



The Bearsted & Thurnham Society



The Residents Association for the Civil Parishes of Bearsted and Thurnham

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Spatial Policy
Maidstone Borough Council
Maidstone House
King Street
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17th March 2016

Dear Sir,

MAIDSTONE BOROUGH LOCAL PLAN – REGULATION 19 CONSULTATION 2016

For the benefit of the Inspector a note about the Bearsted & Thurnham Society is attached at Annex 1.

1. In considering the Maidstone Local Plan the Inspector appointed by the Secretary of State for Communities and Local Government is required to assess whether it passes a number of “tests of soundness”. In particular, is it:

- ▶ Positively prepared
- ▶ Justified
- ▶ Effective
- ▶ Consistent with national policy?

2. It is the Society’s view that in a number of key areas the Plan fails these tests. The paragraphs below explain why and major on the issues set out below:

- Housing numbers and constraints (paragraphs 3 to 13)
- The duty to co-operate (paragraphs 14 to 18)
- Failure to co-operate with Kent County Council (paragraphs 19 to 32)
- Failure to co-operate with Tonbridge and Malling Borough Council (paragraphs 33 to 49)
- Employment sites, including Woodcut Farm (paragraphs 50 to 70)
- Protection of the Countryside – Areas of Local Landscape Value (paragraphs 71 to 93)

Housing numbers and constraints

3. The additional housing numbers on which the Local Plan is based and the consequences of those numbers lie at the heart of criticisms many parishes, other organisations and individuals will level against the Plan. The Society fully shares those concerns but will not repeat here all the arguments that the Inspector will hear from others.

4. We share with them the concern that the numbers are based on extrapolating from an exceptional peak in numbers of house completions starting in 2006-07 as a result of the very successful re-development of brownfield sites which will not be repeated. The Council has failed to take account of that exceptional rise and to make the necessary adjustments.

5. As the Kent Association of Local Councils has pointed out the 18,560 new homes envisaged by the Plan implies 40-50,000 new residents. That would point to an increase approaching 30% in the borough's size compared with projections produced by the Office of National Statistics which show:

- 12.6% increase for the UK over the same period
- 12.9% increase for England.
- 13.3% increase for the South East Region (excluding London)
- 17% increase for Kent (excluding Medway)
- 22% increase for Maidstone

6. The Society believes that simple arithmetical extensions of recent population trends are not a sound basis for predicting future growth. **Contrary to the government's guidance on the preparation of housing assessments, the report attempts no analysis or explanation of this past trend.**

7. If one assumes that Maidstone's population would grow only at the same rate as the regional average the demand for new homes drops to between 11,000 and 12,000. This is more in line with the ability of the infrastructure to cope. This latter point has formed a key part of submissions made to the Borough Council during the various consultation phases of the Local Plan by a large number of individuals, groups and by Kent County Council – a key provider of much of that infrastructure. It was also the central point of the discussions that took place at a public meeting organised by Helen Grant MP and Helen Whately MP on 11 February, attended by over 300 people. Time and time again members of the public drew attention to the severe congestion that already existed in the town and other constraints that could and should have been taken into account in the preparation of the Plan.

8. However, speaking from the top table, Council Leader, Councillor Fran Wilson, and Head of Planning and Development, Rob Jarman, said that, while they would have much preferred to settle on a lower figure, having looked at over 20 possible constraints that might be applied, none did. The Society is not alone – see evidence submitted by Kent County Council – in believing that Maidstone Borough Council, having saddled itself with a vastly excessive housing target, has sought in its planning decisions to boost housing supply irrespective of all else. As a result, planning decisions have been skewed by the need to secure a 5-year housing supply while other factors set out in the NPPF required to secure balanced and sustainable development have been ignored or not given the weight they deserve.

9. While the provision of a 5-year supply of land for housing is a key part of the NPPF it is not the sole objective. This issue has been highlighted in the decision of a Planning Inspector in respect of an appeal against the refusal of planning permission for the development of 220 homes on the New Line Learning School's playing fields off Boughton Lane in Loose, south west Maidstone.

10. Maidstone Borough Council had refused planning permission, but so little did they count on their chances of successfully defending the decision that they left the heavy lifting to be done by the

volunteers of the North Loose Residents Association and a few local councillors to fight a 'David' campaign against the 'Goliath' of the developer's QC and legal team.

