] benchmark of 1.801 hectares per 1,000 population."*³

- 2.26 In considering the quality of semi/natural green space across the district, the 'Open Space Play and Standards Paper' is helpful too. It presents that the Country Park along with other such areas exceed the set threshold of quality, noting that just one site in the district (within the Dover area) is falling below that threshold.
- 2.27 The location of the hotel, closely related to the existing built form on the Site (including visitor centre and car park), is considered relevant in that it limits the impact of development on the function/usability of the wider Country Park.
- 2.28 The quantitative surplus of semi/natural green space across the district, the Country Park's exceedance of the qualitative threshold, and position of the hotel close to existing built form is significant such that the proposed loss of open space is considered to comply with the tests of Core Strategy Policy DM25 and the Framework.
- 2.29 For clarity, given the extent of the surplus of semi/natural green space, this position of policy compliance would remain the case if the proposed wave pool scheme, which is being considered under a different planning application (application reference 22/01158) was to be granted planning permission and delivered as well.
- 2.30 Against draft Local Plan Policies PM5 and E4 iv, the hotel development is also considered compliant. The Site is beyond any of the spatial areas for which the policies applies: it does not relate to a settlement, built up area, building or scheduled monument; the Country Park is not a designated or non-designated heritage asset; and any cultural value of the Country Park (including the museum in the visitor centre and social / community events that it holds) would not be materially diminished.
- 2.31 The Site is not currently nor proposed in the draft Local Plan to be designated as Local Green Space as defined in the Framework.

Asset of Community Value

- 2.32 As an Asset of Community Value (ACV), the Council recognises that the Country Park has a role in furthering the social wellbeing or social interests of the local community. The application of ACV nomination refers to the Country Park's natural environment and availability for walking and cycling, enjoyed by all ages, to enable the local community to 'unwind, relax, enjoy nature, play, learn and socialise for free'.
- 2.33 Whilst the hotel scheme would result in the change of use and development of part Country Park, the area of development is small in relation to the greater expanse of the Country Park, closely related to the existing car park and buildings, and positioned on the edge of the Country Park adjacent to its northern boundary. Accordingly, it is considered that the development would not significantly affect the wider use of the Country Park (within any limitations of future management measures) and would not

³ Paragraph 4.18, 'Open Space and Sport Topic Paper (including Local Green Space Assessment)' (September 2022)

significantly diminish the character or environmental quality of the Country Park to an extent that it could no longer be enjoyed for wellbeing and social interests.

- 2.34 As such, the proposed development is considered to be not incompatible with the Country Park's status as an ACV.

Ensuring the Vitality of Town Centres

- 2.35 The proposed hotel is defined by the Framework as a main town centre use. Given the location of the site, a spatial sequential test (under Framework paragraph 87 and draft Local Plan Policy R2) is required as to whether or not the development could be located in a town centre or, if not there, then in an edge of centre location (within 300m of the town centre boundary) before other sites can be considered.
- 2.36 The applicant has provided a town centre sequential test, which considers the availability and suitability of alternative sites of at least one hectare (identified through the Council's Housing and Economic Land Availability Assessment) for hotel development within the defined town centres of Dover, Deal and Sandwich or on the edge of those centres based on relevant wards. The applicant's methodology of identifying those sites that have been put forward for development, which includes wider economic functions is (and where there is not specific hotel/tourist use call for sites) is considered appropriate.
- 2.37 A range of sites that have been identified as available for development through the Housing and Economic Land Availability Assessment were considered within the sequential test. Of the available housing sites (those not allocated for housing or that do not have planning permission, which would make them less likely to be available for a hotel use), a range of specific issues are identified by the applicant. These include constraints of poor access, flood risk (coastal, fluvial and/or surface water), heritage, landscape including on the Kent Downs AONB, loss of sports facilities, loss of employment and/or local wildlife site designation; conflict with up to date neighbourhood plans; that the site is no longer available; and/or the site is beyond an edge of centre location. It is concluded that none of these sites represent an available, suitable and sequentially preferable alternative.
- 2.38 For the employment sites identified, other specific issues are raised by the applicant, including that they are substantially beyond the town centre boundary; the surrounding industrial environment is not suited to a higher end hotel scheme; it currently provides important employment and economic development; they have extant planning permission or are allocated for other development; they are already being promoted for other uses; development would be out of keeping with the built character of surrounding areas; they are in areas of higher flood risk; and/or constrained by heritage designations.
- 2.39 Based on the sequential test work carried out by the applicant, it is reasonable to conclude that no site within the limited confines of the district's town centres or with an edge of centre location is appropriately available or suitable for the proposed development subject of this application.
- 2.40 Paragraph 90 of the Framework requires that for 'retail and leisure development' greater than 2,500m² of gross floorspace and located outside of a town centre consideration of its impact on town centre investment and vitality / viability be carried out. Helpfully, the Framework provides guidance on what constitutes 'retail and leisure development' in its definition of 'main town centre uses'. Of importance here is that the Framework identifies hotels as 'tourism development' that is distinct from 'retail

development' or 'leisure development'. Therefore, there is no national policy requirement to assess the town centre impact of tourism uses including hotels.

- 2.41 Whilst draft Local Plan Policy R2 does refer more generally to an impact assessment for all 'main town centre uses', this provision carries less than full weight given the consideration above and that the draft Local Plan has yet to be independently tested at examination.
- 2.42 Nevertheless, if an impact assessment was to be carried out, regard would be had to the economic benefits of the development as presented by the applicant – of direct and indirect employment, multiplier Gross Value Added figures to the wider economy and visitor expenditure – to the extent that development would positively impact many businesses and services within the district.

Transport and Highways

Accessibility

- 2.43 Core Strategy Policy DM11 (Location of Development and Managing Travel Demand) seeks to restrict travel generating development to existing urban areas and rural settlement confines unless otherwise justified by development plan policies. In this regard the proposed development, being outside the settlement boundary, is considered to conflict with Policy DM11.
- 2.44 However, whilst the aim of Policy DM11 and the Framework are similar – to maximise use of sustainable modes of transport – the blanket restriction of Policy DM11 (to prevent development outside of settlement boundaries) does not follow the approach of the Framework, which instead seeks to actively manage patterns of growth to support sustainable modes of transport (considering the location of development on its specific merits). Therefore, Policy DM11 in the context of the proposed development should be afforded less than full weight.
- 2.45 Draft Local Plan Policy TI1 and the Framework seek (i) to locate travel generating development where there is opportunity for walking, cycling and use of public transport and (ii) for development to be designed to maximise such opportunities for sustainable travel.
- 2.46 Specific to hotel development, draft Local Plan Policy E4 requires consideration to the accessibility of the site along with sustainable travel options, impacts of traffic generation, and car parking and access.
- 2.47 The applicant's Transport Assessment identifies the site to be within a 5km cycling distance of much of Deal / Sholden, with a direct, shared cycleway / footway along A258 Sandwich Road to the Country Park. There is also pedestrian access to the site along the same A258 footway route but recognising that walking distances from much of Deal / Sholden are further than would commonly be travelled by foot.
- 2.48 Bus travel to the site is achievable, with bus stops served by routes 80/80A and 81/81B within a 15 minute walking distance on the A258 and Burgess Green / Broad Lane. New bus stop infrastructure will be provided on the Betteshanger Road / Sandwich Road roundabout, at the entrance to the Country Park, through the delivery of the housing scheme (20/00419) on the former colliery pithead site.

