

DEVELOPMENT CONTROL BOARD

20 April 2017

Reference: 15/01743/OUT **Officer:** Sonia Bunn

Location: Roundabout Junction Bob Dunn Way & Thames Road
(Howbury Park)

Proposal: Cross-boundary outline application for the demolition of existing buildings and redevelopment to provide a strategic rail freight interchange comprising a rail freight intermodal facility, warehousing, new access arrangements from Moat Lane, associated HGV, car and cycle parking, landscaping, drainage, and associated works (within London Borough of Bexley). Creation of a new access road from the existing A206/A2026 roundabout, incorporating a bridge over the River Cray, landscaping and associated works (within Dartford Borough Council). All matters reserved except for Access

Applicant: Roxhill Developments Ltd

Agent: Nathaniel Lichfield And Partners/Hugh Scanlon

Parish / Ward: / Town

RECOMMENDATION:

Refusal

SITE DESCRIPTION

(1) The planning application relates to a 60 hectare site (149 acres) on land adjacent to the existing rail depot at Slade Green. The vast majority of the application site lies within the London Borough of Bexley as this is a cross-boundary application. The River Cray forms the boundary between the two Boroughs. The site extends east of the River Cray but is a relatively smaller area sufficient for construction of a vehicular access road. The land is east of the existing waste receptor site fronting Thames Road and extends from the River to the roundabout at Bob Dunn A206 Thames Road / Bob Dunn Way. The land is currently marshland and falls within the Green Belt. Public Right of Way DB1 runs along the east side of the River Cray.

THE PROPOSAL

(2) Outline planning permission is sought by the applicant, Roxhill Developments Ltd, for a Strategic Rail Freight Interchange (SRFI) which comprises a series of development plots providing a total of 184,500sqm of warehouse and distribution floorspace and a freight interchange area located centrally within the site. The layout, scale, appearance and landscaping of the development are reserved for subsequent approval. Only the matter of access is for determination at this stage but the vehicular access to the site is predominantly in the Dartford Borough Council area. A parameter plan has been submitted with the application defining the access roads, two zones for Use Class B8 warehousing and the intermodal area which is the railway connection and sidings to allow transfer of goods and will contain gantry cranes to facilitate the transfer of containers. The parameter plan also sets out the maximum height of the buildings, which is approximately 18m above the finished floor level.

(3) The land within Dartford Borough Council's area is limited to the vehicular access road serving the site which forms a new arm off the A206 Thames Road / Bob Dunn Way roundabout and then extends west, bridging over the River Cray and beyond this enters the main site compound. A 220m long viaduct is proposed across the River Cray. The Council's

jurisdiction ends at the centre line of the river. The viaduct allows for a headroom of 4.5m above the River to the underside of the bridge. The viaduct increases in height in order to span the river and is a maximum of 12m from ground level to top of the railings. This will be the main vehicle access to the site for all heavy goods vehicles (HGVs), Light good vehicles (LGVs) and private cars. It will also provide the main cycle access to the site. Pedestrian access will be possible both from the south and the north of the site. A restricted vehicular access will be provided to the north-west of the site serving emergency vehicles and the proposed shuttle bus only. The proposals also include a linking road between the SRFI and the existing Viridor waste recycling site which provides an alternative access for this site direct onto the road network.

(4) The railway sidings for the intermodal facility route link directly with the North Kent Line west of the Slade Green depot. The applicants advise that the facility will be able to handle up to 8 trains per day.

(5) The SRFI is intended to operate 24 hours a day, 7 days a week. The applicant advises that the development will provide approximately 1,966 full time equivalent jobs (although this is subject to the occupiers on the site)

(6) As well as the drawings of the access road, bridge and parameter plans the following documents have been submitted in support of the development:

Planning Statement

Alternative Site Assessment

Environmental Statement incorporating a Transport Assessment, Flood Risk Assessment and Rail report.

Supplementary Environmental Statement April 2016

Sustainability Statement

Utilities Assessment Report

Statement of Community Involvement

Design and Access Statement

Plus: Technical Note 1 (Trip Generation Methodology); Technical Note 2 (Trip Distribution Methodology); Technical Note 3 (Proposed Trip Generation Methodology); Transport Technical Note 8 (transport flow profile)

ENVIRONMENTAL IMPACT ASSESSMENT

(7) An Environmental Impact Assessment has been submitted with the application. The key environmental impacts examined in the updated Environmental Statement (ES) submitted in November 2015 and supplemented in April 2016 include:

- Landscape and visual effects
- transport
- noise and vibration
- air quality
- Ecology and nature conservation
- ground conditions and contamination
- water environment
- heritage
- socio-economics

The Supplementary Environmental Statement provided further traffic modelling and consequently the noise and vibration and air quality assessments were updated

(8) It is for the local planning authority to decide whether the information provided about the site, design, size or scale of a proposed development gives a sufficient description of that development so that an informed assessment can be made of its likely effects upon the environment.

RELEVANT HISTORY

(9) A similar scheme, submitted in 2004, under reference DA/04/00803/OUT (and LB Bexley ref: 04/04384/OUTEA) was appealed following Dartford's decision to refuse planning permission for the considered adverse impact on the openness and character of the Green Belt. For its part LB Bexley failed to determine the application within the prescribed period and a local inquiry followed. In December 2007 the Secretary of State, in agreeing with the appointed Inspector's recommendation, allowed the appeals. The overall conclusions were that, although the proposal constituted inappropriate development in the Green Belt, and would cause substantial harm to it, the benefits of the proposal amounted to the very special circumstances necessary to outweigh the harm to the Green Belt and any other harm. On the basis of an apparent need for such developments at that time and, considering that the proposal was seen not to be inconsistent with the various development plans (save for the Green Belt issue), planning permission was granted for a rail freight interchange with dedicated intermodal facility and rail-linked warehousing, subject to two separate S106 agreements; one covering a series of highway obligations and the other concerned with non-highway obligations. The outline planning permission granted, however, subsequently lapsed as the reserved matters were never furthered.

COMMENTS FROM ORGANISATIONS

(10) Highways England (HE): Raised concerns about the potential impact that the development might have upon the A282/M25, in particular M25 Junction 1A. They initially raised concerns to whether there would be any adverse safety implications or material increase in queues and delays on the strategic road network as a result of development and sought further information. The additional modelling revealed that there would be significant queues on the A282 in the 2031 scenario and HE raised concerns that there would be severe safety and capacity concerns into which additional development traffic would exacerbate the situation. They asked the applicant to investigate constraining movements to non-peak periods to ensure that queues and delays during the inter-peak are also not severe. In response to discussions between Highways England and the applicant, Highways England issued a formal response to the application which confirmed they had no objection subject to the imposition of the following conditions:

- peak period freight movements at the A282/M25 shall be limited to 32 trips per hour (16 arrivals and 16 departures) between the hours of 7am and 10am and 56 trips per hour (28 arrivals and departures or equivalent)
- an Automatic Number Plate Recognition (APNR) system should be implemented at the site entrance and exist and at the M25 junctions 1A and 1B.
- real time information on traffic conditions should be provided.
- welfare facilities should be available on site
- a freight management plan is to be agreed by the local planning authorities to include measures to manager the severe impacts of freight movements upon the strategic road network. The FMP should set out punitive measures relating to freight movements that exceed the limits. To be agreed in consultation with the HE
- an employee travel plan shall be implemented
- a construction traffic management plan should be agreed to include monitoring of peak period traffic conditions on the M25/A282.