11. The Inspector, John Felgate, noted in his decision letter (APP/U2235/A/14/22227839), that the NPPF does not seek to boost housing supply **“irrespective of all else”**. Amongst other things he took account of the fact that the proposed development conflicted with policy ENV32 in the existing Local Plan which seeks to prevent coalescence of communities and said that the policy applied even if the borough could not demonstrate a 5-year housing supply. He also concluded that the proposed development would have a severe impact on already chronic traffic congestion on the A229, around the Swan and Wheatsheaf junctions and on the strategic transport planning of the area generally. While the scheme would have some benefits in terms of the social and economic dimensions, it would also have some serious drawbacks, both social and environmental.

12. Maidstone's decision not to fight this appeal exemplifies much that the Society and other local groups believe is wrong in its attitude to development. All too often in recent years the Maidstone Borough Council has argued, when considering sites for housing, that the need for a 5-year supply trumps all. Sites that have been refused planning permission for decades on grounds of liability to flooding, protection of the countryside or impact on neighbouring properties, have been sacrificed on the altar of the 5-year housing supply. All too often Maidstone councillors have been advised that there is no point in fighting an application if key statutory bodies have not objected. All too often Maidstone councillors have been advised that a refusal of planning permission would only result in the Planning Inspectorate allowing it on appeal and subject to less stringent conditions than those the Borough Council would impose. In the light of this decision we believe that the Borough Council must re-appraise its whole approach.

13. It is the Society's contention - and we are far from alone in this – that such examples illustrate Maidstone Borough Council has taken an unbalanced and unjustified view of development under the NPPF and has failed to take account of social and environmental constraints on development that, if acknowledged, would have resulted in lower numbers for housing and jobs. Had they done so it could have been far easier to formulate plans with KCC, to avoid alienating huge swathes of its citizens and to come forward with plans that were effective, justified, sustainable and deliverable within the NPPF criteria. Indeed, councillors themselves are now waking up to the significance of the above decision and its effect on future planning applications.

The duty to co-operate

14. The NPPF places a duty on local authorities to co-operate across a wide range of issues. This duty is spelt out in paragraphs 178 to 181 as follows:

“178. Public bodies have a duty to co-operate on planning issues that cross administrative boundaries, particularly those that relate to strategic priorities set out in paragraph 156. The Government expects joint working on areas of common interest to be diligently undertaken for the mutual benefit of neighbouring authorities.

179. Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans. Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework. As part of this process, they should consider producing joint planning

policies on strategic matters and informal strategies such as joint infrastructure and investment plans.

180. Local planning authorities should take account of different geographic areas, including travel-to-work areas. In two tier areas, county and district authorities should co-operate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable development in consultation with Local Enterprise partnerships and Local Nature partnerships. Local planning authorities should also work collaboratively with private sector bodies, utility and infrastructure providers.

181. Local planning authorities will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts when their Local Plans are submitted for examination. This could be by way of plans and policies prepared as part of a joint committee, a memorandum of understanding or a jointly prepared strategy which is presented as evidence of an agreed position. Co-operation should be a continuous process of engagement from initial thinking through to implementation, resulting in a final position where plans are in place to provide the land and infrastructure necessary to support current and projected future levels of development.”

[My underlining]

The importance placed on co-operation in Inspectors’ decisions

15. The abolition of strategic plans has only increased the importance of this kind of co-operation and the Government and the Planning Inspectorate rightly place great weight on it. Indeed, the failure to co-operate has been a reason cited by Inspectors for finding a Local Plan unsound. The Vale of Aylesbury Local Plan was one such example.

16. In paragraph 11 of his closely argued decision letter of 7 January 2014 (PINS/J0405/429/8) the Inspector, Mr Kevin Ward, commented:

“It is the actions of the Council in terms of co-operating to maximise the effectiveness of the preparation of the Plan which are critical to my consideration of the matter.”

[My emphasis]

17. Having carefully considered all the issues he concluded in paragraph 28 of his letter:

“On the basis of the above assessment I consider that the Council has not engaged constructively, actively and on an ongoing basis and that this has undermined the effectiveness of plan preparation in dealing with key strategic issues. It is with regret therefore that I must conclude that the Council has not complied with the duty to co-operate.”

[My emphasis]

18. It is the Society’s view that the same criticism can be levelled against Maidstone Borough Council in its dealings with Kent County Council (KCC) and Tonbridge and Malling Borough Council with the result that the Plan **does not comply with the NPPF and is, as a result, unsound**. In the following paragraphs we look at these issues seriatim.

Lack of co-operation with Kent County Council

19. In its response to the housing allocations in the draft Maidstone Local Plan in April 2014, KCC commented:

“The role of Kent County Council in the process is essentially as a provider of key infrastructure. Obviously the development needs/targets and broad locations for housing require investment in infrastructure to support such growth. KCC as the authority responsible for highways, education, social care and community facilities, plays a key role in the process, and each of the districts must work with KCC to ensure that their housing allocations are deliverable in infrastructure terms under the duty to co-operate legislation.....”