- 2.49 Sustainable transport would also be provided to the site through electric vehicles, encouraged through on site charging infrastructure (to be secured through condition) and national government initiatives.
- 2.50 Given the scale of development, transport initiatives to improve / maximise sustainable travel to the site should be explored further. The applicant has submitted a travel plan that highlights a number of broad measures including travel information packs and a commitment to encourage car sharing. Beyond this however, a more tangible measure of the hotel operator facilitating minibuss travel to staff between the site and nearby towns / villages is considered necessary. The applicant is agreeable to such minibuss provision, which can be secured via obligations of the s.106 undertaking.
- 2.51 With these improved measures, the site's location is considered suitably accessible by sustainable means of transport, compliant with draft Local Plan Policies T11 and E4 and relevant policies of the Framework.

Impact on the Road Network

- 2.52 Consultation advice from the Local Highways Authority (LHA) has identified junctions on the highway network for which the impacts of the development (including any trips from associated restaurant and gym facilities), alongside that from cumulative committed schemes, should be assessed.
- 2.53 Following clarification from the applicant that the gym would be for hotel guests only and additional trips associated with the restaurant have been factored into the transport modelling, the LHA has advised that on the most sensitive junction of London Road / Mongeham Road and London Road / Manor Road on the western edge of Deal / Sholden, the trips from development would not be so significant as to represent a severe impact on the local highway network.
- 2.54 An impact from the development on the Northbourne Road / A256 junction is identified by the LHA, but able to be mitigated through minor improvements works to be undertaken by applicant under a s.278 agreement.
- 2.55 National Highways has confirmed the hotel development would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the strategic road network.
- 2.56 National Highways raises an informative comment in respect of the improvement scheme to the Whitfield Roundabout, seeking the hotel development to make a proportionate financial contribution to that. Based on the additional trips of the hotel development through the Whitfield Roundabout junction, the applicant has offered a 0.55% contribution to the indicatively costed £6m upgrade works⁴. This equates to a contribution of £33,000, which can be secured through obligations of a s.106 agreement.

Car Parking and Servicing

- 2.57 The amount of car parking for the hotel development in combination with that for the wave pool scheme and continuing attraction of the Country Park has been presented by the applicant. The proposed approach is:

⁴ Identified in the 'Transport Infrastructure Delivery Plan' of the draft Local Plan evidence base

- 97 space designated car park for the hotel (87 bays for guests and 10 spaces for staff);
 - a designated hotel pick up / drop off area; and
 - hotel use (for guests and staff) of a 770 space consolidated car park for the Country Park and proposed wave pool scheme as/when the hotel car park is full.
- 2.58 The applicant has based the proposed level of car parking on an accumulation study that indicates a peak parking demand of circa 412 vehicles on a weekend afternoon (excluding Country Park special event days), which represents maximum parking stress of 48%.
- 2.59 For special event days at the Country Park, the applicant's assessment considers that parking demand would be slightly greater (at 113%) than supply, requiring some form of overflow parking, as is already the situation. This approach is considered more efficient than to set aside greater space for car parking that is only required for occasional peak event days.
- 2.60 The LHA has reviewed the proposed parking arrangements and considers them appropriate and acceptable to meet the car parking needs of the development alongside the Country Park and the separately proposed wave pool scheme.

Design

- 2.61 The Framework emphasises that creating high quality places is fundamental to what the planning and development process should achieve. This includes that development should function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and effective landscaping; is sympathetic to the local character; establishes a strong sense of place; and is safe, inclusive and accessible, promoting health and wellbeing, with a high standard of amenity for future users.
- 2.62 Draft Local Plan Policy PM1 requires development to demonstrate an understanding and awareness of its context; give attention to the scale and materiality of buildings, in respect of the locality and neighbouring buildings; respect or create distinctive local character; and have a positive, coherent identity that is visually attractive. Draft Local Plan Policy E4 reinforces these design criteria.
- 2.63 The proposed hotel building would relate closely to the existing visitor centre and would be seen together in views from the entrance / arrival space to the Country Park and elsewhere. The form and linear proportions of the visitor centre building has influenced that of the proposed hotel – the hotel building would have a tight gable form without overhanging eaves, matching the silhouette of the visitor centre in this way.
- 2.64 The vertical wood cladding above ground floor level and standing seam grey metal roof of the hotel building would match that of the visitor centre, which together would help provide a positive identity and legible sense of place.
- 2.65 Whilst the scale of the hotel building, in respect of its four storey height (with 15m tall gables) and 53.4m width (across the front elevation) is much greater than that of the visitor centre, there is sufficient space between the two for the hotel to not visually dominate or detract from the setting of the smaller structure.

- 2.66 The scale and form of the hotel building would provide a strong gateway feature to the entrance into the Country Park and arrival space around the existing car park. Whilst that visual relationship is considered positive in creating a distinctive character, it nonetheless is sensitive as are other views of the hotel building from the Country Park and wider landscape. For this reason, the quality of architectural details and materials of the hotel building as proposed is of great importance, with substantial weight placed upon them in considering the merits of the development. This includes:
- expressed timber frame for central gabled structure, to provide entrance and central atrium;
 - expressed overhang on front elevation gables;
 - black aluminium window frames;
 - full height windows from floor to ceiling;
 - deep reveals between the exterior plane of the elevation and windows
 - vertical wooden louvres on windows for shading;
 - inset balconies to not disrupt silhouette of building; and
 - wooden louvres to enclose upper floor balconies.
- 2.67 Conditions to secure these and other important design details of the building, to be able to resist any pressure for the concept and quality of the development to be weakened through cost saving / value engineering, are recommended.
- 2.68 With regard to the level of activity of the proposed hotel in relation to the character of the surrounding area (with reference to draft Local Plan Policy E4), this is considered not incompatible. The hotel would reinforce the existing visitor facilities/attractions in the north western part of the Country Park, as a location for local communities and wider visitors to enjoy for leisure and recreation purposes.
- 2.69 With reference to the submitted Arboricultural Impact Assessment, it is noted that there would be the loss of a number of groups of trees and sections of poor quality scrub. These are assessed as being Category C by virtue of their low arboricultural quality, except for a row of Leyland Cypress trees assessed as being Category B. No veteran trees, Category A trees or trees afforded protection from a Tree Preservation order would be removed.
- 2.70 To compensate for this loss, new tree and landscape planting is proposed across the Site, surrounding the hotel building and amongst the car parking spaces, which would be appropriate native species as secured by condition.
- 2.71 Overall, the design approach of the hotel development is considered appropriate and consistent with the Framework and draft Local Plan, in accordance with Policy PM1 and relevant criteria of Policy E4.
- 2.72 The Kent Police Designing Out Crime Officer has no objection to the proposed development subject to a condition which should include details of boundary treatment; car parking and vehicle management; lighting; door and window specification; cycle and bin store controls; CCTV; and security during construction.