[I will discuss these in more detail within the body of the report but it should be noted that I have concerns that not all these conditions are either: reasonable, related to the development or enforceable]

(11) KCC Highways: Kent Highways acknowledges and is satisfied with the overarching approach/methodologies as presented in a series of key technical documents issued in support of the proposal. They have raised concerns over the additional local congestion this development would create. They advise that Transport for London (TfL) worked with the applicant, particularly with respect to the traffic modelling aspect of the application which is a TfL area of expertise. They (and Highways England) concur that in the medium to long-term, physical mitigation measures are required at M25/A282 Junction 1a. However, it remains undecided as to exactly what this will include. They advise that as of Spring 2017, KCC and

HE (in liaison with Transport for London and the LPA's) are currently scoping/developing plans for remedial improvements to Junction 1a, to provide local journey time improvements, and this advice should be considered in that context. As discussions are ongoing, there remains some uncertainty as to what improvements could be delivered (and associated timescales/costs). However, such future interventions would be most likely to focus on improving the general layout arrangement at Junction 1a, queuing capacity, traffic signals and associated monitoring/response options for this busy location. Also, it is not unreasonable to suggest that such improvements are likely only to be able to smooth flows for existing traffic - as opposed to building in any significant new capacity to cater for future growth/demand. They advise that the proposal is to provide a fourth arm on the northern side of the roundabout and to enlarge it at the same time. WSP Drawing Number 2039-RP-008 (rev.2) presents the proposed access arrangement. They state that this should be delivered in whole by the applicant by way of a Section 278 Application/Agreement with Kent County Council as Highways Authority, which incorporates improvements to pedestrian crossing facilities. They consider that this offers a welcome improvement to the existing roundabout arrangement, which affords a poor degree of natural 'deflection' with the consequence that vehicular speeds are not reduced as existing traffic passes through the roundabout - specifically traffic that is continuing along the A206 (Thames Road to Bob Dunn Way) through the A206/A2026 roundabout. Supporting pedestrian improvements by way of a new (signal controlled) pedestrian crossing, will improve the safety for vulnerable road users such as those choosing to walk to the proposed development, as well as existing pedestrians. The implementation of infrastructure such as a signal controlled crossing can also bring with it a mild speed-reduction effect to approaching traffic. They recommend that local parking restrictions (signs/lines) are included to ensure HGVs (or any other vehicle for that matter) do not park/stand towards the A206 junction end of the access road. We would encourage camera control to be linked to the main operations/control room of SRFI, monitoring the access road so as to ensure random parking does not reduce the access lane to a single lane.

They acknowledge the problem of traffic congestion on the local road network - and the associated impact on Dartford Town Centre and the wider area and KCC is of the view that this predominantly caused by incidents occurring on the Highways England (Strategic) road network (A282) and (M25) however it is considered that in the last 3-6 months, conditions have improved somewhat and there has been a decrease in the frequency of local network problems. It is the view of KCC (highways/development management) officers that when highway conditions in and across the wider area are functioning normally (i.e. with no reported network incidents or irregular delays) the local KCC Highways (i.e. non-Highways England) network has the capacity to manage the increase in associated traffic flows the proposed SRFI is projected to generate. If planning permission is granted KCC would seek a comprehensive package of mitigation to be agreed with the applicant in an attempt to reduce the residual traffic impacts of the proposed development.

KCC highways offer DBC's Members certainty that this proposal will contribute a significant amount of additional traffic in the form of Heavy Goods Vehicles, Light Goods Vehicles and employees vehicles to both the local (and sub-regional/strategic) highways network. The proposal will inevitably exacerbate existing periods of delay and congestion on the approach to the existing river crossing (particularly the north-bound tunnels) and specifically at local M25 Junctions 1a and 1b and nearby (local) roads. But KCC consider that whilst there will undoubtedly be times when the proposal will exacerbate some incidences of localised congestion and network stress, these are predominantly when a local (highways related) incident has occurred and it would not be reasonable to prejudice the proposed development on the back of such incidents. There remains some uncertainty as to the severity of the impact this proposal might have on the local and strategic highway network in the future - particularly once the site is fully constructed and occupied - which could be as much as ten years after securing planning consent. Planning Conditions requested by Highways England - such as introducing a cap on peak (AM and PM) HGV movements - the principle for which is broadly supported by KCC as (local) Highways Authority - will help reduce HGV related movements in the morning and evening peaks - although the impact of the proposed cap did not form part of the original modelling and consequently there remains some uncertainty as to how this might impact on the shoulders of the associated peaks.

To conclude, KCC as Highway Authority has some concerns over the additional local congestion this development would create but the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds

where the residual cumulative impacts of development are severe. They advise that can only be judged on a case-by-case basis, taking account of all material factors. KCC has considered the traffic assessment and the current and likely future conditions on the local highway network. This shows that the situation is likely to be worsened, but the highways authority is not able to conclude that it will result in conditions that could be described as having a severe impact on congestion or safety.

(12) Network Rail: Raised concerns when the application was first submitted and confirmed in January 2017, when reconsulted, that these comments were still relevant. One of their main concerns is the rail connection to the North Kent Line and they advise that they need further information to review how a connection will work and what impact the proposed works will have on the rail network. However, discussions have I understand also been taking place between Network Rail and the applicant and that the technical issues can be resolved.

(13) Port of London Authority: raised concerns about the height of the bridge and sought further clarification. The applicants have submitted revised plans of the bridge which shows a height of 4.5m above the navigable channel. The PLA have confirmed that they have no further comments to make.

(14) Environment Agency: Raise no objections but advise that the impact of the proposed bridge across the River Cray on the flood defence embankments next to the River should be considered. In particular, the effect of loading on the stability of the embankments and the ability to gain access to maintain and improve the embankments.

(15) Inland Waterways Association: No objection to the majority of the proposed development. However, they raised concerns at the restricted navigable headroom created by not having a lifting span in the new viaduct which would prevent masted craft from accessing the upstream 400m of navigation. [The bridge proposals have been redesigned to allow increased headroom but no further response has been received by the IWA].

(16) Natural England: The proposal is unlikely to affect the statutorily protected sites or landscapes and refer to their standing advice for protected species.

(17) Kent County Council (SUDS): The detailed drainage design should be developed to be fully in accordance with the recommendations of the Flood Risk Assessment. They suggest conditions requiring the approval of a sustainable drainage strategy.

(18) Kent County Council (Public Rights of Way and Access): Object to the proposals as no information has been submitted with regard to how footpath, DB1 (which runs along the east side of the River Cray) is affected

(19) National Grid: No objection

(20) Dartford and Crayford Creek Restoration Trust (DCCRT): Object to the impact that the access arrangements for this proposal will have on the navigability of the River Cray and resultant potential for riparian regeneration in the area. They consider that the bridge would severely limit access to all but the smallest sailing craft.

(21) Environmental Health Manager: Objects to the proposal on the grounds of air quality. [Further details are set out in the consideration of the proposals.] No objections to the proposal on the grounds of noise impacting on the Borough Council area.

NEIGHBOUR NOTIFICATION

(22) Four letters of objection have been received, two from local residents, one from the ward councillor and the fourth from the MP for Dartford.
The residents object to the proposal on the following grounds:

- The land around the River Cray and Dart are part of the natural flood plains, and in a flood zone, according to Thames Water. Our natural environment is slowly being destroyed by mankind
- The proposal will lead to further traffic congestion in the area and the infrastructure cannot cope
- A new rail spur will have to be built, near the junction at Slade Green. This line carries eight trains an hour during the day time and freight trains using the new terminal could cause problems of timing for existing trains.

(23) The MP raises a number of concerns:

- Road delays due to an increased number of HGVs, decreasing journey speeds and adding to disruption on local roads;
- Concern that HGVs will divert through Dartford town centre
- Our already saturated roads will be unable to cope with an additional 1,150 HGVs and numerous other vehicles per day, particularly during periods of heavy congestion;
- Whilst recognising the proposal could create jobs the increase in congestion on roads around the Dartford Crossing will cause a significant amount of lost revenue for the local economy.

(24) The Ward Councillor supports the objections of the residents and MP and objects on the grounds that the local road network is incapable of supporting the current level of traffic, especially the M25/A206 junction. He also objects to the development of Green Belt Dartford Marsh due to the access road.

RELEVANT POLICIES

(25) The Core Strategy, together with the Saved policies of the 1995 Local Plan, form the Dartford's development plan documents for the area and the application should be determined against these policies, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) states that for decision-making purposes Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

(26) The Dartford Core Strategy was adopted in September 2011. The Council considers that the Core Strategy, together with the Saved policies of the 1995 Local Plan, are broadly consistent with the NPPF and that due weight should be given to relevant Development Plan policies, in accordance with the NPPF.

