

HEARING SESSION 8 – EMPLOYMENT POLICIES AND ALLOCATIONS

WRITTEN REPRESENTATION

Matter 4 Waterside Park

8.21 Do participants agree or disagree with the SA assessment and how might the reduced scale of the development now proposed by the Representor affect those conclusions?

8.21.1 The Sustainability Appraisal of the Waterside Park site in February 2016 (and similarly in September 2015) is of little use. It does not have any conclusions or recommendations which might be affected by the slightly revised proposals from Gallagher. The SA presents information, largely about the distances from each site studied to other facilities, and makes observations on the impact of schemes on a standard set of interests. All these observations use a traffic light system. The scope for agreement or disagreement is modest.

8.21.2 Regarding ‘red light’ issues, the site will presumably remain 1,086m from a train station and 1,921m from a cycle route, though as an employment site it is odd that the SA believes the site would be 3,286m from an employment site! The other criteria appear unlikely to be given revised gradings. In particular, Waterside Park will continue to be awarded a red light ‘Low’ capacity of the landscape to accommodate change, and also remain “In close proximity to the Kent Downs AONB and/or there is the potential for negative impacts.”

8.21.3 On the substantive issue of whether the revised smaller scheme proposed by Gallagher would overcome the objections identified by the Inspector at the appeals in 2015, we note that the Inspector did not distinguish the upper and lower slopes of the site when writing her report and drawing her conclusions. There is nothing in the decision to suggest that environmental concerns could be reduced by keeping development to the lower slopes. If that was a realistic option, we would have expected the Inspector to have identified it. The photographs in Appendix 1 illustrates that there is little difference between the upper and lower parts of the site in terms of slope or visibility.

8.21.4 The nature of the topography would still necessitate the cutting of a platform into the hillside to accommodate the development proposed by Gallagher. Ragstone retaining walls are now proposed instead of the previous green banks. Such sharp outlines are unlikely to be preferable in landscape terms. The clear horizontal lines of industrial shed roofs could still be expected to intrude into rolling countryside, to the detriment of the setting of the AONB. In relation to the findings of the Inspector, the mass of the buildings, although reduced, would still “prove disruptive and seriously harmful to the character of the wider landscape”. Likewise, still “the changing colours of the vegetation in the surrounding landscape would make it very difficult to camouflage the buildings to any great extent”. It seems inevitable that still “the heights of the buildings would be such that they could still be clearly seen in these longer views [from the scarp of the North Downs]”: the scheme would still accommodate 60% of the previously proposed built development (DHA Planning for

Gallagher, paragraph 1.4.29). Any attempt to make a platform “very substantially reduced from the previous schemes” (paragraph 1.4.31) would mean that the buildings sited on that platform would rise even more intrusively above the existing topography. We consider that the Inspector’s assessment of landscape character in her paragraphs 19-33 would barely need to be altered in response to the revised smaller scheme.

8.21.5 In the balance between protecting the setting of the Kent Downs AONB and meeting reasonable requirements for employment land, the Inspector first clarified that “the appellants’ evidence puts a clear economic case for the proposals” (paragraph 88). Even so, she found that “that the need for developments on these scales in this location and the consequent loss of greenfield land within countryside has not been fully justified for proposals that would not accord with the adopted development plan and result in significant environmental harm” (paragraph 94). She concluded “I find that the environmental harm would be greater than the identified economic advantages and the adverse impacts would significantly and demonstrably outweigh the benefits” (paragraph 97). With the acknowledged economic advantages of the previous schemes and still the overriding environmental harm that would be caused, it is difficult to see how the planning balance could change with a scheme that only offered 60% of the advantages. ‘Waterside Park’ is simply a location which should not be considered for significant economic development.

8.21.6 Waterside Park would not be an appropriate substitute for Woodcut Farm, if the latter proposed allocation is rejected. There are overriding environmental objections in terms of the AONB setting in both cases, as the Kent International Gateway appeal Inspector found in the Woodcut Farm area and the Waterside Park appeal Inspector found at her site.