- 2.73 Draft Local Plan Policy SP2 seeks for development to be accessible and inclusive without barriers to access. Against this provision, the applicant has confirmed that 5% of the hotel rooms would be specified to be wheelchair accessible (a percentage consistent with what would be required for new dwellings), which would be secured via condition; that all other rooms would be adaptable for wheelchairs (should the demand for wheelchair accessible accommodation exceed 5% of rooms); and that other parts of the hotel – communal spaces, lifts, corridors etc. – would be wheelchair accessible.

Landscape and Visual Impact

- 2.74 Core Strategy Policy DM16 (Landscape Character) seeks to protect the qualities of the district's landscape. Harm to the landscape would only be acceptable if development has been allocated through the plan-led system and designed to include appropriate avoidance or mitigation measures; or otherwise the landscape impacts of development can be sufficiently avoided or reduced. Core Strategy Policy DM15 seeks to protect the character and appearance of the countryside.
- 2.75 Draft Local Plan Policy NE2 (Landscape Character and the Kent Downs AONB) requires proposals to have particular regard to the wider landscape character of its site as identified by the Council's Landscape Character Assessment 2020.
- 2.76 Under draft Local Plan Policy E4, regard should be had (amongst other matters) to the extent that hotel development would conserve and enhance the character of the surrounding landscape, and whether or not it would result in an unacceptable intrusion into the open countryside.
- 2.77 These current and draft policies are considered consistent with the Framework, which requires development to contribute to and enhance the natural environment by recognising the intrinsic character of the countryside (paragraph 174), and to be sympathetic to local character and landscape setting (paragraph 130).
- 2.78 The applicant has submitted a LVIA that considers the landscape and visual impacts of the proposed development.

Landscape Effects

- 2.79 The applicant's LVIA in landscape terms considers development at a Site level would have a moderate adverse impact at year one, which would be reduced to minor adverse by year 15 once planting across the site has established itself. This takes account of embedded mitigation including the retained tree line along the northern edge of the Country Park, and the design merits of the building (through its form and materials) to establish a sense of place with the existing visitor centre.
- 2.80 However, given the size of the building, it is uncertain how much the maturing planting would reduce its Site level landscape effect – thus a moderate adverse effect in the longer term is considered more likely.
- 2.81 For other landscape receptors (including Lydden Valley Landscape Character Area and local landscape character areas defined by the applicant of the Country Park and South Lydden Valley), the LVIA identifies no more than a minor adverse impact, which would reduce over time as landscape planting would mature. With doubt over the moderating extent of the landscaping (as for the Site level assessment), a longer term minor adverse effect is considered more likely.

Visual Effects

- 2.82 The LVIA identifies viewpoints from within the Country Park and the surrounding wider area (including from the A258, a number of public footpaths, nearest residential properties and golf courses) where the hotel development would be seen.
- 2.83 The LVIA considers that the greatest visual effects would be moderate adverse at year one from the Country Park and from public footpath 0300/EE233/12 to the north of the Site. By year 15 the LVIA presents that these moderate adverse effects would be reduced to minor – but as with consideration of the landscape effects, it is more likely that moderate visual effects would endure.
- 2.84 The hotel building and Site would have external lighting, which would be subject to a detailed lighting scheme (to be secured by condition) to ensure illuminance is tightly focussed on where it is needed and levels are no more than essential for the function of the scheme.

Cumulative Effects

- 2.85 Given the hotel development is proposed alongside the wave pool scheme (application 22/01158), the LVIA has carried out a cumulative assessment of the two together. It notes that the perception of the two schemes would be different due to their respective siting, such that they would only be perceived together from locations within the Country Park and to the north from southern parts of the Lydden Valley.
- 2.86 Thus the LVIA considers the cumulative landscape effects are limited, generally reflecting those of each scheme individually. Therefore when taken together, no more than a moderate adverse effect from Northbourne Landscape Character Area, the Country Park and agricultural land to west are expected.
- 2.87 The cumulative visual impacts of both development are greater, with a major adverse effects where the seen together from within the Country Park. Beyond the Country Park, cumulative visual effects are considered by the LVIA no more than moderate adverse in viewpoints from the A258, nearest residential properties and the wider network of public footpaths.

Overall

- 2.88 With the adverse landscape and visual effects identified, the development is considered contrary to Core Strategy Policy DM16, the aims of Policy DM15 in protecting the character / quality of the countryside, and draft Local Plan Policies E4 and NE2. This matter is considered further in the planning balance.

Public Rights of Way

- 2.89 KCC Public Rights of Way (PROW) and Access Service has confirmed the development would have no direct impact on the PROW network. However, it does identify that the hotel would increase usage of a number of public bridleways (EE495, EE232, EE233, EE235 and ED4) and so seeks a financial contribution of £100,000 for improvement works (including surface repairs, signage and management of overgrowing vegetation) to be carried out.

Ecology

- 2.90 The proposed development and extensive representations received have raised a wide range of ecology matters.
- 2.91 Various reports and information have been submitted by the applicant, which include:
- i. Ecological Appraisal (August 2022)
 - ii. Outline Visitor Management and Turtle Dove Strategy (December 2022)
 - iii. Update Ecological Appraisal (January 2023)
 - iv. Document to Inform a Habitat Regulations Assessment (January 2023)
 - v. Hammill Field – Turtle Dove Enhancements (January 2023)
 - vi. Consideration of Lizard Orchid Mitigation and Compensation Approach (March 2023)
 - vii. Consideration of Dover District Council's Consultation Response (March 2023)
 - viii. Outline Visitor Management and Turtle Dove Strategy (March 2023)
 - ix. Outline Visitor Management and Turtle Dove Strategy (June 2023)
 - x. Consideration of Dover District Council's Consultation Response (June 2023)
 - xi. Consideration of Adaptive Management Under Proposed Mitigation/Compensation Strategies (June 2023)
- 2.92 The Framework at paragraph 180a sets out how matters of habitat and biodiversity should be considered when planning applications are determined: it should be ensured there is not 'significant' harm to biodiversity from development, otherwise planning permission should be refused (although noting that should there be harm to biodiversity that harm is capable of being balanced against other material planning considerations).
- 2.93 To seek to avoid 'significant' harm, the Framework requires consideration of whether or not development can be located to an alternative site with less harmful impacts; or measures can be incorporated to adequately mitigate that impact; or, as a last resort, suitable compensation measures can be secured.
- 2.94 Draft Local Plan Policy SP13 in presenting a mitigation hierarchy for development affecting habitats and biodiversity is generally consistent with the Framework, but also includes a balancing provision for any residual adverse effects (which cannot be avoided, mitigated or compensated for) to be considered against the benefits of development. This balancing provision of Policy SP13 is considered consistent with the Framework as a whole.
- 2.95 The Framework at paragraph 174 seeks for development to provide a net gain in biodiversity, without setting any specific level. Draft Local Plan Policy SP13 and Policy NE1 require development to provide an overall biodiversity net gain of at least 10%, recognising this is at variance with the Framework.
- 2.96 Provisions in the Environment Act 2021 to require a 10% net gain in biodiversity are not yet effective and would only relate to applications submitted after it becomes so in

November 2023. A statutory requirement for 10% biodiversity net gain is therefore not applicable to this application.