It is, therefore, essential that Maidstone Borough Council works proactively with Kent County Council and parish/town Councils in order to ensure that the final Local Plan not only achieves an appropriate housing target, but also ensures that development is located appropriately taking into account infrastructure needs and eventual amenity of development in the Borough.”

[Managing Growth in Maidstone Borough, pages 3 and 5]

20. Kent County Council’s response revealed the deep divisions between the County and the Borough Councils about fundamental assumptions underlying the Plan. Kent CC argued that a more appropriate housing target would be between 14,500 and 14,800 rather than the Borough’s target of over 18,000. In support of this lower figure KCC pointed out that road infrastructure, existing traffic congestion, potable water supply and sewerage provision presented significant constraints to development around Maidstone, and that the allocation of large edge of urban sites was entirely contrary to the direction of the NPPF and, not only failed to provide housing development that offered suitable transport options, but directly exacerbated current problems.

21. It also noted that:

“To date there is no acceptable Transport Strategy for Maidstone between MBC and KCC, the Highway Authority. There is no evidence from the Highways Agency that junctions 5 to 8 on the M20 have sufficient capacity to accommodate the urban expansion proposed by MBC.”

[Managing Growth in Maidstone, page 13]

22. The fact that there was no acceptable transport strategy dates back to the rejection of the Transport Strategy by the Joint Transportation Board in October 2012. Rarely can a document have been so heavily criticised by members of both County and Borough Councils across party lines. Chairman of the Board, Conservative County Councillor, Gary Cooke, described it as ***“not a fit and proper document. Most of our points we [Kent] made a year ago have not been incorporated, for example our suggestion of a transport interchange at Maidstone East. The strategy suggests that trips into Maidstone will grow by 41% and journey times will increase on average by 20%. This will not be acceptable to the people of Maidstone.”***

23. Across the political divide, Liberal Democrat Borough Councillor, Clive English (then Deputy Mayor of Maidstone; now Chair of the Planning Committee) commented that ***“It is not integrated and it is not a strategy.....It does include proposals that will actually make the situation worse. We would spend a fortune to ruin peoples’ lives and create more problems down the road.”***

24. Against such a background one might reasonably have expected the Borough Council to have moved heaven and earth over the last two years to engage constructively, actively and on an on-going basis with KCC in order to come up with a strategy that would provide for a reasonable level of growth which was deliverable within the framework of the NPPF as a whole without causing social and environmental damage.

25. Regrettably, despite warnings from the County Council of the impact of central government cuts on its ability to provide infrastructure support - KCC estimate the shortfall in investment required to deliver the Maidstone Plan as **£124,480,000** - this has not been achieved (see also paragraphs 31 and 32 below). The Society understands that KCC, in their response to the Local Plan, will make clear the gulf that still exists between them and the Borough Council.

26. In paragraph 21 of his decision letter on the vale of Aylesbury Local Plan to which reference has already been made, Mr Ward commented:

*“.....The duty to co-operate does not place an obligation on the Council to have agreed with other authorities in terms of the overall level of housing to be planned for Aylesbury Vale or how any unmet needs from other authorities will be met. **However, the nature of representations from other authorities is an indication as to what extent engagement has been constructive in resolving strategic issues.**”*

[My emphasis]

27. In her representations of 30 October 2015 to the Chief Executive of MBC (copy attached at Annex 2), Barbara Cooper, Corporate Director – Growth, Environment and Transport, KCC, said that, in summary, it was the view of the County Council that the emerging Local Plan:

- ▶ **Fails** the test of soundness as prescribed in the National Planning Policy Framework (paragraph 182);
- ▶ Wholly disregards the demonstrably constrained local highway network in the south east of Maidstone town where further development would result in **an unacceptably severe cumulative** impact;
- ▶ Creates **significant challenges** to mitigating the impact of new development on local education provision in a sustainable manner;
- ▶ Is based on a development strategy that is **not justified** by proportionate evidence and is **not consistent** with national planning policy; and
- ▶ Does not meaningfully contribute to the delivery of genuinely sustainable development that reflects the vision and aspiration of local communities across the Maidstone Borough.

28. The Society submits that such scathing criticism of the Local Plan by KCC is a clear indication of Maidstone’s failure to undertake constructive engagement with KCC in resolving strategic issues and therefore fails the duty to co-operate set out in the NPPF.

