



THURNHAM PARISH COUNCIL

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Mr. Jarman
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent

19th December 2018

Dear Mr. Jarman

18/504836/EIOUT Binbury Park Bimbury Lane Detling Maidstone Kent
Outline application (with all matters reserved apart from Access) for the erection of up to 1,750 dwellings including Affordable housing, 46,000 sq.m of commercial space, a Hotel, a local centre, a new primary school, a park and Ride facility...

Thank you for giving the Parish Council further time to provide comments on this major application, which is almost entirely located in Thurnham Parish. When development in this area was first mooted, we understood that the *raison d'être* for it was to tidy up and improve the Detling Aerodrome Industrial Estate that has grown up over many years. The application, however, does not include the industrial estate site and has no link to it. Whilst the redevelopment of the industrial estate may have had some merit, it being brownfield land, the proposal now is 100% greenfield.

The Parish Council has considered the application in detail and object to it for the reasons set out below.

1. Conflict with adopted Local Plan

Planning law requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant development plan is the Maidstone Borough Local Plan, which was adopted only in October 2017 following extensive and pro-longed consultation and a thorough Examination in Public. It is an up-to-date local plan.

A primary purpose of the local plan is to provide certainty for local communities as to what and where development will happen, and where development will not be acceptable. As you will know, the application site was put forward through the local plan process as an alternative strategic site but was rejected by the examination Inspector. It is not, therefore, allocated in the local plan for development.

The local plan meets the identified development needs in Maidstone Borough for the period to 2031. However, to make sure the plan remains up-to-date, and in particular to enable a reassessment of housing need and supply, the examination Inspector recommended an early review of the plan. This review is currently underway and is intended to be complete by April 2021. At the current time, however, the Borough has sufficient housing and employment land allocated to meet the currently identified needs in the short-term. Whilst the applicants seek to argue in particular that housing land requirement is now higher than proposed in the local plan, this is a matter for the review as recommended by the Inspector.

Policy SS1 of the local plan sets out the spatial strategy for development in the Borough to 2031. This sets out a development hierarchy which:

- focuses new development at an expanded Maidstone urban area, with best use made of available sites within the urban area. This includes the identification of strategic locations for development to the North West and South East of the urban area for substantial residential development, and land at junctions 7 and 8 of the M20 motorway as strategic locations for additional business provision;
- identifies rural service centres at Harrietsham, Headcorn, Lenham, Marden and Staplehurst as the secondary focus for housing development;
- identifies larger villages of Boughton Monchelsea, Coxheath, Eyhorne Street (Hollingbourne), Sutton Valence and Yalding for limited housing development; and
- elsewhere, whilst allowing small scale employment opportunities at appropriate locations to support the rural economy, gives protection to the rural character of the borough.

The application site, comprising over 170 hectares of greenfield land in the open countryside (and in the Kent Downs Area of Outstanding Natural Beauty), is completely unrelated to either the Maidstone urban area or any rural settlement where development might be acceptable. Development in this rural location is entirely unsupported by, and counter to, the spatial strategy of the local plan. If any confidence is to be given to the primacy of the local plan, this development must be firmly rejected.

Not only is it unsupported by the local plan strategy, if it were to be accepted this major development will undermine the ability of the Council to deliver the sites that it has allocated in the plan. It is clearly the intention of the applicant, as it was at the local plan examination, to see the site as an alternative to those allocated in the plan. This debate has been run and decided, and the acceptable sites have been determined. The priority now is for the Council to deliver those sites, not to accept an alternative 'through the back door' just one year after the plan was adopted.

One other major conflict with the local plan we would highlight is with Policy SP17. This seeks to protect the countryside from development that is not supported by other policies in the plan. The site falls entirely in the designated countryside, and the proposed development is entirely contrary to Policy SP17.

The application, therefore, should be refused because it is contrary to planning law and the National Planning Policy Framework (NPPF) as it does not accord with the plan-led approach. In particular it is contrary to policies SS1 and S17 of the adopted Maidstone Borough Local Plan, as it comprises an alternative strategic site in the open countryside.