- 2.97 The ecological impacts of the proposed development have been considered by the Council's Senior Natural Environment Officer (SNEO), with comments set out in this report above. Other notable responses on ecological matter have been received including from Kent Wildlife Trust, RSPB, CPRE Kent, Friends of Betteshanger, Buglife and Plantlife International, amongst others.

Habitat Mitigation and Compensation

- 2.98 The development would result in the loss of reedbed and ponds as priority habitat, amounting as a worst case to 330m² of reedbed and 210m² of pond.
- 2.99 Against the mitigation hierarchy, considering first matters of avoidance, regard is had to the town centre and flood risk spatial sequential tests submitted by the applicant which identify there is no other reasonably available site that would meet the specific requirements of the hotel development. Within the Country Park itself, the location of the hotel is accepted given the close relationship of the Site to the existing car park and other buildings.
- 2.100 The form and proportions of the hotel building is led by the need for development, its design approach and consideration of wider landscape constraints.
- 2.101 At a Site specific level, the applicant identifies that some alterations to previously intended external works (reducing paved areas to the rear of the building) have reduced the extent of habitat loss – reducing the area of lost reedbed (from the worst case) to approximately 50m² and enabling one of the ponds to be retained.
- 2.102 The SNEO is satisfied that appropriate measures to avoid impacts to priority habitats have been undertaken by the applicant.
- 2.103 As mitigation to the habitat loss, an additional pond will be created within the Country Park, with other habitat creation / enhancement to be off-site at a location known as Hammill Field, located between Woodnesborough and Staple. The SNEO is satisfied with the principle of utilising Hammill Field in this way. The off-site works and biodiversity net gain would be secured as obligations of a s.106 agreement to any planning permission.
- 2.104 Given the uncertainty regarding the planning status of some of the existing hardstanding on the site, the SNEO has confirmed the applicant's biodiversity metric calculations takes pre-hardstanding habitats into account as the baseline.
- 2.105 Matters relating to impacts of the development on trees are addressed in the design section of this report above. Whilst the SNEO queries how this impact is accounted for in the applicant's biodiversity net gain calculations, final net gain calculations and improvements measures (on the Site, within the Country Park and at Hammill Field) can be secured via planning obligations.
- 2.106 This consideration of avoidance and ultimate approach of mitigation regarding habitat loss is considered to result in a position of less than significant harm to biodiversity, consistent with Framework paragraph 180a. It also addresses concerns in this regard raised by Kent Wildlife Trust and RSPB, amongst others, that the ecological habitat value of the Country Park should be maintained.

Turtle Doves and Management of Recreational Activity

- 2.107 The Country Park provides habitat for turtle doves, which is the UK's fastest declining bird species and is at risk of extinction, such that it features on the 'UK Red List of Conservation Concern' and the International Union for Conservation of Nature's Red List of Threatened Species'. The turtle dove is also listed in the Natural Environmental and Rural Communities Act 2006 (as amended) as a species of principal importance.
- 2.108 As well as supporting its own population of turtle doves, the County Park is relied upon to provide mitigation or compensation for the loss of turtle dove habitat from the residential development (planning permission 20/00419) of the Betteshanger former colliery pithead site to the west.
- 2.109 For background, the approved Turtle Dove Mitigation Strategy for 20/00419 has objectives (i) to provide new habitat opportunities for turtle doves to allow an expansion of the existing population associated with the Country Park; (ii) to implement management to ensure habitat areas remain suitable for turtle doves; (iii) to secure the long-term future of the turtle dove population through ongoing management and monitoring; and (iii) to manage public access to maintain areas as suitable for turtle doves.
- 2.110 It is relevant too that the Country Park includes specific areas of habitat improvement to offset the biodiversity impacts of development at the Betteshanger former colliery pithead site (20/00419), as an approved Biodiversity Offsetting Scheme. There are synergies and interrelationships between the Biodiversity Offsetting Scheme and the Turtle Dove Mitigation Strategy.
- 2.111 The hotel development would increase visitors to the Country Park. The submitted Socio-Economic Benefits Assessment considers the hotel will accommodate some 117,384 guests per year.
- 2.112 The impacts of the visitors to the hotel should be considered alongside the additional visitors that the proposed wave pool scheme (planning application 22/01158) would generate to the Country Park, if granted planning permission and delivered. The applicant advises that some 203,000 people would visit the wave pool scheme each year.
- 2.113 In response to the projected increase in visitor numbers and the sensitivity of the Country Park to turtle doves, the applicant has provided an 'Outline Visitor Management and Turtle Dove Strategy' ("**the OVMTDS**").
- 2.114 Beyond the headline total visitor number, the OVMTDS considers the nature of that activity – that:
- a proportion of visits are likely to only visit the hotel or wave pool development;
 - where some visitors would make use of existing Country Park amenities, much of that activity would be focussed around the visitor centre and play park, or would involve shorter walks within the nearby vicinity of these facilities;
 - only a proportion of total visitors are likely to undertake longer walks within the wider area of the Country Park;
 - the bulk of visitors would be between 10.00 and 18.00, with the Country Park remaining relatively quiet outside those periods;

- overnight guests are unlikely to roam the Country Park at night given it is unlit; and
- overnight guests would be prohibited from bringing dogs.

2.115 For the proportion of visitors that would make use of the wider Country Park, the potential impacts identified by the OVMTDS are disturbance to turtle doves; trampling and erosion of areas of botanical and invertebrate interest; and disturbance to other wildlife species.

2.116 Against this background, the OVMTDS proposes measures to manage additional visitors and enhance areas of turtle dove habitat:

- the Country Park would be zoned between:
 - a 'core visitor area', encompassing main facilities and activity areas;
 - areas of 'informal access', to provide for walking and cycling on designated routes; and
 - areas of 'restricted access', including existing turtle dove nesting habitat and supplementary feeding areas, where there would be no public access;
- establishment of a designated warden or wildlife officer to help implement the approach to visitor management;
- the creation of an additional turtle dove feeding site and new pond in an area of restricted access in the eastern part of the Country Park; and
- establishment of a new area of land, adjoining to the east of the Country Park, for provision of additional turtle dove measures. This land currently comprises open grassland in use for grazing but would be managed to strengthen hedgerows and scrub planting to promote new breeding habitat, to create two ponds, and establish suitable foraging habitat.