29. If further evidence were needed it was provided at the public meeting organised by Helen Grant MP and Helen Whately MP (see paragraph 7 above). The top table for this event included Councillor Matthew Balfour, the KCC Cabinet Member for Environment and Transport. Picking up a copy of the Maidstone Integrated Transport Strategy which, according to the report had been prepared in consultation with Kent County Council, Cllr Balfour made it plain that the County Council did not support the Strategy and distanced himself from it at every opportunity he was given.

30. Clearly the absence of an agreed or deliverable transport strategy means that the Plan is not deliverable in its current form and is therefore in conflict with paragraph 173 of the NPPF which states that:

“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”

31. This point is effectively acknowledged by the Borough Council at pages 278 and 279 of the Plan when they state that the finance from existing resources, new homes bonus, mainstream public funding and future site specific provision:

“... Will not be sufficient to fund the total amount of infrastructure provision that is being sought. The Community Infrastructure Levy is intended to reduce the funding gap that exists once existing resources (to the extent they are known) have been taken into account. If a funding shortfall remains once the CIL charging levy is determined there will be a need to prioritise key infrastructure projects to ensure the overall strategy within the plan can be delivered.”

32. This statement is virtually identical to that on page 128 of the version of the Local Plan published in 2014 indicating how little progress has been made in the meanwhile. If pushed through the results would be only too clear - resources would be insufficient to meet demand and would have to be rationed with all too predictable outcomes: greater congestion, insufficient school places and over stretched medical and social care facilities.

Lack of co-operation with Tonbridge and Malling Borough Council

33. Economic activity in Kent is clustered around its main towns and in most cases these towns are located well within, and their urban spread does not cross, the boundaries of the districts to which they give their name, for example, Sevenoaks, Ashford and Canterbury. In Maidstone, however, the situation is different.

34. The western boundary of Maidstone’s urban area abuts that of Tonbridge and Malling Borough Council where it adjoins a number of parishes which lie within the administrative boundary of Tonbridge and Malling but are an integral part of the Maidstone economic area.

35. This boundary is wholly an historic and political construct. Indeed, anyone who did not know the area and was driven west out of Maidstone along the A20 and asked to identify the borough boundary would almost certainly pick a location somewhere to the west of Leybourne (more particularly the junction of the A20 with Castle Way) because this is where what is almost continuous urban development dissolves into a rural landscape. The transition would be even more marked if the journey were undertaken at night when the transition from the lit urban environment to the dark rural landscape is stark.

36. This built up area of Tonbridge and Malling contiguous with Maidstone comprises seven parishes with a combined population (according to Wikipedia/ parish council web sites) in excess of 40,000 – some 37% of the urban area of Maidstone of which it forms an integral extension. The Tonbridge and Malling Core Strategy acknowledges (page 7) that the parishes of Leybourne, East Malling, Larkfield, Ditton and Aylesford **“look predominantly eastwards to Maidstone for other than day to day services”**, though we would argue that the pull of Maidstone extends further west and north west.

37. The area covered by these parishes contains some of the heaviest concentrations of industrial, commercial, office and warehousing development in the mid Kent area. This is reflected in maps showing the employment density (number of workers per hectare) for Kent where the density for these parishes reflects that of much of urban Maidstone.

38. The South Aylesford retail park at Quarry Wood, for example, contains a mixture of retail outlets often used by people travelling out of Maidstone. Indeed, some of the shops located there were once staples of Maidstone town centre. The Preston Hall Business Park and the Riverside Business Park at Larkfield draw in labour from Maidstone. And the Kings Hill Business Park is recognised as being of sub-regional significance. The links with Maidstone are facilitated by nearby motorway connections and good road and rail links, while Tonbridge 13 miles to the south west has no such motorway connections and poor road and rail links. Additionally, the concentration of these developments in this area results from the fact that, as the Tonbridge and Malling Core Strategy makes clear, the strength of constraints, in particular the Metropolitan Green Belt, the AONB and areas subject to flooding, effectively prevent development elsewhere in that borough.

39. While these areas may serve the long term development needs of Tonbridge and Malling the fact that they are contiguous with Maidstone has a major impact on this borough. Between these areas to the west and east of the Medway is a constant flow of populations as people commute from one to another to work, to access all manner of services, secondary education, shopping and recreational facilities. As Maidstone Borough Council has itself acknowledged, the housing market is also subject to cross-boundary influences.

40. It is self evident from the interrelationships between these areas that they form part of one economic market and, as such, need to be the subject of close working and effective co-operation between authorities to assess, inter alia, the requirements for economic development, the existing and future supply of land for economic development and its sufficiency and suitability to meet identified needs, as set out in paragraphs 160 and 161 of the NPPF

41. For example, in the past the Aylesford Paper Mills provided a major source of employment for residents of Maidstone. Now closed, the brownfield site offers opportunities for redevelopment that need to be considered as part of the economic markets operating in and across the area.