2. Pre-empts and undermines review of the Local Plan

As we say above, the Borough Council is currently reviewing the local plan. A key feature of the local plan process is to consider options and alternatives and to engage with local people and communities. The acceptance now of this major strategic scale development will undermine the necessary borough-wide assessment of potential alternative sites and community consultation. This will not only disenfranchise and alienate local people in the local plan review process but may result in better located and more suitable sites being rejected because they are not needed. If there are merits with the application site, these most properly need to be assessed alongside other possibilities through the local plan review process. To accept the site now would undermine that process, and the application site should be refused accordingly.

3. Development in the Kent Downs Area of Outstanding Natural Beauty

The site falls in the Kent Downs Area of Outstanding Natural Beauty (AONB). Both the local plan (Policies SS1 and S17) and the NPPF seek to protect AONBs from damaging development. Paragraph 172 of the NPPF requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs, which are given the highest status of protection.

Paragraph 172 of the NPPF goes on to state that the scale and extent of development within AONBs should be limited, and that planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. It sets out three tests that major development in an AONB would need to satisfy, as follows:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

There can be no doubt that the proposed development comprises major development, so in accordance with the NPPF the applicant needs to demonstrate that there are exceptional circumstances and that it is in the public interest.

At paragraph 5.2 of the applicants planning statement, it is summarised that the exceptional circumstance:

“... is the site’s capability of delivering a substantial number of new homes including affordable housing, a proportion of which would come forward within the five-year period after a grant of planning permission, with the remaining balance providing a stable source of housing supply for the duration of the local plan period. Moreover, the development would provide economic benefits and highways improvements of regional and national significance.”

The applicant considers that the potential harm arising from a reduction in the natural beauty of the AONB is counterbalanced by these gains.

As explained above, with a newly adopted local plan that meets identified development needs, the Parish Council considers that the exceptional circumstances advanced by the applicant to satisfy test a) of paragraph 172 of the NPPF, in regard to need, do not exist. The local plan meets currently identified needs.

In regard to test b), the applicant has not assessed the opportunities for developing outside of the AONB; they simply conclude in paragraph 5.35 of their planning statement that:

*“...there is limited scope to deliver sufficient growth in the Borough without development of greenfield sites and without the upfront delivery of expensive infrastructure upgrades. In these circumstances, there is a clear case for standalone development of **this** site at sufficient scale to constitute a new and sustainable settlement that would fund and deliver its own infrastructure.”* (our emphasis)

They have not undertaken any assessment of alternative opportunities – their automatic default is that their site, as a standalone development, is the only site to meet the needs that they claim should be met. They then seek to further justify their proposal on the basis of ‘garden village’ principles. This is insufficient justification to satisfy test b). There needs to be a thorough assessment of all alternative options outside of the AONB, and discussions held with neighbouring authorities under the duty to cooperate before any sites within the AONB are considered. This is a matter for the local plan review.

With regard to test c), we find it difficult to see how the impact of this large development can be moderated. This is also the view of Natural England, who in their response to the application dated 13 November 2018 object because they cannot see how it can be mitigated to reduce the adverse impact to an acceptable level. The proposal consequently also fails test c).

It is clear to us that exceptional circumstances for this development in the AONB do not exist, and that it fails all three tests set out in paragraph 172 of the NPPF. The application should, therefore, be refused for being contrary to the NPPF and Policies SS1 and SP17 of the local plan. We welcome Natural England’s intention to seek a call-in of the

application should the Borough Council be minded to approve it, enabling a full examination of the proposal at a public inquiry.

4. Unsustainable development

The NPPF seeks to promote sustainable development. Paragraph 8 of the NPPF explains that to achieve sustainable development the planning system needs to have regard to three overarching objectives – an economic objective; a social objective; and an environmental objective. It explains that these three objectives are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives. The Parish Council does not consider that the proposed development, in this countryside location and within an AONB, achieves the necessary interdependency of the three objectives. Given the significant loss of countryside that the development would involve, and the adverse impact on the AONB that cannot be mitigated, it certainly fails to secure the environmental objective essential to achieving sustainable development.