2.117 A plan, as taken from the OVMTDS, showing the

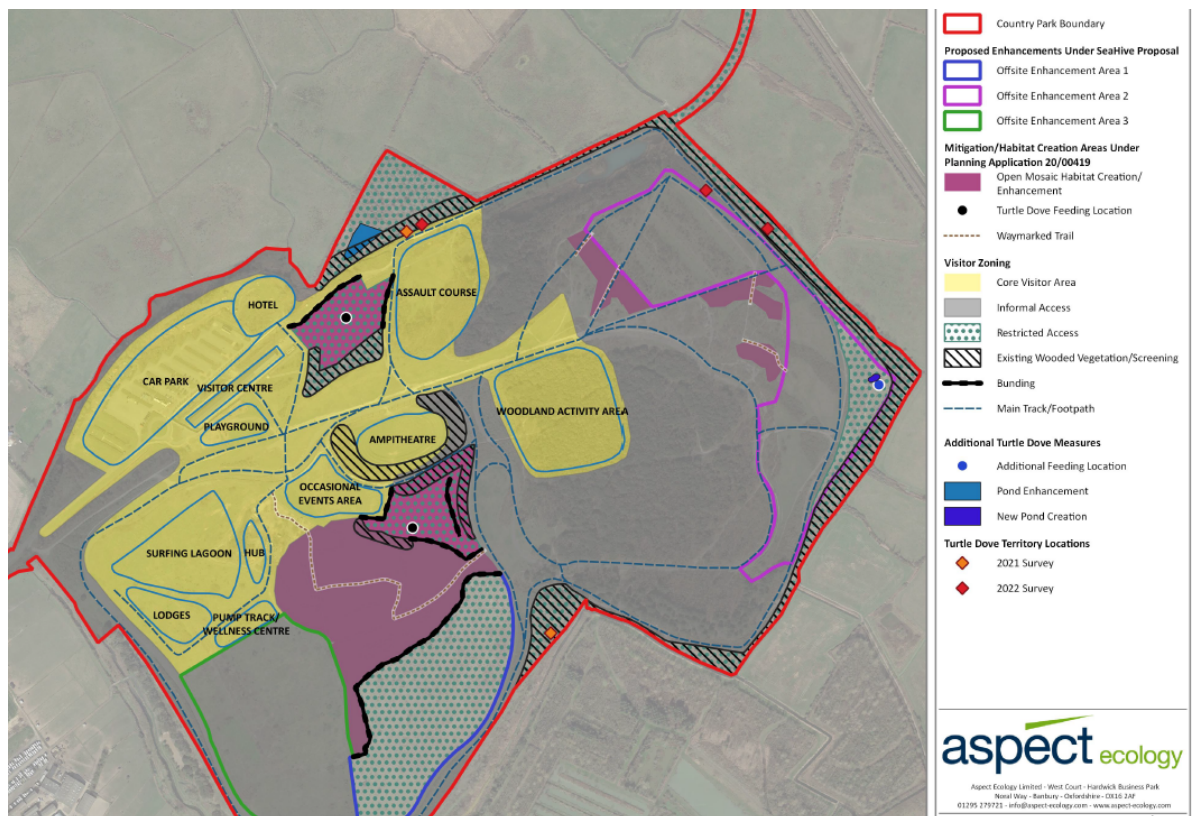


Figure 8: Proposed Zonal Areas of Country Park

- 2.118 The applicant has also agreed to prohibit the hire and use of small electric vehicles for leisure purposes by visitors to the Country Park, which provide a source of general disturbance.
- 2.119 The applicant considers that together these measures should provide effective mitigation strategy allowing for expansion of the turtle dove population.
- 2.120 The applicant puts forward that the off-site habitat creation measures at Hammill Field can form a key area of turtle dove habitat, suitable for the local population (with nearby probable/confirmed breeding turtle doves identified). These enhancements at Hammill Field are not intended to replace mitigation measures within the Country Park, but instead are offered as an enhancement or reassurance to complement the overall package of measures closer to the Site.
- 2.121 The SNEO considers there are uncertainties surrounding the OVMTDS – whether measures to avoid and mitigate impacts to turtle doves would be fully effective in respect of the Biodiversity Offsetting Scheme and Turtle Dove Strategy for planning permission 20/00419, as well as the impacts from the hotel development itself. Whilst turtle dove survey work within the Country Park has been carried out, the SNEO considers this does not yet demonstrate the success of the mitigation/compensation strategy for 20/00419.
- 2.122 Kent Wildlife Trust and RSPB, amongst others, also raise concerns that development would undermine the turtle dove measures secured under planning permission 20/00419; and that cumulative visitor numbers would be very challenging to mitigate in a way that would not be damaging to turtle doves.

- 2.123 To seek to address these concerns and uncertainties the OVMTDS proposes other remedial measures, as adaptive mitigation, should they be necessary, following an initial five year monitoring period, of:
- i. alterations to the zoning areas, additional fencing, seasonal path closures and/or additional wardening;
 - ii. establishment of additional feeding sites or extending committed feeding beyond five year; and
 - iii. to seek alternative offsite measures through contributions to the RSPB's Operation Turtle Dove or agreements with local landowners.
- 2.124 In planning terms i. and ii. above can reasonably be relied upon and secured via s.106 agreement. Such an adaptive approach to mitigation based on monitoring and management, with scope for enabling specific measures to be introduced at the later date, has precedent and considered not to be unreasonable. For iii. above, this is considered less defined and not afforded determinate weight.
- 2.125 Whilst there is disagreement between the applicant's ecologist and SNEO, as well as environmental groups responding to the application, on the certainty to be given to the effectiveness of the turtle dove mitigation measures proposed, it is considered reasonable to exercise a degree of planning judgment in how the fallback remedial / adaptive mitigation measures can be secured. It is recognised that absolute certainty may not be achievable, but that is not necessarily considered a prerequisite in the process of planning assessment.
- 2.126 In this regard, it is considered the ability to make future changes to the spatial / zonal management of the Country Park as well as to the turtle dove feeding regime, as an adaptive approach to mitigation, which would be informed through future survey work and can be secured via legally enforceable obligations, is significant; and it is considered that these measures are sufficiently capable of securing the ongoing management of the Country Park to promote its habitat as favourable to turtle doves.
- 2.127 The approach above is considered to satisfy paragraph 180a of the Framework as well as draft Local plan Policy SP13 as material considerations.

Lighting

- 2.128 The SNEO raises confidence matters of whether or not a suitable lighting strategy for the hotel would sufficiently mitigate any potential for significant harm in respect of the nearby wooded and wetland areas of habitat.
- 2.129 An updated detailed lighting scheme for the hotel development has subsequently been received, which shows how the external areas (including the outdoor dining area/terrace and landscaped setting of the building to the east) could be lit. The submitted information shows tightly defined / focussed areas of lighting that minimise spill beyond their intended purpose.
- 2.130 Further comments of this updated lighting approach from the SNEO have been received that whilst the lighting of the development has the potential to impact upon foraging and commuting bats, it is reasonable to conclude that residual effects are unlikely to be significant with the implementation of the lighting mitigation measures set out in the Updated Ecological Appraisal including landscape screening,

minimisation of external lighting, use of low level lighting, use of blinds/window coverings, and use of luminaires that avoid UV, metal halide and fluorescent elements.