8.21.7 It is significant that parties which infrequently present evidence to public inquiries gave priority to opposing both the Kent International Gateway and Waterside Park schemes. Kent County Council, the Kent Downs AONB Unit and Natural England all opposed both sites, (as did Maidstone BC). Appearances by Natural England at public inquiries to argue a landscape case are especially rare, and indicate the weight they afforded to protecting the Kent Downs in the vicinity of the M20 Junction 8 in both cases. That Kent County Council, the Kent Downs AONB Unit and Natural England appeared jointly at the Waterside Park inquiry as a Rule 6 party and were furthermore represented by a QC is unprecedented. Waterside Park is not a site to be taken lightly in the preparation of the current Plan, so soon after the emphatic rejection of Gallagher’s proposals there primarily on AONB grounds (and their loss of a High Court challenge to that decision).

8.22 How might the suggested relief road be incorporated and where might it continue to the south?

8.22.1 The issue of a relief road is a distraction. Any relief road between Junction 8 and Langley would need to find a route up a steep hillside between Leeds and Otham, which would be challenging and environmentally intrusive. If the relief road was taken off the roundabout with the A20 and M20 link-road, it would cause significant intrusion into the setting of the Kent Downs AONB and require substantial revision to the indicative drawing provided by Gallagher in its Regulation 19 response.

8.23 Where would the proposed development take access from the A20?

8.23.1 Compared with the schemes rejected at appeal, which took access from the roundabout with the A20 and M20 link-road, the diagram now submitted by Gallagher does not have an access at all. The implication is that a new access would be required via the A20 Ashford Road westbound. Vehicles would exit the site in that direction and also be obliged to enter the site that way – in most cases taking the dual carriageway to the Mercure Hotel/Eyhorne Street roundabout and returning westbound. Whether a junction of this kind for HGVs would be acceptable in this location in highways terms, close to other significant junctions both west and east, is another matter. The implication is that the proposal from Gallagher has not been thought-through sufficiently.

8.24 If the relief road were not incorporated would the access to the proposal site compromise any future connection of the relief road to the M20 and junction 8 at this roundabout?

8.24.1 If the suggested relief road took the lower ground through the Waterside Park site, to avoid a sharp incline immediately south of its junction with the existing A20 roundabout, the proposed industrial development on the lower part of the site could not proceed – and would presumably need to be relocated to the west of the site on higher ground (which was precisely the concern which Gallagher was attempting to avoid with its proposal in front of this Examination). In the event of the relief road being a consideration now, the best arrangement would be not to allocate land for industrial development at Waterside Park to leave open the options for a future road joining the existing roundabout with the A20 and M20 link-road.

8.26 Has MBC's opposition to the allocation of this site been affected by the Planning Committee's decision concerning Woodcut Farm?

8.26.1 We trust not. The overwhelming evidence is that both Woodcut Farm and Waterside Park are wholly inappropriate locations for significant employment development. Planning applications on both sites have now been rejected by the Maidstone BC Planning Committee. We are hopeful that this is an indication of a resolve to protect the setting of the AONB in an especially sensitive area, and that there is no back-sliding to permit 'one or the other'. As the Waterside Park Inspector commented at paragraph 94: "I have taken into account the economic and social benefits of the proposals in terms of the provision of jobs and employment premises as required by the Framework but, while there does appear to be a need for more employment land allocations, it has not yet been demonstrated that these will necessarily result in the allocation of land in the countryside." Solutions need to be found elsewhere, whether in the M20 corridor, elsewhere in the Borough, or indeed if necessary in locations outside the Borough.

Appendix 1: The lack of distinction between upper and lower slopes at Waterside Park

1(a) View down the slope at Waterside Park from the footpath, towards the North Downs



1(b) View from the North Downs Way above Allington Farm showing Waterside Park in red



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Matter 1 Employment Needs and Supply

8.3 What account has been taken of employment land potential in neighbouring districts?

8.3.1 None. Maidstone BC has deliberately set out to provide all the employment land requirements needed by its labour force within the Borough, and indeed to promote a much higher rate of employment growth than in recent years. This is made clear in paragraph 59 of the *Employment and Retail Topic Paper 2016*.