(27) In relation to the emerging Development Plan Policies, several policies (all those clauses not included in the first table of main modifications) are still regarded as sound post the hearings conducted by the Planning Inspector, and are fully capable of being afforded very significant weight as appropriate in planning applications (see NPPF paragraph 216). The presence of a modification does not necessarily entail the existence of any objection by the public. A number of published policies have attracted no objections. "Subsequently after public consultation on the Modifications, the council has presented responses to the Inspector. Only for policies DP6, 14 & 22 do some objections remain to main modifications. Therefore all policies other than those are considered capable of holding very significant weight in planning applications (NPPF paragraph 216).

(28) Dartford's development plan documents do not in themselves consider the provision of a Strategic Rail Freight Interchange; however there are a number of local policies that are relevant when considering the principle, the potential impacts of the proposed development and appropriate mitigations.

Adopted Core Strategy

(29) Relevant Core Strategy policies:

Policy CS1 sets out the spatial pattern of development in the Borough proposed by the Core Strategy.

Policy CS13 resists in appropriate development in the Green Belt in order to protect openness.

Policy CS15 seeks to reduce the need to travel and reduce car use

Policy CS16 relate to transport investment to be funded through CIL as well as secure off site transport improvements relating directly to an individual development, including site access and local junction and road improvements. The policy also requires the council to work with KCC to address local road improvements, public transport, walking and cycling initiatives through Local Transport Plan funding.

Saved Adopted Dartford Local Plan 1995

(30) Relevant policies from the Saved Adopted Dartford Local Plan 1995

Policy T19 addresses the relationship of development to the highway network and capacity; Policy T20 states that proposals involving a new access or intensification of use at an existing access onto distributor roads must be improved to an acceptable standard or provide a new access.

Policy T21 sets out that the Council will enter agreements with developers to ensure necessary highways improvements and that adequate highways capacity must be in place before development starts operation.

Emerging Dartford Development Policies Local Plan 2015

(31) Relevant policies from the Emerging Dartford Development Policies Local Plan 2015
Policy DP3 states that development will only be permitted where it is appropriately located and makes suitable provision to minimise and manage the arising transport impacts. Developments should not result in severe impacts on: road traffic congestion and air quality; safety of pedestrians, cyclists and other road-users; and excessive pressure for on-street parking.

Policy DP5 states that development should not result in unacceptable individual or cumulative impacts. Particular consideration should be given to areas of sensitivity and other amenity/safety factors including air and water quality, intensity of use, including hours of operation, traffic access and parking.

Policy DP22 relates to Dartford's Green Belt and the policy states that inappropriate development will be resisted.

National Planning Policy Framework

(32) Other policy documents provide additional relevant material considerations. The National Planning Policy Framework (NPPF) contains policies not specifically addressed in the Local Plan that are likely to constitute material consideration for this application. Paragraph 19 states that, significant weight should be given to economic growth. Paragraph 29 advises that transport policies are also important in contributing to wider sustainability and health objectives. Paragraph 31 explicitly states that authorities should work with neighbours and transport providers on provision of infrastructure to support sustainable development, including large scale rail freight interchanges. Paragraph 34 advises that significant travel generating development should be located where travel is minimised and sustainable travel maximised. Paragraph 124 states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

National Policy Statement

(33) The government published in 2014 a National Policy Statement (NPS) for National Networks. The NPS sets out Government policy to be applied by the Secretary of State in the determination of applications for Development Consent for Nationally Significant Infrastructure Projects (NSIP) through the Development Consent Order process. The Howbury proposal does not meet the prescribed threshold to be considered through the NSIP route and therefore the NPS is not relevant planning policy. The policy which the proposals should be

considered against is the adopted development plan for the area. However, the government advise at paragraph 1.4 of the NPS that it can be a material consideration in decision making on applications that fall under the Town and Country Planning Act but that the extent that the NPS is a material consideration will be judged on a case by case basis.

(34) The NPS advises that the aim of a strategic rail freight interchange (SRFI) is to optimise the use of rail in the freight journey by maximising rail trunk haul and minimising some elements of the secondary distribution leg by road. The NPS recognises that SRFIs are important in facilitating the transfer of freight from road to rail thereby reducing trip mileage on both the national and local road networks and that a network of SRFIs is a key element in aiding this transfer of freight from road to rail. At paragraph 2.51 however the NPS acknowledges that although there are environmental advantages of rail freight, developments such as SRFIs are likely to lead to local impacts in terms of land use and increased road and rail movements and advises that it is important for the environmental impacts at these locations to be minimised.

(35) The NPS also advises that it is important SRFIs are located near to the business markets they serve and have effective connections for both rail and road and acknowledges that the number of location suitable for SRFIs will therefore be limited. It recognises that there is a particular challenge in expanding rail freight interchanges serving London and the South East.

(36) The NPS advises that the consideration for decision making should take into account air quality impacts over a wider area as well as within the vicinity of the scheme (paragraph 5.10). These considerations are noted to be particularly relevant where a location is connected to a AQMA or impacts may bring about changes to exceedance of air quality thresholds. (paragraph 5.11) The NPS advises that substantial weight should be afforded to air quality where, taking into account acceptable mitigation, a project would lead to a significant air quality impact. The NPS advises that consent should be refused where the air quality impacts of the scheme will affect the ability of a non-compliant area to achieve compliance within the most reason timescales reported to the European commission (paragraph 5.13).

(37) The NPS identifies that in some cases viable sites for meeting rail interchange need, may only be available within the Green Belt. However promoters will need to demonstrate very special circumstances exist to outweigh the substantial weight given to Green Belt harm. But the NPS advises substantial weight will be attached to the harm to the Green Belt.

(38) Where an SFRI is likely to have a significant transport impact, an application must provide a travel plan setting out management measures to mitigate transport impacts. Where this does not reduce transport demand sufficiently, traffic management measures should be identified in liaison with the LPA and Highways Authorities. The NPS acknowledges that SFRIs may give rise to impacts on local transport infrastructure and networks and that these should be mitigated, including acceptance by the applicant to planning obligations and requirements. Overall the Statement says that provided these requirements are met, consent should not be withheld and only limited weight should be applied to residual effects on transport infrastructure.

Emerging Kent Local Transport Plan 4

(39) Public consultation on the Local Transport Plan 4 (LTP4): Delivering Growth without Gridlock 2016 to 2031 was undertaken last year. The Plan has been reviewed and revised and is set to be approved by the County Council shortly, replacing the current out of date LTP3 (2012 to 2016). Rail freight on HS1 and mainline is supported wherever possible and potential environmental benefits noted, however the plan notes that scope for freight transport by rail is limited due to capacity limitations on the network. The plan does not identify any locations for RFI's in the County. More detailed actions to support the LTP are provided in the Freight Action Plan for Kent 2012 (FAP) which notes support for modal shift to rail freight to reduce use of Kent's road network especially haulage between the continent and beyond London. Specifically, interchanges close to London and the M25 are supported including Howbury. A updated FAP for Kent has recently undergone consultation and responses are

being reviewed. Rail freight continues to be supported to reduce HGV movements in the County.

COMMENTS

(40) The applicant makes considerable reference in the application documents to the Inspector's decision on the previous scheme. However, in my opinion, there has been material change in circumstance since the previous proposal was submitted in 2004 and the decision was made by the Secretary of State was published in 2007. The National Planning Policy Framework (NPPF) has been published since that time, the Borough Council has adopted its Core Strategy, there has been considerable growth in the area surrounding Dartford, vehicle emissions have not improved as anticipated at that time and there has been increased and significant congestion at the Dartford Crossing. Traffic flows on the M25/A282 have increased considerably with reported (24hr) flows of 170,000 vehicles in 2015 and 2016, far exceeding the design capacity of the (Highways England) strategic road network. I consider therefore that the current application should be considered fully on its own merits in the light of current adopted planning policy and other material considerations.