Other Matters

2.131 With regard to the consultation comments reported above, the SNEO is satisfied that there would not be any significant biodiversity impact with appropriate measures to be secured by condition including in relation to:

- badger mitigation, with a temporary sett closure (likely to be an outlier sett) to the north of the Site to be subject to a licence application to Natural England;
- that further survey work in relation to beavers can be secured by condition;
- water vole mitigation strategy, with translocation to be subject to a licence application to Natural England;
- implementation of habitat manipulation for reptile mitigation;
- and nesting bird impact avoidance / mitigation, with no vegetation clearance in nesting season unless potential habitat is first checked by an ecologist;
- an environmental construction management plan, including manual safeguards during clearance and construction works; and nesting bird impact avoidance / mitigation.

2.132 The submitted Update Ecological Appraisal identifies that roosting bats are not a constraint to development. Mitigation for foraging / commuting bats would be by way of a sensitive lighting scheme as addressed above.

2.133 The Update Ecological Appraisal presents that no evidence of any protected, rare or notable invertebrate species was recorded within the Site, which is dominated by hardstanding and dense scrub as to likely support a limited diversity of such species. Although other more limited areas contain more variation or reedbed, ponds and tall ruderal vegetation, if the Site as a whole is considered it is unlikely that the hotel development would result in harm to protected, rare or notable invertebrate populations.

2.134 With regard to species of fungi, records have been obtained by the applicant based on observations by local enthusiasts. The vast majority identified are relatively common, with five species considered by the Update Ecological Appraisal to be rare in the UK although none recorded as priority species or 'red data list' status. The Update Ecological Appraisal considers there is no evidence to suggest that the Site is likely to support a fungi assemblage of elevated importance above the component habitat types. Significant harm is not identified.

2.135 It is noted, confirmed by Natural England, that the hotel development would not directly affect the population of lizard orchids within the Country Park.

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

- 2.136 It necessary to consider any likely significant effects of the proposed development in respect of disturbance of birds due to increased recreational activity on the Thanet Coast and Sandwich Bay SPA (as a designated European Site).
- 2.137 It is not possible to discount the potential for people living or staying within Dover district, when considered in-combination with all other housing development, to have a likely significant effect on the protected Thanet Coast and Sandwich Bay SPA.
- 2.138 Following consultation with Natural England, the identified pathway for such a likely significant effect is an increase in recreational activity which causes disturbance of the species which led to the designation of the site and the integrity of the site itself.
- 2.139 A Strategic Access Mitigation and Monitoring Strategy (SAMM) has been prepared and adopted by the Council in order to monitor potential impacts on the qualifying bird species for the SPA arising from development in the district and to provide appropriate mitigation through a range of management and engagement methods.
- 2.140 This mitigation comprises several elements, including the monitoring of residential visitor numbers and behaviour to the Sandwich Bay, provision of wardens and other mitigation (for example signage, leaflets and other education).
- 2.141 Having had regard to the proposed mitigation measures (to manage recreational activities from existing and new residents), it is considered that the proposed development would not have a likely significant adverse effect on the integrity of the protected Thanet Coast and Sandwich Bay SPA where it would make a contribution of £56,886 towards implementation of the SAMM. This is calculated with regard to the number of bedspaces / size of hotel rooms and presented tariff: (1-bed: 50 x £268) + (2-bed: 48 x £537) + (3-bed: 22 x £805).
- 2.142 The SNEO is satisfied with this approach of mitigation; and development would be compliant with draft Local Plan Policies E4 and NE3 in this regard.

*The Conservation of Habitats and Species Regulations 2017, Regulation 63:
Appropriate Assessment: Water Quantity and Quality*

- 2.143 With regard to applicant's 'Document to Inform a Habitat Regulations Assessment', impacts of the proposed development the on Thanet Coast and Sandwich Bay SPA and Ramsar and Sandwich Bay SAC in respect of water quality and quantity cannot be ruled out at stage 1 screening, requiring an appropriate assessment in light of avoidance and/or mitigation measures proposed.
- 2.144 The potential impacts are that the designated sites are susceptible to changes in water quality and quantity, with surface water draining from the site to ditches connected to them; that foul drainage would be treated on site and would ultimately drain to the ditch network; and that ground contaminants could be released during the construction phase of development. Measures to promote water efficiency are also identified as warranted.
- 2.145 As set out in the 'Document to Inform a Habitat Regulations Assessment' and considered elsewhere in this report, a range of mitigation measures are proposed to address matters of water and quality, including a construction environmental management plan; intrusive geo environmental assessment work and remediation if

necessary; careful storage of fuels, chemicals etc. to avoid spillages; the fitting of pollution control measures on the surface water drainage system; rainwater harvesting measures; controls over the wastewater treatment plant; and water efficiency measures.

- 2.146 Together these measures are considered to avoid an adverse effect on integrity of the designated sites from the hotel development alone (or in combination with other plans or projects) as a result of water quality and quantity. Natural England and the SNEO raise no concerns in this regard.

Built Heritage and Archaeology

- 2.147 The Heritage Impact Assessment that accompanies the application identifies nearby designated heritage assets including Cottingham Court Farmhouse, the 'Wall and Outbuilding' and Foulmead (all Grade II listed), as well as other assets in the wider area of Northbourne Conservation Area, Northbourne Park & garden (Grade II* listed) and Hull Place (Grade II listed).
- 2.148 With regard to these heritage assets – the nearest being over a distance of 450m and with limited visibility - the Heritage Impact Assessment considers the proposed development to have no impact upon the significance of their setting. Likewise for the Betteshanger pithead to the west of the A258, if that is considered a non-designated asset.
- 2.149 Even if heritage effects are considered cumulatively with the proposed wave pool scheme (application 22/01158), the Heritage Impact Assessment maintains a considered position of no harm.
- 2.150 Consultation advice from the Council's heritage officer verifies the findings of the applicant's Heritage Impact Assessment.
- 2.151 In relation to archaeology, the applicant's Archaeological Desk-Based Assessment considered there to be low or moderate potential for remains across prehistoric to post-medieval times, with any surviving archaeology on the Site likely to be of local area significance.
- 2.152 Given the development will include below ground intrusions of piling, foundations, services runs, it is reasonable to require a condition for a programme of archaeological investigation to be submitted and agreed in writing by the planning authority, then carried out and findings reported, before development commences.

Noise and Air Quality

- 2.153 The applicant's Noise Assessment identifies that against the ambient noise levels of the Country Park no specific noise mitigation measures for the development are required. In this regard, the Site is considered suitable for the proposed use. Consultation comments from DDC's Environmental Protection team agree with the applicant's appraisal.
- 2.154 For construction noise, best practice measures including hours of work can be secured through condition.
- 2.155 The site is not located within or in the vicinity of an Air Quality Management Area.
- 2.156 For the operation of the development, the applicant's Air Quality Assessment indicates

that emissions arising from traffic would result in a negligible impact on local pollutant concentrations. Predicted concentrations remain below the objective levels at all identified receptors.

- 2.157 The Air Quality Assessment further concludes that emissions from operational traffic would have an insignificant impact on the Thanet Coast & Sandwich Bay Ramsar Site and Sandwich Bay to Hacklinge Marshes SSSI.
- 2.158 For the construction phase, suitable mitigation is suggested by the Air Quality Assessment to control dust through a management plan to be secured by condition. Environmental Protection officers agree.