In addition, we consider that the development is unsustainable because of its remote location some distance from Maidstone and any other settlement. By the applicant's own admission, it is a freestanding development. However, it is one that will not be able to provide the full range of services and facilities that the residents will need to access on a daily basis. For example, children above primary age would need schooling in Maidstone or the Medway towns (at schools already oversubscribed). Similarly, residents will need to travel elsewhere for medical and dental services, again placing a burden on already overstretched local resources. This inevitably means that it will be a car dependent development; it is highly unlikely that people will walk or cycle to other destinations and accessible public transport will be very limited. It therefore fails to fully meet the social objective, which seeks to ensure that there are accessible services.

Furthermore, whilst the residents will have to travel elsewhere for most services and facilities, and probably for work, elements of the development will also involve car-based journeys to the site – to the proposed employment space; to the hotel; to the sporting hub; to take advantage of the park and ride facility; and even to the proposed specialist school for autistic children. These are not elements of the development that will be supported by the new residents alone, and thus will create other significant car journeys to and from the site. Paragraph 82 of the NPPF, for example, seeks to ensure that storage and distribution uses are planned for in suitably accessible locations. As part of the economic objective, planners are required to ensure that land for economic development is available in the right places. The provision of up to 46,000 sq. m of commercial floorspace (B8 use) in this remote location is neither accessible nor the right place, and the same can be said of the other elements of the development. Consequently, the development also fails to meet the economic objective.

The application, therefore, should be refused for failing to comprise sustainable development as it fails to meet the necessary economic, social and environmental objectives required by the NPPF.

5. Increased traffic

The Parish Council is extremely concerned that the development will increase traffic on an already overstretched and congested local highway network. We do not consider that the proposed transport infrastructure proposals will alleviate the effects of the increased traffic and improve the current situation. In particular, the A249 and its junctions with the M2 and M20 are currently overloaded and the improvements put forward in this development do not convince us that they are sufficient to deal with the increase in traffic movements from the scheme.

We are concerned that the traffic assessment used by the developers and approved by KCC does not take into account the following:

- The M20 London bound at J7 is frequently blocked at peak times when the slip road is often at a standstill. The improvements to the J7 roundabout will not improve traffic flow from the A249 or from Bearsted and Maidstone;
- Account is not taken of the 3 additional schools to be built near to J7 of the M20. These include the schools proposed near to the KIMS site on Ware Street and that on New Cut Road. These will certainly result in increased traffic flows at peak times; and

- Account is not taken of the continued development on the Sutton Road to the south of Maidstone, which will further increase traffic on the M20 and particularly at J7 and J8.

We would also note that the proposed new Lower Thames Crossing will bring Channel Tunnel traffic to and from the M20 via the M2 and not the M25. This will increase traffic on the A229 and A249 and the associated M2 and M20 junctions.

Whilst we welcome and support the use of other modes of transport the location of the site is far from conducive to this. Cycling and walking to and from the site is almost impossible due to the nature of the roads, with the A249 being a major dual carriageway link between the M2 and M20 and the site being at the top of a very steep hill when approached from the south.

With regard to the proposed Park & Ride scheme, our experience of other local schemes is that they require subsidy to cover operating costs and with both MBC and KCC having severe budget constraints it is hard to envisage this being sustainable for very long. In any event, the alleviation that a 200 - 300 space Park & Ride facility will provide will be negligible given the already very high volume of traffic using the A249, and the increased traffic that will be generated from this development and others.

We would also point out that the whole of the A249 frequently suffers from heavy fog due to its location and is already one of the most incident prone roads in the UK. Any listener to Radio 2 (and other) traffic reports will be familiar with how often this road is mentioned. Even with the suggested improvements we cannot see that the situation will improve, and it would not be sensible to increase the volume of traffic here with schools and homes on safety grounds.