Key Issues

(41) I consider therefore that the key issues to be considered with regard to this proposal are: the appropriateness of the development, given its Green Belt location; the traffic impacts of the proposal on the surrounding road network; the impact on air quality and the amenity of the local area; and whether there are any very special circumstances or other material considerations to support the development.

Green Belt

(42) The National Planning Policy Framework (NPPF) states that the government attaches great importance to the Green Belt. Paragraph 87 thereto states that 'inappropriate development' is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.'

(43) Paragraph 88 advises that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

(44) Paragraph 89 comments that the construction of new buildings should be regarded as inappropriate in the Green Belt. The proposed development therefore represents inappropriate development within the Green Belt and, by the nature of the proposal, would cause substantial harm to the Green Belt with the ensuing loss of openness and would cause harm to at least two of the five purposes of the Green Belt, notably to check the unrestricted sprawl of large built-up areas, in this case London and helping to prevent encroachment into the countryside. The proposal will result in the development of land which currently ensures the neighbouring urban areas of Bexley and Dartford do not merge into one another. The Green Belt restricts the outward sprawl of London and provides a strategic break between London and the currently discrete settlement of Dartford preventing a merger of the two. In this location, the break is not wide and there is a high vulnerability to coalescence of London with the currently separate Kent Thameside growth area.

(45) Although not planning policy the National Policy Statement for National Networks (NPS) advises 'Promoters of strategic rail freight interchanges may find that the only viable sites for meeting the need for regional strategic rail freight interchanges are on Green Belt land. It also advises that the Secretary of State would have to be convinced, and promoters would need to demonstrate, very special circumstances to justify planning consent for inappropriate development in the Green Belt. I will deal with the issue of very special circumstances later in the report when I have considered "other harm" arising from the proposal.

Traffic Impact

Site operation and trip generation

(46) The proposed facility consists of an operational rail network connection and an intermodal area for handling and storing containers and moving them between the trains and HGVs. The proposal also includes up to 184,500sqm of warehouse and distribution floorspace, which although the applicants describe this as rail-related warehousing, it is in fact not uncontrolled. I have discussed with the applicant how these warehouses might be controlled as rail-related warehousing but they require them to remain unrestricted to encourage occupiers who might find the rail network connection useful but do not want to deter occupiers who do not require this facility. But equally the applicants advise that HGVs linking to the trains might be attracted from existing commercial premises, either in the local area or the much wider area. The trip generation estimates with the Transport Assessment therefore calculate trips for both the warehousing and the intermodal rail area and an internalisation value has been applied for trips between the two within the site.

(47) The proposed facility is estimated to employ approximately 2,500 people which includes 965 operational (warehouse, drivers) and approx. 1,521 non-operational (office, admin, managerial and IT/sales staff). The applicant suggests that such facilities traditionally operate a three (split shifts) working pattern with conventional shift supporting a 24 operation. However, neither employee numbers nor shift times can be confirmed as these would be dependent upon the individual occupiers which take up the floorspace.

(48) The HGV movement distribution estimates in the Transport Assessment methodology indicate that less than 10% of HGV trips from the local market area are from Kent. 31% of inbound trips and 37% of outbound trips were indicated as being from/going to Essex and Hertfordshire.

(49) The National Policy Statement for National Networks suggests that a freight train can remove somewhere between 43 and 77 HGVs from the sub-regional road network. The applicants advise that the proposed SRFI could serve up to seven intermodal trains per day plus 1 conventional wagon and therefore has the potential to remove a significant volume of HGV trips from the wider (sub-regional) road network, although there is uncertainty as to what parts of the network would benefit. The applicants have been unable to advise the volume of HGV trips that might be removed from the immediate highway network or from Kent roads. However at section 8.12.5 of Transport Assessment they advise that:

"The site will most likely serve the east and central London and the surrounding counties. This means that the HGVs are most likely to be travelling on the M25 in an arc from the M1 to the M3 and to a lesser degree on the radial routes, such as the A2 and the M20/A20. Consequently the HGVs will be removed from these roads and any junction they use. However, once the rail loads have been processed on site the HGVs will return to the same road network and to a lesser degree the A206 into London. It can therefore be concluded that the flows on the strategic roads will reduce slightly but with some additional traffic movements between the site and the M25." In addition I also note that Network Rail indicate in their draft South East Route: Kent Area Route Study March 2017 that a good amount of rail freight capacity has been available between the Channel and Wembley for some time, with only 18% usage in 2012. The emerging Freight Action Plan for Kent notes that the number of goods vehicles between UK and Europe has increased 84% in the last 20 years and that 70% (70,000) HGV traffic from Dover and Eurotunnel use the Dartford crossing. It is therefore apparent that rail freight capacity has existed for some time, and taking this into account together with the opening of new SFRIs to the north of London, that there appears to be no marked modal change alleviating HGV pressure on Kent roads or at the Dartford crossing.

(50) The applicants are proposing a routing strategy for HGVs which routes all vehicles travelling from the M25 south, the A2 west and east via Junction 1A.

(51) KCC's Freight Action Plan for Kent 2012 (FAP) supports modal shift to rail freight to reduce use of Kent's road network especially haulage between the continent and beyond London and specifically advises that interchanges close to London and the M25 are

supported, including Howbury. However, given the assumptions in the submitted Transport Assessment I consider that there is no certainty that the proposed SRFI will enable a reduction of cross channel freight traffic travelling through Kent and onward to other destinations via the Dartford Crossing at the present time.

Traffic modelling

(52) As part of this proposal, detailed modelling has been undertaken in an attempt to better understand the direct impact that the proposed SRFI might have on the local and strategic road network. KCC highways have advised that the proposed SRFI utilised a TfL/Highways England derived highways assignment (computer) model known as "RXHAM", which is a fully audited/validated highways model. RXHAM seeks to model the change in traffic capacity across the whole network as a result of the proposed SRFI development at peak times. As is similar in most of London and its fringes, the road network is constrained and this means that in some cases a small number of vehicles are reassigned to alternative routes. Typically this would mean local light vehicles may not remain on the A206 at peak times but are likely to divert to other roads to reach their destination. However, there is an element of uncertainty as to precisely where (and how many) vehicles would be 'reassigned' to the local network, much of it depends on driver behaviour and local traffic conditions. The reassigned traffic onto local roads is not included in the traffic model used but instead assumptions are made about where the traffic would choose to go.

(53) KCC highways advise that looking towards a 'horizon' (i.e. - full build out) year of 2031 - the computer modelling suggested the local road network and associated local roundabouts will be able to manage the associated increase in (development related) traffic/trip generation. Although I would clarify that this would result in additional queueing and reassignment of cars and light goods vehicles onto the local road network, such as through the town centre. More details on this are provided below.

(54) During the discussions with regard to the development, Highways England have requested that there should be a cap on HGVs using junction 1A during the peak periods. This raised some concerns with Borough Council officers and KCC highways as it would result in more HGVs at the junction during the shoulders of the peak which as Members are aware are already busy. KCC Highways requested that the applicant should carry out further modelling based on these caps but this has not been carried out. In response to concerns raised by officers, the applicants produced a technical note setting out the traffic flows estimated over the 24 hour operating period taking account of the suggested HGV caps during the three hour peak period in the morning and in the evening. The applicant suggests in this Technical Note (Transport Technical Note 8, 30/01/2017). that "the impact and wider benefits associated with this are unclear" The applicant does, however, state that the HGV cap will ensure that some capacity is released at Junction 1a - the implications being that Light Goods Vehicles in particular are less likely to be "reassigned" to other parts of the local highways network such as Dartford Town Centre (such as East Hill / Home Gardens) as originally demonstrated by the highways model.

(55) KCC highways warn that whilst computer (highways) models can certainly help to "paint a picture" of what may/may not occur on a local highways network in the future - Members should understand that they should only form one element of the overall professional advice presented. They advise that no computer model, be it one predicting weather or traffic flows will ever be 100% reliable/accurate. Although KCC highways do confirm that they are confident that RXHAM model accurately reflects the typical traffic conditions in the local area. My concern is that the model does not cover the wider local road network and has also not been re-run on the basis of the HE proposed cap at junction 1a. The impacts of this are therefore estimates and are not modelled and the impacts on the town centre are further supposition.