42. The Society has long argued the need for close working between the two authorities. So too has CPRE, the Joint Parishes Group and other local groups. This need has also been recognised by a number of borough councillors. For example, at a joint meeting of the Regeneration Committee and the Spatial Strategy Committee on 23 and 24 July 2012, councillors Paulina Stockell, Richard Ash, Mike Cuming and Nick de Wiggondene, amongst others, pressed Head of Planning and Development, Rob Jarman, to state how many meetings his officers had had with their counterparts at Tonbridge and Malling.

43. Mr Jarman eventually admitted that he had had no meetings to discuss commercial development for the last two years. That being the case, councillors called for in-depth discussions with Tonbridge and Malling about matters of common interest before final decisions were made about land allocations in the emerging Local Plan.

44. One might have expected that, after such a call – indeed well before it, to find at least one, perhaps more, joint committees of the two councils being set up to consider such issues as housing, employment, economic development and infrastructure requirements. Or that there might have been other ways in which Tonbridge and Malling were actively and directly involved in the assessments of need for housing, employment and job creation across the economic area.

45. And yet this is something on which the Local Plan is silent. In a document running to over 300 pages we can find no reference to the Maidstone economic area and less than a page (0.3% of the total) is devoted to the duty to co-operate and the fact that the Council will publish further details of its co-operation on submission.

46. Clearly we do not have access to those details so our comments must relate to what we do know at the time of writing. To the best of our knowledge, there are and have been no such joint committees/groups set up. We do not dispute that discussions may well have taken place on an ad hoc basis between officers of the two authorities and meetings held from time to time. But this kind of intermittent, unstructured discussion does not, in our view, fulfil the requirements of the NPPF and raises questions as to the extent of the co-operation and active, constructive and on-going engagement that has taken place in order as Inspector Ward put it “**to maximise the effectiveness of the preparation of the Plan**”.

47. What is clear is that when the Maidstone Borough Council commissioned the Qualitative Employment Site Assessment from GVA (published in 2014), the authors stated that:

“MBC has commissioned GVA to prepare an assessment of the current employment land within the borough and make recommendations as to its future suitability for accommodating economic growth.”

[My underlining]

48. While the report made comparisons between Maidstone and other districts in Kent in relation to such issues as office and industrial floor space provision, it made no attempt to consider the links operating within the economic area mentioned above and to see how, with a joint approach, the best outcome might be achieved for all concerned. Instead its focus has reflected the Maidstone-centric approach that has dominated this process.

49. In the light of the above the Society would respectfully ask the Planning Inspector to probe these issues extremely thoroughly to assess, when the Borough Council publishes details on submission, whether the duty to actively and meaningfully co-operate has been met.

Employment sites

50. For many years now the area between the M20 and the A20 to the east of Maidstone, along with the area immediately south of Junction 8 itself (adjoining Old Mill Road), has been the subject of applications for industrial, warehousing and office development.

51. By far the largest of these was a proposal to develop land stretching from Junction 8 in the east to Bearsted in the west as a strategic road/rail freight interchange, submitted by Kent International Gateway (KIG). It was the largest planning application to hit the area since World War 2. The application was called in for determination by the Secretary of State and the community rose up to oppose it – over 800 attending the opening day of the Public Inquiry which ran for three months until the end of December 2009. The proposal was comprehensively rejected by the Secretary of State in July 2010 on the strong recommendation of the Inspector, primarily because of the impact of the proposed development on the highly sensitive landscape forming the setting of the Kent Downs AONB, as well as on the AONB itself.

52. Despite this emphatic decision, proposals for development at Junction 8 continued to surface. In a version of the Core Strategy published in 2011 Junction 8 was included as a strategic employment

location. Subsequently some 63 acres at Woodcut Farm were added to the list of possible strategic sites to be designated for development.

53. Following a public outcry about these proposals the Council decided not to approve any **specific sites** within its Core Strategy at that time, but to put proposed major development sites and any others that might come forward into the public consultation melting pot. That said, the Council continued in the belief that Junction 8 should be designated a **strategic location**.

54. Further planning applications continued to emerge, the most recent of which was for development of Waterside Park at Junction 8 to the south of the A20 to enable two firms based in Marden (ADL and Scarab) to relocate. Both companies indicated that they were out-growing their existing sites and would have to leave the borough unless allowed to relocate to Junction 8.

55. Officers of Maidstone Borough Council argued strongly to members that the assessed need for more industrial space, the desirability of keeping the two firms within the Maidstone area and government policy in favour of development at motorway junctions pointed to allowing planning permission. They also warned that failure to do so would result in the Planning Inspectorate allowing the application on appeal, almost certainly subject to less stringent conditions than those MBC would impose.