6. Risk of further development

It is of grave concern to the Parish Council that if accepted this development would be the 'thin edge of the wedge' and set a precedent for more development in this location. The applicant seeks to promote the development as one that incorporates 'garden city principles'. The Government's '*Prospectus for Garden Communities*', published in August 2018 seeks to ensure that new Garden Towns and Garden Villages are self-sufficient. It states, at paragraph 13, that they need to be of a sustainable scale, i.e.:

"..built at a scale which supports the necessary infrastructure to allow the community to function self-sufficiently on a day to day basis, with the capacity for future growth to meet the evolving housing and economic needs of the local area."

It advises that to achieve this, new Garden Villages could be as big as 10,000 dwellings, whilst new Garden Towns will be at least this size. The current proposal, however, falls well short of what is envisaged in the prospectus and, as we have already explained, is far from being self-sufficient. The implication, therefore, is clear; if this is going to truly embrace garden city principles and be fully self-sufficient, it will ultimately have to be considerably bigger than currently proposed.

7. Impact on Heritage Assets

The application site and its surrounding area is incredibly rich with heritage assets, comprising a Scheduled Ancient Monument (Binbury motte and bailey castle) and a number of Listed Buildings. There are also undesignated structures associated with the former wartime airbase. In its letter of 26 October 2018, Historic England highlight that there is a "*high potential for hitherto unknown prehistoric, Roman, medieval and twentieth-century war time remains, which may also be nationally important.*" Both the NPPF (paragraphs 184 - 202) and the local plan (policies SS1 and DM4) seek to protect heritage assets and their setting from harmful development.

Paragraph 184 of the NPPF is quite clear that historical assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Policy DM4 of the local plan is clear in its objective of trying to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the asset and, where appropriate, its setting.

Many of the heritage assets within and around the site are intrinsically linked to the landscape in which they sit, and it is this that provides the context and setting for them. This means that there is a direct link between the AONB designation and the heritage assets, with impact on the former inevitably having an impact on the latter (and vice versa). Paragraph 194 of the NPPF requires:

“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.”

It goes on to explain that any substantial harm to or loss of a grade II listed building should be exceptional, whilst such harm to or loss of scheduled monuments should be wholly exceptional.

As we explain for the AONB, no such exceptional case for development has been made. The proposal should, therefore, be additionally refused for being contrary to the NPPF and Policies SS1 and DM4 of the Local Plan for the harm it will cause to heritage assets.

8. Impact on Ancient Woodland

The proposed development is in close proximity to, and includes some land, designated as ancient woodland. Policy DM3 of the local plan seeks to protect ancient woodland from development, whilst paragraph 175c) of the NPPF explains that the loss or deterioration of irreplaceable habitats, such as ancient woodland, should be refused unless there are wholly exceptional reasons.

The Woodland Trust in its letter of 13 November 2018 list a series of concerns about potential impacts on the ancient woodland arising from the development, with which the Parish Council agrees. As for the AONB and the heritage assets, there are no exceptional reasons in favour of development and the proposal should be additionally refused for being contrary to paragraph 175 of the NPPF and Policy DM3 of the local plan.

9. Impact on Air Quality

Following a review in 2017, the Borough Council has now more precisely defined the extent of the Maidstone Air Quality Management Area (AQMA). This now essentially runs along the M20 between Junction 7 and Junction 6, though it extends along the A249 from Junction 7 to the HS1 railway line. The AQMA already records levels of pollution well in excess of the Government’s targets. The applicant, however, has submitted an Air Quality Impact Assessment as part of the submitted Environmental Statement which concludes that the impact of the emissions arising from traffic associated with the operation of the proposed development will be medium to low/imperceptible.

The Parish Council struggle to accept this conclusion given the amount of traffic that the site will generate, and that the vast majority of this is predicted to travel to and from Junction 7 of the M20. We cannot see how this development will do anything other than make the situation within the AQMA worse than currently, and consequently more difficult for the Borough Council to address.