8.3.2 This is a significant disappointment to the Kent Downs AONB Unit. Given the very serious consequences for the setting of the AONB if development were to proceed at Woodcut Farm, we would have expected the Council to explore the scope for development in other authorities if it considered there was nowhere else suitable for the intended development within the Borough. By taking the issue of providing all employment land upon itself, we consider that Maidstone BC is also obligated to ensure that the development needed does not compromise the AONB. Instead the worst possible outcome is proposed in the Plan: an unnecessarily high employment target; a large employment land allocation in the setting of the AONB; and no effort to divert the activity elsewhere (either around the Borough or to other authorities).

8.3.3 This issue was considered at the public inquiry into the Waterside Park site. The Inspector summarised her conclusion on this point in paragraph 62: “It is also the case that, even if not ideally suitable for ADL or Scarab [the two main intended end-users of the appeal site], there is available industrial floor space in neighbouring boroughs and this will need to be taken into account under the ‘duty to co-operate’ set by the Framework, when determining the precise requirement that Maidstone will need to provide.”

8.3.4 We are not aware that Maidstone BC has pursued this issue with other authorities since the Inspector’s decision on 23 July 2015. Attention has moved from the very large sites required by the prospective users of Waterside Park in early 2015 to the larger number of small firms identified by GVA for the Borough Council as most likely to be wanting to find space locally for new and expanded businesses. Nonetheless, the principle remains of searching for suitable sites in other authorities if there are significant difficulties in finding them within Maidstone BC, as the Council asserts that there are.

Matter 3 EMP1(5) Woodcut Farm

8.11 Does MBC remain of the view that the development is necessary to meet an objectively assessed need for employment and, if not, why not?

8.19 What reasonable alternatives for a development of similar strategic scale may have a less adverse landscape or visual impact, including in their effect on the AONB and its setting?

8.20 In the alternative could equivalent floorspace be achieved by dividing provision between 2 or more smaller sites and would that have less impact?

8.11.1 The proposal to allocate Woodcut Farm for 49,000m² of employment is the Borough Council's decision on the balance to be struck between meeting employment objectives and protecting the setting of the Kent Downs Area of Outstanding Natural Beauty. The Kent Downs AONB Unit considers that this judgement is seriously flawed. In response to Q8.18 we review the significance of the location in AONB terms. Here we review the employment case for locating a major business park at Woodcut Farm, in response to the above three questions.

8.11.2 It is difficult to identify the justification for this proposal in Maidstone BC's approach to this Local Plan. The idea of a business park at Junction 8 of the M20 is first proposed in Policy SS1 Maidstone Borough Spatial Strategy paragraph 4, at the end of chapter 4. This is apparently because the Council states that it desires a scheme that:

- (i) is well connected to the motorway network;
- (ii) will provide for a range of job needs up to 2031; and
- (iii) will help to diversify the range of sites available to new and expanding businesses in the borough to help accommodate future demand.

However, nowhere in chapter 4 is there any explanation for – even mention of – requiring:

- a new business park;
- development at Junction 8;
- the need to diversify the range of sites available.

Furthermore, the scale of job needs (expressed as floorspace) is identified in Table 4.4 at paragraph 4.8, showing a combined need for 32,225m² for offices, industry and warehousing. However, the allocations made later on in the Local Plan, in Policies EMP1(1)-(4) (i.e. without Woodcut Farm) sum to 34,800m² and appear to be adequate in scale. Woodcut Farm therefore appears as an unjustified 'added extra' in the list of employment sites. The revision to Policy SS1 requested in Proposed Change PC/2 would still leave net requirements below the amount of allocated land without Woodcut Farm.