Ground Conditions

- 2.159 Advice from Environmental Protection officers is that further to the Phase 1 Land Contamination Assessment submitted by the applicant, intrusive investigation works are required to fully understand the underlying ground conditions and any associated risks, and to refine measures in respect of ground gas and groundwater monitoring.
- 2.160 These matters can be addressed through a series of conditions: for details of intrusive investigation works to be submitted and approved by the planning authority; for the results of that investigation to be provided along with any remedial measures required; for any remediation measures to be carried out and verified; and for any unforeseen contamination to be appropriately dealt with should it arise. A piling risk assessment to be secured by condition is also considered necessary.
- 2.161 On this basis, development would not pose undue geo-environmental risks.

Drainage and Flood Risk

- 2.162 The Site is located within an area of higher risk of flooding from tidal rivers and the sea given its proximity to the coast.
- 2.163 The Framework paragraph 161 refers to a Sequential Test to seek to avoid, where possible, flood risk to people and property. Paragraph 162 explains the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding – that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding
- 2.164 The Framework paragraph 163 recognises that ‘wider sustainability objectives’ should be considered in respect of whether or not it is possible to locate development in areas with a lower risk of flooding.
- 2.165 The applicant has provided a ‘Flood Risk Sequential Test’. This considers whether or not there are any reasonably available alternative sites with a lower risk of flooding on which the development could be built, whilst also being suitable for a high end hotel. The approach of the applicant has been to screen out sites committed for residential development or being promoted for such, given their much greater existing or hoped for land value; and to screen out sites promoted for commercial development, which would not provide a fitting context / relationship for the quality of hotel being proposed.
- 2.166 The applicant has narrowed its search to larger landholdings with parkland characteristics and where they are more conveniently located to an array of tourist facilities. This approach is considered not unreasonable.

- 2.167 11 comparator sites are identified by the applicant. Of these, 10 are discounted because they are located in the AONB, specifically designated for ecology conservation, and /or have an equal or higher risk of flooding than the Site. Of the one remaining comparator at Old Park Hill, Woods and Pastures, to the north of Dover, this site is being managed and restored by Kent Wildlife Trust such that it may not be available, is heavily overgrown with mature trees and vegetation, is steeply sloped and poor access. For these reasons it is discounted.
- 2.168 Accordingly it is considered the 'Flood Risk Sequential Test' demonstrates that there is no reasonably available alternative sites, with a lower risk of surface water flooding, for the proposed development to be located, to the satisfaction of the Framework.
- 2.169 Whilst other parts of the Country Park within the control of the applicant have a lower risk of flooding than the Site, these are considered unsuitable for hotel development as they would not provide an appropriately cohesive or integrated relationship with the existing buildings and car parking – considered important in the design approach of the development as highlighted above.
- 2.170 Where development cannot be reasonably located elsewhere, the Framework's Exceptions Test at paragraph 164 should be applied – that it should be demonstrated that a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 2.171 On the balance of flood risk and wider benefits, the applicant's 'Flood Risk Assessment and Drainage Strategy' identifies the consequence to the hotel of a flood event to be minor, with only spa facilities on the lower ground floor affected with a maximum flood depth of 0.19m. All sleeping accommodation and the main entrance would be above the modelled extent of flooding. Outweighing this minor flood risk are the economic benefits of the development as highlighted in sections of this report above.
- 2.172 Given the minor level of flood risk, occupants of the hotel would remain safe within accommodation on the ground floor and above; and communications to ensure safety can be managed with advanced warning to be provided via the Environment Agency's flood alerts. Given the tidal source of any flooding across a large area, the presence of the hotel building would not increase the risk of flooding through the displacement of flood water storage.
- 2.173 Accordingly, the proposed development satisfies the Framework's Exceptions Test.
- 2.174 The Environment Agency has considered matters of flood risk too – advising it has no objection subject to all sleeping accommodation being at a level no lower than 4.80m AODN.
- 2.175 With regard to surface water drainage, advice from Kent County Council as the LLFA is that it is satisfied with the drainage principles / strategy proposed. Conditions to secure final surface water drainage, including water quality provisions, can be secured by condition.
- 2.176 For foul sewerage from the hotel, the approach presented by the 'Flood Risk Assessment and Drainage Strategy' is that it will feed into the existing or upgraded wastewater treatment plant within the Country Park. Any upgrade would be within the confines of the existing arrangement. A condition to ensure that adequate waste water treatment facilities are available before the development is occupied is recommended.

The Site is not within a Groundwater Source Protection Zone’.

2.177 As to whether any further environmental consents or permits are needed, it would be for the applicant to address this with the Environment Agency (with an informative to be added to the planning permission to ensure it is aware of that responsibility).

S.106 Contributions

2.178 Policy CP6 of the Core Strategy emphasises that development that generates demand for infrastructure will only be permitted if the necessary infrastructure to support it is either already in place, or there is a reliable mechanism to ensure that it will be provided at the time it is needed. Draft Local Plan Policy SP11 retains this approach, to ensure infrastructure is delivered at the right time in the right place to meet the growing needs of the district.

2.179 In light of the consultation responses received and planning assessment above, the obligations at Table 1 are required to be secured through a s.106 agreement.

Table 1 s.106 Contributions

Matter	Obligation
Habitat and biodiversity enhancement scheme	<p>‘Habitat and Biodiversity Enhancement and Management Scheme’ for the Site, the Country Park, Hammill Field and land adjacent to the east of the Country Park to be submitted and agreed before commencement of development.</p> <p>The ‘Habitat and Biodiversity Enhancement and Management Scheme’ shall include:</p> <ul style="list-style-type: none"> - specific biodiversity aims and objectives; - a ‘biodiversity gain plan’ to demonstrate how a minimum of 10% biodiversity net gain will be achieved; - specific measures to enhance turtle dove habitat; - biodiversity enhancement measures; - a timetable / programme for carrying out the measures; - details of the management and maintenance of the enhancement measures; - ongoing monitoring and reporting of the enhancement measures.
Visitor and turtle dove management	To establish zonal areas of ‘Core Visitor’, ‘Informal Access’ and ‘Restricted Access’ across the Country Park

	<p>To provide a detailed 'Visitor Management Plan' with specific aims and objectives for each zonal area</p> <p>To provide a detailed 'Turtle Dove Mitigation Strategy' for the Country Park</p> <p>Implementation of measures contained in the 'Visitor Management Plan' and 'Turtle Dove Mitigation Strategy'</p> <p>To establish a 'Turtle Dove Survey and Monitoring Regime'</p> <p>To submit each year to the local planning authority for review the 'Visitor Management Plan' and 'Turtle Dove Mitigation Strategy' and results of the 'Turtle Dove Survey and Monitoring Regime'</p> <p>To revise the 'Visitor Management Plan' and 'Turtle Dove Mitigation Strategy' with initiatives to promote the Country Park for the favourable conservation status of turtle doves and implement those initiatives in response to any negative findings of the 'Turtle Dove Survey and Monitoring Regime'</p> <p>To establish a 'Full Time Designated Wildlife Warden' for the Country Park, along with specific roles and responsibilities</p> <p>To make an annual contribution of £5,000 (index linked) to the local planning authority in respect of the monitoring, consideration and enforcement of matters relating to visitor and turtle dove management</p>
Thanet Coast and Sandwich Bay Special Protection Area SAMM	A contribution of £56,886 (index linked) towards Strategic Access Mitigation and Monitoring Strategy
Shuttle bus service	Details of provision of a shuttle bus service, to be available 365 days per year, to transport hotel employees to / from the site from nearby towns / villages within the district
Improvements to Northbourne Road / A256 junction	Enter into s.278 agreement and carry out junction mitigation works at Northbourne Road / A256 junction before occupation of the hotel development and separately proposed wave pool scheme
Whitfield Roundabout Junction	A contribution of £33,000 (index linked) towards improvement works at the Whitfield Roundabout junction
Public rights of way improvements	A sum of £100,000 (index linked) for works to improve public rights of way in the vicinity of Betteshanger