56. In the event the members decided to refuse a planning application for employment development at Waterside Park. The anticipated appeal duly arrived and was comprehensively **dismissed by the Inspector** following a three week Public Inquiry in 2015 because of the severe impact of the proposal on landscape and heritage assets. A legal challenge by the appellants against this decision was comprehensively rejected on all counts by the High Court in January 2016.

57. In 2015 another proposal entered the equation as Roxhill Developments submitted an application for the development of 49,000m² of Woodcut Farm, located on part of the former KIG site north of the A20 and south of the M20. This has been incorporated into the Local Plan with some enthusiasm by the Borough Council. The details are set out on pages 200 and 201 of the Plan.

58. The Borough Council see this as:

“A unique opportunity..... to provide a prestigious business park at Junction 8 of the M20 that is well connected to the motorway network and that can provide for a range of job needs up to 2031. This will help to diversify the range of sites available to new and expanding businesses in the borough to help accommodate future demand. Land at Woodcut farm is allocated to provide for a mix of business uses comprising industrial, offices and distribution/logistics. High quality office development is sought, such as that required by company headquarters for example, providing complementary provision to the town centre.”

59. The proposal has attracted strong opposition. The site is in open countryside which the Council is pledged to protect. It forms part of the setting of the Kent Downs AONB and is, indeed, nearer to the AONB than the Waterside Park site. It lacks serious public transport links. The Council imply that:

“Development will deliver a significant package of sustainable transport measures to secure access to the site by a range of sustainable modes including the provision of a subsidised bus route and must be supported by the implementation of a Travel Plan”

60. But the site is beyond easy walking distance from the nearest railway stations and while bus route 510 passes the site, it only provides an hourly service to Maidstone, Bearsted, Lenham and Ashford on weekdays. There is no indication as to how a subsidised bus route is to be organised or paid for. As

such the development fails one of the key principles set out in paragraph 17 of the NPPF that significant development should be focussed on locations “**which are or can be made sustainable**”.

61. Finally, the proposed development is wholly speculative. The developers have been unable to identify a single potential occupier for the site.

62. While the Strategic Employment Land Availability Assessment identified the site as suitable it did so, as we have seen, **without taking account of the wider economic market and therefore failed one of the essential tests of the NPPF.**

63. Furthermore, we have been here before. The original proposals for the development of Junction 7 were seen as the answer to Maidstone’s need for highly skilled, highly remunerated jobs. While the development of the Kent Institute for Medicine and Surgery (KIMS) has undoubtedly met those aspirations, the remainder of the Eclipse Park site has fallen well short of the hopes and ambitions the Borough Council had for it.

64. Instead of prestigious headquarters offices there have been hotels, bland office blocks and, most recently, retail development in the shape of a NEXT superstore. It is now suggested that the recently closed Park and Ride site – the only one to the northeast of Maidstone - is to become the site of a Waitrose supermarket.

65. While we have no doubt that people do and will enjoy shopping at NEXT and Waitrose, the plain fact is that the space they have taken up, and may well take up, represents a failure of the Council’s original plans to secure highly skilled, highly remunerated employment for the site. Indeed, this is reinforced by the recommendation of consultants employed by the Council that a new business plan is needed for Eclipse Park because the old one has failed to deliver (Maidstone Economic Development Strategy 2015-31, page 30).

66. Maidstone Borough Council has brought forward no persuasive reasons to justify the belief that, if development were allowed at Woodcut Farm, it would be any more successful than that at Junction 7. To argue as they have done in the past that, because companies are free agents and cannot be compelled to take up sites already designated for development, the Council must provide a “palette” of options from which the private sector can pick and choose will simply result in large tracts of countryside being earmarked for development with no assurance that the private sector will take them up.

67. Furthermore, simply designating land for development does not create jobs. Nor is development at motorway junctions, of itself, a sure fire way of generating high quality, well paid jobs. If it were, then Maidstone, sitting as it does at the edge of four such junctions within the space of less than ten miles, would be one of the richest communities in the South East. The fact that it is not points to companies rationally weighing up the pros and cons of alternative locations and choosing other sites. In the Society’s view more time needs to be spent on understanding the reasons for that choice because until that is clear Maidstone will always find it difficult to attract the kind of employers it so desires to settle in the area. These are issues that other respondents to the Plan will be picking up.

68. Paragraph 160 of the NPPF states that:

“Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:

- ***Work closely together with county and neighbouring authorities and with Local Enterprise partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and***

- ***Work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability.”***

69. The Society believes that the way the Council has set about allocating land for employment fails this test and is therefore unsound.