Paragraph 181 of the NPPF requires planning decisions to contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of AQMAs and Clean Air Zones. Paragraph 103 of the NPPF explains how planning can help to reduce emissions and improve air quality by making sure that significant development is focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The proposed development fails to meet both of these objectives and should, therefore, be refused.

10. Impact on water supply/aquifer

The site is underlain by chalk, which is designated as a principal aquifer by the Environment Agency. It is also within an area designated as a Source Protection Zone (Zone 3). As explained in the applicant’s Environmental Statement (ES), chalk is the most important aquifer of the region and has complex hydraulic properties. It has a porous matrix providing groundwater storage, however, because the pores and the interconnections are so minute the matrix permeability and the speed with which the water can be taken up or released is low.

Not surprisingly, therefore, the summary table in the ES indicates rapid infiltration and concludes that there is potential for the operational phase of the development to impact upon the water quality of the groundwater sources. Also, there is a potential for an increase in hydrocarbons and other chemical loads; accidental spills and/or other wastes discharged to the groundwater receptors.

To try and address this, it is the intention that surface water run-off from the development will be managed through a fully sustainable drainage system (SUDS). The intention is that this will ensure that the rate of surface water run-off from the development will be no greater than the current greenfield rates and will not increase the risk of flooding on-site or elsewhere.

Given the size and nature of the proposed development, the nature of the underlying soil conditions, and the analysis presented in the ES, the Parish Council is very concerned that there is a real risk of a high incidence of accidental spills or other wastes discharged to the groundwater receptors. This will potentially have a harmful effect on the quality of public drinking water.

The Parish Council is also concerned that this largely impermeable development built over a major aquifer will have a negative effect on the re-filling of the aquifer. There has been no assessment of the effect of withdrawing some 170 hectares of groundwater catchment area from re-filling the aquifer.

The Parish Council is surprised to see that the ES concludes that the significance of impacts upon the local water environment is neutral to moderate positive. It is inevitable that the proposed housing and commercial development will result in an upward increase in the public supply demand for water, having a negative effect on water supply.

It is the Parish Council's concern, therefore, that there is a real risk of contamination to the important aquifer that underlies the site, and that there will be a significant increase for demand for water in an area that is already water stressed. For these reasons, the application should be refused.

11. Light pollution (especially in AONB)

A development of the scale proposed will introduce significant lighting into an area that currently benefits from darker night skies. This is particularly important given the AONB designation and people's enjoyment of relatively unspoilt countryside, and the proximity of ancient woodland and associated wildlife habitats.

Paragraph 180 of the NPPF requires that planning decisions should ensure that new development is appropriate for its location taking into account, amongst other things, the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The Parish Council considers that there will be an unacceptable introduction of lighting into this rural environment, and that the application should be refused for being contrary to the NPPF.

12. Impact on Public Rights of Way and rural roads

There are a number of public rights of way that either cross the site or are close to it. These enable people to easily access the countryside/AONB and to enjoy the rural environment that the area offers. This in turn contributes to quality of life and physical and mental wellbeing. The proposal will not only see the introduction of major development into the countryside, and all that this entails (i.e. built development, noise, light, traffic, etc.) but will directly impact on many of the public rights of way fundamentally changing their character, and in some cases their routing. The result will be a diminishing of access to, and enjoyment of the countryside.

Similarly, the rural lanes that run close to the site will be adversely affected. Given the high volume of traffic that will be generated by the development, and likely additional queuing on the A249, it is inevitable that some motorists will seek to look for other routes and will be tempted by 'rat running' through the rural lanes. Rural lanes provide a valuable part of the public rights of way network and provide important links between footpaths and bridleways. They are popular with horse riders and cyclists, as well as walkers. The likely additional traffic will decrease safety for these users, as well as for the residents that live along them.

The Parish Council consider that these are unacceptable impacts, and for that reason the application should be refused.

The Parish Council trusts that you will give full regard to our objections to the application. We consider that the case against the proposal is overwhelming and would strongly urge the Council to refuse planning permission.

Yours sincerely

S Babington

Mrs. S Babington
Clerk to the Parish Council