(56) KCC highways conclude that there remains an element of uncertainty regarding the ability of Junction 1a (in its current form) to manage traffic levels associated with future economic and population growth within and beyond Kent, spanning the next 10-15 years. More specifically, the uncertainty is the impact on the entry and exit slip-roads at J1a taking

into account the extra traffic from the development, and consequent impact on the local network. Future (medium to long-term) improvements - currently being considered by Highways England and KCC - will go some way to alleviating problems that would worsen if the existing arrangement remained. At present, it remains unclear exactly what form such improvements might take and consequently - it is difficult to predict how effective any future intervention at this location might be.

Traffic Impacts

(57) KCC highways acknowledge traffic flows around J1a, Dartford Town Centre and Bob Dunn Way are particularly sensitive to signal timings at J1a. KCC has made numerous changes to the traffic signals in recent history in an attempt to smooth the flow of traffic passing through the junction at different times of day but they accept that ultimately it is not necessarily what is happening on the junction that is the problem, it is what is happening on the A282/M25 'mainline'. For example, the extraction of an over-height vehicle triggers the Traffic Management Cell at the north-bound tunnel bore, which creates immediate delays. The north-bound tunnels can be closed due to congestion on the Essex side. Minor collisions on the approach to the tunnels (generally the result of lane-changing/weaving) all exacerbate problems on the local network and very quickly, Junction 1a and Bob Dunn Way suffer the consequences of such incidents, reflecting the sensitivity of the local network. As Members will know; this quickly impacts on junction 1b and Dartford town centre.

(58) The Lower Thames Crossing Route Consultation documentation (2016) notes that in 2014 there were 375 unplanned closures of a single lane or more at the Dartford crossing due to road incidents. This was before Dart charge was introduced but local experience is that conditions worsened following the introduction of the Charge although most recently there has been some improvement. Nonetheless, Dart Charge has not improved problems relating to closely-spaced junctions, the need for traffic management to control restricted vehicles and the poor tunnel geometry. The majority of closures in 2014 were up to an hour, with 25 being between 1-3 hours. However, once traffic builds up at the Crossing, it normally takes several hours for conditions to return to 'normal'. KCC highways advise that they accept that it is inevitable that any significant new development in the immediate area exacerbates an existing problem whenever one of the aforementioned incidents occurs on the approach to the tunnels / extractions within the traffic management cell. Indeed, blocking back on the northbound approach to the river crossing directly impacts on the operation of Junction 1a. Vehicles waiting to travel northbound on the M25 typically queue beyond the end of the slip road and through the western roundabout of Junction 1a, which resultantly creates exit blocking to the arms of the western roundabout and in particular Bob Dunn Way. Queuing vehicles then make it difficult for vehicles to enter the roundabout and the Transport Assessment supporting this application observed the same. Typically, it can take between three to five hours for roads to clear following a closure. Inevitably, KCC highways agree that any increase in local HGV/LGV movements associated with the proposed SRFI development will exacerbate local traffic congestion and lengthen existing traffic queues - particularly when there is an incident on the local or strategic road network. They advise that this is all set within the context of sensitivity to some strategically important major junctions spanning the wider area and that the interconnectivity between A282/M25 Junctions 1a, 1b, 2 plus A2 Bean and Ebbsfleet junctions (and the huge anticipated growth north of those junctions in the shape of Ebbsfleet Garden City) should not be underplayed. KCC highways acknowledge that typically, the strategic road network in North Kent is the single most congested part of Kent network.

(59) I consider it is highly likely, therefore, that when a serious incident occurs on the A282/M25 (with associated severe delays) SRFI traffic won't be able to leave (or access) the proposed development site. Ultimately, when there is a local network problem, the SRFI facility will add to local queue lengths and resultant delays.

(60) With respect to traffic flow, localised congestion and vehicular movements, the following are some key points which Members may wish to take into consideration when determining this application:

- Some 4,877 vehicle trips are projected to be generated by the development across a 24 hour period. 1,992 (just over 40%) of these trips will be generated between 19.00 and 07.00. These numbers are indicative and largely dictated by future shift patterns/timings, for which there remains some uncertainty/dependent on individual occupiers/operators;
- Of these 2264 trips are anticipated to be cars and the proposal will therefore result in a significant increase in cars and Light Goods Vehicles (301) on the local road network. This cannot be controlled and therefore will contribute to the existing queuing and congestion and KCC highways consider is likely to see the biggest impact along the A206 (Bob Dunn Way)
- Local highways such as Home Gardens and East Hill may see an increase in traffic, particularly in the afternoon peak:

A226 West Hill (2031 with development) - 48 PCU increase in traffic flow (east-bound - AM);

A226 East Hill (2031 with development) - 35 PCU increase in traffic flow (east-bound - AM);

A226 Home Gardens (2031 with dev.) - 58 PCU increase in traffic flow (east-bound - PM) *

*Source: TA Technical Addendum, March 2016. Section 3.6 / p.9

- KCC highways suggest that this may not be noticeable (particularly on a day without incidents on the strategic or local highways network). The applicants advise in their response to consultee comments "That it is not possible to provide an analysis for an "incident" day because this could be due to any number of possible events. We would only comment that, as reported by DBC and KCC, when there is an incident impacting on the network, Dartford town centre already experiences congestion. It follows in these circumstances that any potential traffic from Howbury will not make a difference to the actual traffic conditions through Dartford." This is, I consider, a very disappointing attitude, and I will address the issue of the Air Quality Management Area in Dartford town centre later in the report.
- Highways England have requested that Heavy Good Vehicle Trips accessing the A282/M25 are to be restricted during the morning and evening (3 hour) peak periods. This will result in an hourly (2 way) flow of 32 HGVs permitted between 07.00-10.00 and 56 HGVs permitted between 16.00-19.00 at Junction 1a. KCC Highways clarify that this will see a projected maximum of 253 total vehicles (08.00-09.00) and 329 total vehicles (17:00-18:00) generated by the development. Note, this is all vehicle type and not solely HGVs. But the cap would result in 393 vehicles between 06.00-07.00 and 996 vehicles over the 3 hour period between 13.00-16.00.

Traffic Mitigation:

(61) The applicant has suggested measures could be implemented which would mitigate the traffic impacts of the development and officers have explored these with the applicant's consultants. However, I am of the opinion that the proposals will not mitigate the impact sufficiently to make it acceptable, simply providing controls to ensure that the impact is not worse than anticipated but in many cases there is no certainty about the controls suggested and their management and enforceability for the future. I have summarised the suggested mitigations below, although the applicant has recently submitted revisions to their Transport management Plan as this report was being completed and if necessary I will provide an update to Members before the Development Control Board:

- i) Junction 1A contribution; £800,000 to be put into a fund with the aim of accruing other funds to carry out future works to junction 1A. The contribution in itself is not sufficient to make improvements to junction 1A, it is simply a contribution towards future works. However, there is no scheme or programme for such works and therefore I consider they will not be mitigating the impacts of the development in the short or medium term.
- ii) Shuttle bus; to fund an employee shuttle bus for 5 years. The route and service intervals have not yet been defined in the draft Transport Management Plan or the draft s106 submitted by the applicant. Although the intention was that it would link to the railway stations. Although a contribution to sustainable modes I doubt that it will go very far to reduce the employee car trips further.
- iii) Contribution to Cycle/ Footpath improvements between the development and town centre
- iv) Automatic Number Plate recognition: The applicant originally simply proposed monitoring HGVs along Burnham Road and discouraging them. They now propose that penalties will be imposed. During pre-application discussions, the applicant suggested similar systems have been implemented elsewhere in the UK at SRFI facilities and present an effective deterrent to operators or drivers who do not adhere to agreed routing plans. However, at the time of writing, details such as the way fines would be levied/collected and the mechanism for doing so remains to be clarified in the supporting Transport Management Plan. Automatic Number Plate Recognition (ANPR) cameras would generally only pick up HGVs that were registered with the SRFI as part of the booking system for arrivals/departures.
- v) Transport Management Plan: This is considered to be a key supporting document which should be tied to the s106 and sets out the detail for management of transport at the SRFI. But the detail provided by the applicant so far has been very vague with little commitment to funding or management of the measures to ensure that they could be implemented and maintained in the future. But to include the management of the HGVs in terms of booking systems, realtime information, low vehicle emissions and a Travel Plan; to encourage employees to car share and use other modes to travel to work.
- vi) Limit the number of HGVs generated by the site to 2,312 trips over a 24 hour period: Penalties for HGVs breaching the controls on local roads is not very clear and the draft TMP seems to allow for breaches and exceedances before penalties are imposed. No clarity over who collecting and the long-term responsibility for this. Not clear who will follow up penalty collection and I am concerned therefore that this will not be enforced long term.
- vii) HGV routing strategy and signage: purpose to direct HGVs via the strategic road network rather than local roads
- viii) A travel plan co-ordinator: to encourage non-car modes, to provide a co-ordinator and potentially to monitor HGV movements Only 10 years suggested and funding low so unlikely to be a full time post.
- ix) A steering group made up of the highway authorities and local authorities to monitor and review traffic movements; but with no power to enforce anything other than the s106. Although there has been discussion that they could use the penalties to implement mitigation measures to reduce HGV numbers.

LGVs are not proposed to be controlled at all and should the occupier of one of the units be a dark store, such as an internet delivery shopping store, there could be a higher rate of LGVs generated which will be on the local road.

(62) In conclusion I do not consider that the mitigation does not deal with incidences and congestion and does not reduce trip generation but simply ensures it is managed. I consider that the impacts from the traffic arising from the development are such that they will unacceptable adverse impacts on the local environment, including the character and perception of Dartford town centre. I deal with the air quality impacts below.

Rail impact

(63) Network Rail advise that from a network perspective is that neither the current freight services in this area (the multiple daily bulk services) nor the proposed quantum of freights serving Howbury Park are considered of sufficient scale to have any negative bearing on the achievement of a future extended Crossrail service operation.

(64) Network Rail indicates that before it formally engages with any scheme proponent, it needs to be satisfied of the network fit of a proposal. The initial GRIP process has commenced with feasibility with regard to freight paths to Wembley completed. In addition it's strategic planning team, who works to a 30 year time horizon have long endorsed this development with their full visibility of future freight & passenger service development. However more detailed assessment will be required to fully understand the implication of current proposals of planned longer and more frequent passenger trains, and potential Crossrail extension on freight trains operating to and from Howbury, together with proposals such as improvements to rail infrastructure on the North Kent network

Air Quality

(65) Central Government advises within the Planning Practice Guidance (PPG) that "Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation (including that applicable to wildlife)." The PPG is a material consideration in determining planning applications. In deciding whether air quality is relevant to a planning application, the PPG advises that considerations could include whether the development would: "Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more." The PPG further states Defra carries out an annual national assessment of air quality using modelling and monitoring to determine compliance with EU limit values and that it is important that the potential impact of new development on air quality is taken into account in planning where the national assessment indicates that relevant limits have been exceeded or are near the limit.

(66) The Environmental Statement (ES) does consider air quality and an assessment has been made using the traffic modelling data but officers have some concerns over the adequacy of this assessment. The addendum ES notes that 40 of the 98 receptors assessed will exceed the annual mean NO₂ objective in "without" development scenario in 2021 43 of the 98 receptors will have exceedances with the proposed development in 2021. The new exceedances would be on Shepherds Lane, Summerhill Road and flats on Bob Dunn Way. The two other receptors with exceedances are the result of displaced traffic rather than HGV movements. The ES summarises the overall impact of the development as not being significant although it does identify some adverse impacts, there are no suggestions in the ES for mitigation during the operation stage of development. I address these concerns more below.

(67) The A282 (Dartford Tunnel Approach Road) was declared as an AQMA in 2001, when nitrogen dioxide levels were found to be high. Since then the levels of NO₂ have not significantly reduced along this corridor, despite increasingly stringent criteria for vehicle emissions. Recorded levels of nitrogen dioxide on this road were 70µg/m³ in 2015. The EU directive on Air Quality has a threshold of 40µg/m³. It requires that member states take measures that would bring pollution levels into compliance with the EU Directive 'as soon as possible'.

(68) Dartford Town Centre was declared as an AQMA in 2006 due to identified levels of nitrogen dioxide in excess of national air quality objectives. The AQMA extends from the Town Centre along Burnham Road (A2026) to the junction with Bob Dunn Way (A206).

(69) The UK government set out its proposals for EU compliance in the National Air Quality Plan (Dec 2015). This identified those areas where there is current non-compliance and identified actions that were intended to bring them into compliance (that is, within the EU threshold) by 2020 across the country and by 2025 in London. In the High Court Challenge brought by ClientEarth, the Judge determined that the National Plan did not meet the EU requirement for achievement of compliance 'as soon as possible'. The implication is, therefore, that 2020 and certainly 2025 are not soon enough to achieve compliance. The government has now committed to producing a revised National Air Quality Plan by July 2017. The new plan will need to demonstrate more effective measures for achieving compliance sooner.

(70) As Members are aware the A282 (tunnel approach road) was excluded from the National Air Quality Plan due to the incorrect classification of the A282 as a rural road. The applicants have not addressed the issue of the A282 AQMA needing to comply with the National Air Quality Plan, although they have been advised that the A282 was excluded in error. The Council has, however, been formally informed by Defra that the A282 will be included in the forthcoming National Plan (letter from Defra, 14 March 2017). Based on the Council's modelled data for the road, it seems unlikely that this stretch of road will meet compliance in the near future. Increasing volumes of traffic are counter-acting improvements in the cleanliness of vehicles. The implication of the ruling is that careful consideration would need to be given to anything which affects the ability of a non-compliant area to achieve compliance within the timetable set out in the new National Plan. The NPS advises that consent should be refused where the air quality impacts of the scheme will affect the ability of a non-compliant area to achieve compliance within the most reason timescales reported to the European commission (paragraph 5.13)

(71) The Air quality assessment forming part of the ES has been carried out using a widely used computer model known as ADMS-Roads. The assessment has modelled five scenarios: a 2013 baseline; 2021 with and without development; and 2031 with and without development. Due to uncertainty with predicted future emission factors the assessment has assumed that emissions for LDVs do not improve from the 2013 baseline till 2021, the model has however, factored in improved emissions for HGVs.

(72) The Council's environmental health officer acknowledges that it is widely agreed that there have been significant improvements to emissions from modern HGV engines, but has concerns that the vehicles leaving the application site will be starting their journeys with cold engines and emissions would be much higher before the engine reaches operating temperature and the catalytic convertors are fully functioning. They advise that this cold starting of HGVs has not been factored into the air quality assessment.

(73) Whilst a freight train may be able to remove up to 77 HGVs from the national road network, the proposed development requires this number of HGVs making a two way journey through an urban area which has been declared as an Air Quality Management Area (AQMA) and in fact the application proposes to direct all traffic through the A282 AQMA. The proposed development is predicted to result in an increase in vehicle flows along the A282 and A206, however the air quality assessment has predicted an improvement in future air quality at certain receptors along the A282 as a result of this development when compared to future predictions without the development. The Council's scientific officer queries how this could occur in reality.

(74) The Council's environmental health officer also notes that the proposed development would give rise to additional traffic on the local road network and is likely to cause additional congestion at the junction of the A206 (Bob Dunn Way) and A2026(Burnham Road). The Transport Assessment acknowledges that any extra congestion on the A206 and junction 1a is also likely to result in existing vehicles on the local road network diverting their journey from this road through Dartford Town Centre. Environmental health raise concerns that these

conditions do not appear to have been factored into the air quality assessment. Although the applicant is suggesting monitoring of HGVs associated with the site to prevent them from using Burnham Road to access the town centre, there are no controls over light goods vehicles, HGVs from elsewhere and employee vehicles using Dartford Town Centre to access the major trunk roads, particularly when there is extra congestion on the A206 and at Junction 1A of the A282/M25 possibly as the result of an incident.