70. Not having engaged effectively with neighbouring authorities over development needs operating across their areas, the Council has no sound basis to suggest that a real need exists for development at Woodcut Farm. Nor has the Borough Council provided evidence to justify why development near one motorway junction should prove any more successful than that which has patently failed at another. The proposed development is neither justified nor sustainable and runs wholly contrary to the Council’s policies for protecting the countryside (considered below). In the opinion of the Society it should be removed from the Plan.

Protection of the countryside: Landscapes of Local Value

71. On page 209 of the Local Plan the Council states:

“The visual character of Maidstone’s landscape is highly valued by those living, working and visiting here. A significant proportion of the borough benefits from high quality landscapes. A large part of the borough lies within the Kent Downs AONB, a nationally important landscape designation and a strong level of protection will be given to this designation and its setting, set out in policy SP17. However, all of the landscapes play an important role in contributing to the borough’s environmental, economic and social values. Therefore all landscapes, rather than those that are designated, will be viewed as a natural asset. This is in line with the European Landscape Convention.

[My underlining]

72. This is an admirable statement of intent. The key question is whether the Borough Council’s actions live up to its aims.

73. As recently as August 2015 the Strategic Planning, Sustainability and Transportation Committee considered a paper identifying Landscapes of Local Value according to the seven criteria listed in the table overleaf.

	Criteria						
	Part of a contiguous area of high quality landscape	Significant in long distance public views and skylines	Locally distinctive in their field patterns, geological and other landscape features	Ecologically diverse and significant	Preventing the coalescence of settlements which would undermine their character	Identified through community engagement	Providing a valued transition from town to countryside
Areas	i	ii	iii	iv	v	vi	vii
Greensand Ridge	*	*	*	*		*	
Loose Valley					*	*	*
Medway Valley		*		*	*	*	*
Len Valley			*	*	*	*	*
Setting of Kent Downs AONB	*	*	*	*		*	
Low Weald				*	*	*	

74. As the paper recognised, the Kent Downs AONB scores highly in the matrix as a valued landscape, as did the three river valleys which were particularly valued for their function as a transition from town to countryside. However, the report found that the Low Weald did not constitute a coherent contiguous area of high quality landscape as it is punctuated by development in several locations. In addition, as a low lying area it did not provide intrinsic interest in long distance views and the area provides a wide range of field patterns, geological and other landscape features and was not felt to provide a landscape of equal quality to those proposed for designation. As a result, the case for designating the Low Weald was not regarded as sufficiently robust for inclusion in the proposed landscapes of local value.

75. This latter recommendation proved to be highly controversial, with councillors for the areas involved arguing strongly in favour of including the countryside around Headcorn, Marden and Staplehurst in such a designation to give it stronger protection.

76. The Council then decided that the Low Weald and the setting of the Kent Downs AONB should be excluded in return for the strengthening of policy SP5 which replaces ENV 28 from the 2000 Local Plan.

77. But in the latest draft of the Local Plan the Low Weald is included while the Setting of the North Downs AONB has been excluded on the grounds that it and the High Weald AONB are:

“Afforded protection through the criteria of Policy SP5 and no additional designation is therefore required.”

78. The Society is deeply concerned at what it believes is the arbitrary way decisions have been taken over the designation of Landscapes of Local Value. If SP5 affords adequate protection why on earth was the Setting of the North Downs AONB ever considered as an LLV in the first place? And if the Low Weald did not meet the same objective criteria as other areas under consideration why has it now been included?

79. The Society recognises that subjective judgements play a part in reaching these decisions, but the outcome in this case bears no logic when considered against all the work that the Council has commissioned to try and ensure that its landscape evaluations are based on objective criteria.

80. There are those who see in this change a deliberate step to trade off opposition from councillors representing the Low Weald and to deliberately weaken the protection of land north of the A20 in order to make it easier to approve the proposals for commercial development at Woodcut Farm which the Council has made it clear it is keen to do.

81. Whatever the reasons, development at Woodcut Farm cuts clean across the decision of the Secretary of State on the KIG proposal and the decision by the Inspector on the Waterside Park appeal – both of which emphasised the importance of protecting the quality of local landscape. Development at Woodcut Farm also runs contrary to the Council’s own policy for the protection of the setting of the Kent Downs AONB.

82. If development is allowed here it will open the floodgates to further development along the M20/A20 corridor to the east of Maidstone. Furthermore, the rejection of the appeals to develop Waterside Park and its subsequent endorsement in the High Court strengthens the case for rejecting any development at Woodcut Farm because the latter is clearly part of the setting of the North Downs AONB.