	<p>Country Park including:</p> <ul style="list-style-type: none"> - clearance and surface repair to Public Bridleway ED4 and Public Footpath ED3, routing between the Country Park and Deal; - surface repairs to Public Bridleway EE385; - complete resurface of Byway Open to all Traffic EE245; - clearance and reinstate width, including the link onto the England Coast Path, and resurface works to Public Footpath EE462 – EE245, EE462; - resurface of Public Footpath EE247; - reinstate width, clearance and surface section to Public Bridleway EE232; - surface section, clear and widen to Public Bridleway EE233; - surface clearance, repair, tree work – restricted Byway EE494 and Public Footpath EE365
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Planning Balance

- 2.180 The starting point for decision making, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, is the adopted development plan. Decisions should be taken in accordance with the policies in the plan unless material considerations indicate otherwise.
- 2.181 Against Policy DM1 there is conflict. However, as this policy is a product of the Core Strategy's spatial strategy that is out of date because it does not accommodate the level of development and growth required / sought for within the district, it should carry less than full weight.
- 2.182 Development is contrary to the spatial limitation of Policy DM15; but as an expression of protecting the countryside for its own sake where there is not an up to date spatial strategy, full weight to this conflict cannot be given.
- 2.183 Whilst there is conflict with the spatial dimension of Policy DM11, this is not consistent with the Framework and so also carries limited weight.
- 2.184 Whilst conflict with the spatial dimension of draft Local Plan Policy E4 is identified, that policy only carries limited weight due to its stage of plan making as well as unresolved objections with the applicant in promoting the Site for development.
- 2.185 The Site's designation as open space is important. Although Core Strategy Policy DM25 seeks to retain such open space, there is not a blanket ban on any loss where a number of exceptions might apply (which is consistent with the Framework), as is the

case in this instance due to an identified surplus of semi/natural green space across the district.

- 2.186 On matters of transport, town centre viability, design, heritage and technical noise, air quality, geo environmental and drainage / flood risk issues, the hotel development is generally consistent with relevant policies.
- 2.187 For a large hotel building and associated works located within the countryside, landscape and visual effects are inevitable and there is conflict with relevant Core Strategy and draft Local Plan policies as well as the Framework. However, as it is considered the harm is of no more than moderate effect, this carries only moderate weight. In the cumulative scenario should the proposed wave pool scheme be granted planning permission and delivered, there are greater visual impacts where both developments would be seen together in shorter views, but this greater impact would be balanced against the greater benefits of the two schemes.
- 2.188 In relation to ecology, significant consideration is given to how much certainty can be attached to the effectiveness of mitigation measures proposed by the OVMTDS. Whilst there will always be some uncertainty, the ability for mitigation to adapt as might be necessary, and for that approach to be secured through planning obligations, provides greater and sufficient confidence that the Country Park (with increased visitor numbers) can be managed to promote its habitat as favourable to turtle doves, without significant harm to biodiversity. Overall, ecological matters weigh neutrally.
- 2.189 Against the policy conflict identified are the economic benefits of the proposed development. Given the importance of tourism and the visitor economy to Dover District Council (presented in the current and emerging development plan as well the Growth Strategy and the Economic Response) with wider reach across the region, it is reasonable to afford these benefits very substantial weight.
- 2.190 Other social benefits that include recreational facilities for people to enjoy carry moderate weight in support of the development.
- 2.191 These benefits as material considerations are considered sufficient to justify the grant of planning permission.

g) Recommendation

- I That PLANNING PERMISSION BE GRANTED subject to a Section 106 legal agreement to secure necessary planning contributions set out above (Table 1) and subject to the following conditions to include:
- 1) Time limit – three years
 - 2) Approved plans
 - 3) Details of external materials to be submitted
 - 4) Details of appearance of expressed timber frame to be submitted
 - 5) Details of window frames, and wooden louvres on windows and balconies to be submitted
 - 6) Details of window reveals to be submitted
 - 7) Details of measures informed by Secured by Design principles to be submitted
 - 8) Details of 5% of hotel rooms to be wheelchair accessible to be

approved

- 9) Hard and soft landscaping details, including tree planting, to be submitted
- 10) Details of reedbed creation and its hydrological function to be submitted
- 11) Tree protection measures – to be submitted
- 12) Piling risk assessment for any piling operations
- 13) Geo-environmental intrusive assessment report to be approved
- 14) Details of any geo-environmental remediation to be approved
- 15) Verification report of effectiveness of remediation measures to be approved
- 16) Unforeseen contamination
- 17) Environmental and transport construction management plan including details of: access, parking, wheel washing, timing of HGV movements; temporary traffic management, compounds, hoarding, temporary buildings, temporary lighting, control of dust, control of noise/vibrations, working hours, procedures for complaint management
- 18) Details of surface water drainage measures during construction
- 19) Car parking to be provided before occupation
- 20) Cycle parking to be provided before occupation
- 21) Electric vehicle parking details to be approved
- 22) Parking management plan and signage strategy to be approved
- 23) Travel plan to be approved
- 24) Lighting details to be approved – of external lighting and internal lighting with external spill out
- 25) Water efficiency measures to be approved
- 26) Details of water vole mitigation, of clearance of pond habitat areas, to be submitted
- 27) Details of habitat manipulation, of clearance of reptiles from the Site, to be submitted
- 28) Details of badger mitigation, of temporary sett closure during construction works, to be submitted
- 29) Construction ecological management plan – to include mammal safeguards
- 30) Clearance of vegetation – outside bird nesting season or under ecological supervision
- 31) Beavers – additional survey work and mitigation strategy if necessary to be submitted
- 32) Detailed surface water drainage scheme to be submitted and agreed prior to commencement
- 33) Verification of implemented surface water drainage scheme to be approved

- 34) Details of foul water drainage to be submitted and agreed prior to commencement
 - 35) Programme of archaeological investigation to be carried out in accordance with details to be agreed
 - 36) Prohibition of dogs staying with overnight hotel visitors
 - 37) Prohibition of visitor, recreational electric vehicle use within the Country Park, beyond the main access roadway and car park
- II Powers to be delegated to the Head of Planning and Development to settle any necessary planning conditions and s.106 obligations in line with the issues set out in the recommendation and as resolved by the Planning Committee.