(75) Environmental Health are concerned that these conditions have not been fully factored into the air quality assessment with the ES. It is not usual for a Transport Assessment to model incidences which occur randomly or occasionally as this is not considered to be "normal" traffic days. However, KCC advise that there were approximately 300 incidences on the A282(T) and junction 1a over the period of a year for the past few years and the Lower Thames Crossing consultation reported about 350 or so in 2014. It is worth noting that such incidences can take 4-5 hours to clear I consider therefore that this is a regular occurrence in this area and is a reality for the surrounding population in terms of reduced air quality. This is indicated by the deterioration of recorded air quality in the town centre over the past two years. The applicants argue that improvements are being carried out to junction 1a by KCC and Highways England and although I accept that this should reduce the number of incidences and congestion in this area it will not remove the problem on this complex road network where strategic and local roads are all interdependent on one another. I consider therefore that the impact of potential congestion on the surrounding road network and the impact of the additional vehicles that the proposed development will add to a congested network should be assessed in terms of air quality.

(76) Environmental health advise that pollution levels within the Town Centre had shown an improvement over the years following the declaration, however in recent years this trend has shown a reverse. Monitored levels of nitrogen dioxide have experienced a significant step change in recent years. This is particularly evident at locations along East Hill and Park Road (approaching the A282(T)) these roads are heavily affected by congestion at times of incidents on the major trunk roads. It is during these incidents that Bob Dunn Way would also be suffering from congestion and when traffic is most likely to divert from Bob Dunn Way through the Town Centre.

(77) Overall I am concerned that the ES does identify impacts which take the receptor further above the annual mean NO₂ objective which even if the applicant argues that this is proportionally not significant is still a worsening of an already poor situation and consider that this could slow down the date by which compliance with the National Air Quality Plan is achieved. The fact that the majority of the receptors are acceptable in the model does not make the worsening of some receptors acceptable. In addition, this modelling has been carried out on a best case scenario when traffic is flowing freely and there have been no incidences on the wider network which would cause further congestion, queuing and worsening air quality on a part of the strategic and local network where incidences are a regular occurrence. I consider that this is unacceptable. I am of the opinion therefore that the proposal would result in air quality impacts which are likely to affect the ability of the A2 is in line with the advice given in the NPS permission should be refused.

Construction impacts on air quality

(78) The submitted Environmental Statement (ES) identifies that the main air quality impacts likely to arise during the construction phase are related to dust and particulate matter generated by site clearance, construction and landscaping. In terms of impacts on air quality due to emissions from construction vehicles and non-road mobile machinery the nearest sensitive receptors to the site access are residential properties on Burnham Road. The nearest property is approximately 40m from the Bob Dunn Way/Burnham Road roundabout. At this distance environmental health consider it unlikely that construction activities would have substantial influence on pollutant concentrations at this receptor. Other sensitive residential receptors are situated along Bob Dunn Way, in particular properties on Cornwall Road and Halcrow Avenue near the Marsh Street roundabout which are within 30m of the main route for construction traffic. The ES proposes a range of construction mitigation measures to minimise the risk of unmitigated dust and other impacts. These include a

Construction Logistics Plan to manage the sustainable delivery of goods and materials, and using water-assisted dust sweepers on the access roads and local roads, to remove, as necessary any material tracked out of the site which are acceptable good practice in dealing with the mitigation.

Very Special Circumstances

(79) The applicant has set out a 'very special circumstances' case. They argue that there is a recognised need for SRFI development to meet the government's growth agenda, and this is set out in the National Policy Statement on National Networks.

(80) The applicants have carried out an Alternative Sites Assessments, where potential sites within a large arc around south and east London were evaluated against key SRFI site criteria and conclude that there is a lack of such opportunities. I note that this Assessment has been carried out with regard to normal assessment criteria and looking at available sites.

(81) However, I consider that if the Council is being asked to accept significant impacts of a development due to national requirements and there should perhaps also be consideration of similar Greenfield sites in the Green Belt that are not currently being sold as development sites, but may be better located in terms of the potential to remove traffic from the local road network and the number of sensitive receptors. For example more appropriately located close to the mainline route between the Channel crossing and Wembley, which as noted above has a large amount of unused capacity. Although this is perhaps contentious, I consider that as the need for SRFIs is being promoted as a national need then it should be planned appropriately identifying sites irrespective of ownership which have the least impact on the local area and the environment and located close to mainline freight capacity. At present the London Plan policy referring to Howbury and the Kent Freight Management Plan simply responds to the fact that a previous planning permission was granted on this site, some 10 years ago now.

(82) The applicant's Environmental Statement sets out the socio-economic benefits of the scheme across Royal Borough of Greenwich, London Borough of Bexley and Dartford. I have set these out below with my comments:

"The direct creation of 1,966 Full Time Equivalent (FTE) jobs, which may be of significant importance to local residents where unemployment levels are relatively higher;"
Unemployment is very low in Dartford and the local economy is more prone to suffer from labour shortages which can then result in more in-commuting by car and is likely to increase the applicant's estimated percentage of three-quarters of employees arriving by car.

"A capital investment of some £125 million in the local area;"
Dartford has identified sites suitable for B8 warehousing and distribution which are brownfield sites, not in the Green Belt and therefore more suitable for investment.

"Business rates with a potential annual receipt of £2.5 million;"
This will not be a benefit for Dartford BC.

"Gross Value Added (ie contribution to the economy) of around £49.5 million each year; "
The applicants have made no estimate of the cost to the local economy that increased delays, incidents and congestion on the road network due to increase traffic generated by the development. There is also no cost estimated of the increased cost on health as a result of poor air quality.

"Significant employment opportunities through construction works;"
In a growth area such as Dartford, on the fringe of London, competition for construction labour is already severe and raises costs for development sites (which has a consequent reduction on quality as developers seek to make the development viable). Intensified build out rates in Ebbsfleet Garden City and the anticipated London Paramount project will increase pressure on construction labour and this will be a significant issue for the area likely to result in many

temporary construction camps. I do not consider that exacerbating this can be considered a benefit.

"Enhancing the profile and image of the Thames Gateway, as a major focus for the distribution sector."

Dartford is already a growth area and is a focus for the distribution sector and as stated above has identified sites suitable for B8 warehousing and distribution which are brownfield sites, not in the Green Belt, with planned transport (highways and strategic sustainable transport funded schemes) and therefore more suitable for investment.

"It represents a major new employment opportunity close to areas of growth in Dartford borough. This would support the growth strategy."

Dartford's growth strategy is identified in the adopted Core Strategy and the Infrastructure Delivery Plan has been developed to support this growth. This is a carefully considered Plan which seeks to provide a balance between homes, jobs and supporting infrastructure. The Plan identifies sites which can deliver the required numbers to achieve the appropriate balance. The Plan is meeting its objectives and delivery is now coming forward as planned. The proposal is unidentified growth which will undermine that balance and, thereby, the strategy as a whole. It will put more pressure on infrastructure within the Borough, which has not been taken into account or provided for in the assessment of new infrastructure requirements.

(83) Paragraph 2.51 of the NPS acknowledges that although there are environmental advantages of rail freight, developments such as SRFIs are likely to lead to local impacts in terms of land use and increased road and rail movements and advises that it is important for the environmental impacts at these locations to be minimised

I consider that the word "minimised" is the key point here, the current proposal does not minimise these impacts and does not seek to. The mitigation proposed by the applicant is not minimising the impacts it is simply seeking to ensure they do not go beyond the levels anticipated and I have concerns that this can be maintained in the future.

(84) Overall therefore I do not consider that very special circumstances have been demonstrated and there is clear harm from the development that cannot be outweighed by other material considerations.