Policy SP5

83. There are three existing policies that are of critical importance to the protection of the countryside. They are:

**ENV22 Urban Open Space
ENV28 Development in the Countryside
ENV34 Special Landscape Areas**

84. New policy SP5 is intended to replace these policies and, according to the Council, will strengthen them. The Society is not convinced that is the case.

85. For example, ENV28 refers to ***confining development*** whereas SP5 refers to ***development that will be permitted***. The difference of emphasis is important.

86. Furthermore an earlier draft of SP5 referred to

“The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, and the extent and openness of the Metropolitan Green Belt will be rigorously protected and maintained.”

87. ENV34 stated that in specified SLAs **“priority will be given to the landscape over other planning considerations”**. SP5 refers to landscapes being protected, maintained and enhanced and then adds the words **“where appropriate”**. This represents a watering down of the wording contained in the relevant section of the draft Plan published in 2014 and provides the Council with all manner of wriggle room when it comes to deciding on the balance between development and protection of these valued landscape areas. Significantly, while the Plan refers to the role of the Kent Downs AONB Management Plan in decision making, policy SP5 merely refers to **“account should be taken”** of the Plan. No details are given as to how the policy is to be delivered.

88. Far from strengthening ENV28, the Society believes SP5 weakens it. Indeed, recent decisions of the Council and its general approach to the countryside inevitably lead to the conclusion that it is deliberately watering down its countryside policies and providing convenient escape clauses in its policies to enable the countryside to be built on where protection of the countryside comes in conflict with development.

89. Examples include the area known locally as Lilk Meadow, an area prone to frequent flooding where the Council abandoned over fifty years of protection of open countryside encapsulated in ENV28 to allow development to take place.

90. But the irony is that within weeks of that decision ENV28 became the principal weapon the Council deployed on appeal to defend their decision to refuse planning permission at Waterside Park. This only goes to show that where councillors screw their courage to the sticking place and oppose development – an all too rare event in recent years – protection of the countryside **can** win out over development.

91. The problem is that all too often the search for development land, particularly in response to the Council’s absurdly high housing target, has led them to abandon long held policies and fail to take account of the scope allowed them under the NPPF to balance development against other criteria. As a result decisions have been skewed and policies are being rewritten to allow the Council scope to facilitate future development, rather than strengthening their hand to conserve the countryside. **All this leads the Society to conclude, regretfully, that the protection of the countryside is not safe in the Council’s hands.**

Changes needed to SP5

92. The Society would wish to see SP5:

- **Redrafted to include a statement that the countryside has an intrinsic beauty and value (reflecting one of the core principles of the planning system set out in paragraph 17 of the NPPF) and protected for its own sake.**
- **Include a definition of development in terms of what it will be confined to rather than what is permissible.**
- **Define the areas that constitute the setting of the Kent Downs AONB rather than the vague definition that it proposes to adopt. In the Society’s view this should include the landscape up to the Greensand Ridge.**
- **Set out the means by which the AONB and its setting and the countryside in general will be protected.**
- **Delete weasel words such as “where appropriate” in order to strengthen the protection given to the countryside.**

93. Unless action is taken to redress the current imbalance citizens of Maidstone will find this precious resource remorselessly eroded.

MAIN MODIFICATIONS

94. In the light of the above the Society believes that the following Main Modifications are required to the Local Plan in order to make it sound:

- **The population growth figures need to be revised down so that they eliminate the effect of the ‘spike’ in house completions.**
- **Maidstone Borough Council should engage constructively, actively and on an ongoing basis with Kent County Council and Tonbridge and Malling Borough Council in particular, to establish soundly based figures (taking full account of the constraints which apply) that enjoy the confidence of all three authorities for future population, housing and employment growth, as well as the need for, and location of, any new employment sites within the Maidstone economic area.**
- **Woodcut Farm should be removed from the Local Plan as an area suitable for employment growth.**
- **The setting of the Kent Downs AONB should be designated an area of Local Landscape Value as justified by the criteria laid down by the Borough Council. And**
- **New policy SP5 strengthened in the ways outlined in paragraph 92 above.**

95. The Society recognises that these modifications would require significant cross boundary co-operation with other authorities and that this is likely to take some time given the fundamental issues that need to be resolved. But it takes the view that this would be better than to proceed with a Plan large parts of which are disowned by Kent County Council and which, in the view of many parishes, organisations and individuals, does not comply with key requirements of the NPPF.

Representation

96. The Society asks to be represented at the hearing into the Plan.

97. A copy of this letter goes to the Planning Inspectorate.

Yours faithfully

Roger Vidler