Other Issues

(85) Outside the area of the site under DBC's control the site occupies part of a designated Grade 1 Site of Importance for Nature Conservation (SINC), known as Crayford Landfill Area & Howbury Grange. This is an area of grazing marsh, valuable for a wide range of uncommon flora and fauna. The proposed development would cause the direct loss of a sizeable area of the existing SINC, reducing the area of grassland and habitats and decreasing the availability of foraging birds and invertebrates utilising the adjacent Crayford Marshes. The development would result in the fragmentation of Crayford and Dartford Marshes.

(86) Public Right of Way DB1 runs along the eastern side of the River Cray and so will be spanned by the proposed viaduct. No details have been submitted of how this footpath will be protected or whether the viaduct enables walkers to pass underneath.

HUMAN RIGHTS IMPLICATIONS

(87) I have considered the application in the light of the Human Rights Act 1998. I am satisfied that my analysis of the issues in this case and my consequent recommendation are compatible with the Act.

PUBLIC SECTOR EQUALITY DUTY

(88) Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CONCLUSIONS

(89) The NPS advises at 2.53 that "The Government's vision for transport is a low carbon sustainable transport system that is an engine for economic growth, but is also safer and improves the quality of life in our communities". In my opinion the current proposal does not comply with this vision and will have a detrimental impact on the quality of life of the local community. I do not consider that the justification for the SRFI put forward by the applicant, in terms of economic benefits and removal of HGVs on the wider national network is sufficient to outweigh the harm to the local community and the local environment. The NPS acknowledges (paragraph 2.51) that although there are environmental advantages to rail freight for developments such as SRFI it is important for the environmental impacts to be minimised.

(90) I consider that the Environmental Impact Assessment does not consider fully the impact of the development in contributing to worsening air quality in the Borough or the ability for the Air Quality Management Areas to meet the National Air Quality Action Plan. I am of the opinion therefore that the proposal would result in air quality impacts which are likely to affect the ability of the A282 AQMA to achieve compliance with the timescale set by the European Commission and in line with the advice given in the NPS permission should be refused.

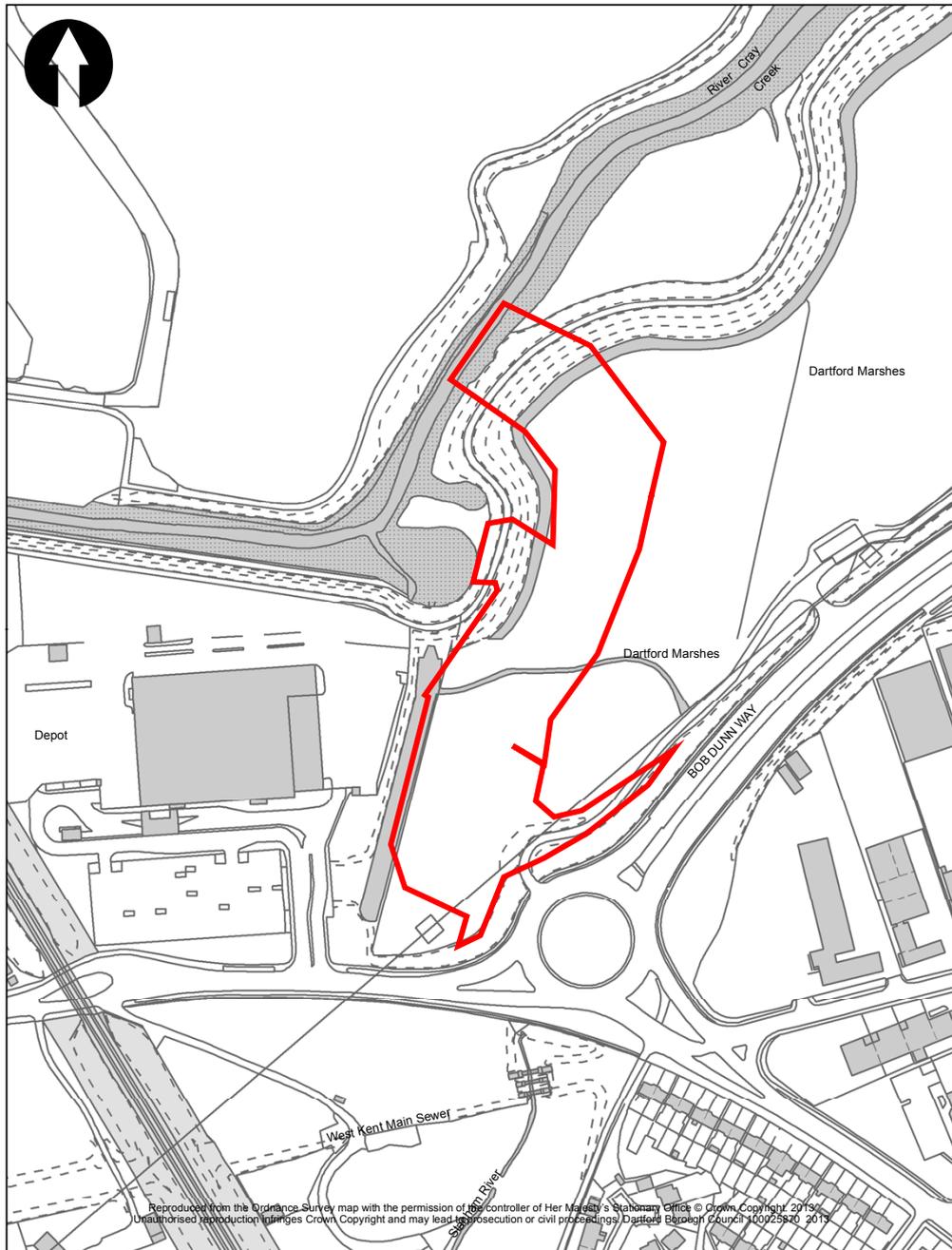
(91) I consider therefore that the proposed developed is inappropriate development in the Green Belt and very special circumstances cannot be demonstrated to justify granting planning permission for inappropriate development. The proposal, when combined with planned developments, will also give rise to environmental harm and health impacts on local residents due to worsening air quality, will undermine the local economy and the character of the local area due to potential for increased congestion arising from the traffic generation anticipated. I do not consider that these impacts can be satisfactorily mitigated and recommend that planning permission be refused.

RECOMMENDATION:

Refusal

- 01 The proposal by virtue of its significant traffic generation and routing of vehicles to the development via junction 1a of the M25, will result in increased traffic on local roads and together with the reassignment of vehicles at times of congestion is likely to result in worsening air quality in the Borough, particularly in the areas designated as AQMAs at the A282 (Dartford Tunnel Approach Road) and Dartford town centre. The proposal is therefore considered to be contrary to Policy CS1 of the adopted Dartford Core Strategy 2011, Policies DP3 and DP5 of the emerging Dartford Development Policies Plan 2015, the National Planning Policy Framework and the National Policy Statement for National Networks 2014.
- 02 By virtue of significant trip generation of the proposal and its location, inside the M25 and in a heavily built up area adjacent to the A282/Dartford Crossing, it will impact on the local roads in Dartford as well as the strategic road network in Dartford, which is likely to be detrimental to the quality of life of the community in Dartford. It is not considered that the justification for an SRFI at this location, with no certainty that this will reduce long haul HGVs from the local strategic road network outweighs the harm to the local community. The proposal is therefore considered to be contrary to Policy CS1 of the adopted Dartford Core Strategy 2011, Policies DP3 and DP5 of the emerging Dartford Development Policies Plan 2015, the National Planning Policy Framework and the National Policy Statement for National Networks 2014.

- 03 The proposal is considered to be inappropriate development in the Green Belt and very special circumstances have not been demonstrated which would outweigh the harm to the Green Belt. The development is therefore contrary to Policy CS13 of the adopted Dartford Core Strategy 2011, and the National Planning Policy Framework and Policy DP22 of the emerging Dartford Development Policies Plan (Modifications post Examination, Dec 2016).



Application No.:	15/01743/OUT
Address :	Roundabout Junction Bob Dunn Way & Thames Road (Howbury Park)
Date: 5 April 2017	Scale: Not to Scale