8.11.3 Maidstone BC's justification for its policy came after the Plan. Whereas the Regulation 19 Plan was issued in February 2016, an *Employment and Retail Topic Paper 2016* was issued in May 2016 (though undated inside). This in turn relies on a number of commissioned reports for its evidence. It is useful to examine the case for Woodcut Farm made in May 2016 based on the case claimed. In outline, the position seems to be:

- (i) Maidstone BC is planning for hugely greater jobs growth than its base forecast;
- (ii) The land supply proposed far exceeds the numerical requirement;
- (iii) Most jobs growth will be locally generated and of modest scale, not needing a business park;
- (iv) The case for Woodcut Farm depends on qualitative aspects of employment land, which can be provided elsewhere.

8.11.4 *Forecast jobs growth.* The Topic Paper puts this at 14,394 (2011-31). Paragraph 14 states "This scale of jobs growth should be regarded as ambitious as it is above past performance rates (paragraph 5.65 of the Forecast Report). It represents a reasonable maximum figure based on borough-specific analysis of growth potential." Of these jobs,

paragraph 16 states that 3,730 will be in Class B sectors. It is principally these Class B jobs for which land provision needs to be made (though a substantial allocation is made for non-Class B employment at the Kent Institute of Medical Surgery and Maidstone Medical Campus [KIMS/MMC] at Newnham Park (M20 Junction 7)). The report mentioned, *Employment Sensitivity Testing & Employment Land Forecast* (GVA, 2014) explained that growth based on past trends (the base forecast by Experian – ‘business as usual’) would deliver 8,782 jobs over the period, so 14,400 “requires almost a two thirds increase in employment growth over historic trend” (paragraph 5.65). This means that Maidstone BC is proposing to release Woodcut Farm on the basis of an aspiration to raise its economic performance by a huge amount, rather than to achieve simply its more reliable base forecast. We note that GVA’s principal conclusion on forecasting future growth in Maidstone is that “Overall it is our opinion, based on the detailed sectoral and wider economic analysis undertaken, that the Experian ‘base forecast’ provides a reasonable and robust assessment of the economic potential of the Borough over the period to 2031 across a number of economic sectors” (paragraph 5.56). Additional growth depends on realising the potential for key sectors to do (much) better. The Kent Downs AONB Unit questions this remarkably high jobs target if that challenges the protection of the AONB’s setting.

8.11.5 *Land requirements.* The next step is to calculate the land requirements to satisfy the jobs target. The Topic Paper explains in paragraphs 17-18 that a further GVA study in 2014, *Qualitative Employment Site Assessment*, allows for vacant sites, sites with permission and sites with scope for intensification before calculating a net requirement of small amounts of land for 24,000m² of offices and 6,500m² of warehouses. These are the figures proposed in PC/2. Numerically, the offices and warehouses could occupy the surplus industrial land, leaving no net demand for Class B employment uses. On this basis there would be no quantitative need for Woodcut Farm.

8.11.6 *Types of job growth.* The *Qualitative Employment Site Assessment* explains at paragraph 3.7 that “It is our view that, predominantly, future demand for commercial floorspace will be driven by ‘local’ moves as business start up, expand or seek new premises within the borough. Whilst there is potential for some inward investment from outside of the area this is unlikely to be the major demand driver. As such, in the future, it is likely that demand trends will reflect those of the recent past.” This finding undermines the Council’s assumption of massive growth in employment which underpins the need for major land release in the first place. Furthermore, the size of units required will be small: “It is likely that units up to 500sqm will be required to meet future demand” (paragraph 3.9).

Paragraph 6.24 later indicates that “This will require the delivery of:

- A range of good quality, flexible small office spaces;
- Capacity for ‘design and build’ bespoke industrial units; and
- Small to medium size distribution units.”

In terms of scale of overall demand and size of premises required, there is nothing here to indicate a need for a large business park at Woodcut Farm.

8.11.7 *Qualitative aspects of land requirements.* In addition to a numerical assessment of land requirements, the Qualitative Assessment carries out a further assessment of the types of premises which new businesses are likely to want. This GVA study suggests some criteria for shaping location decisions. The main ones appear to be as follows. Access to good roads

and broadband will be important, and other services infrastructure must be readily available. GVA encourages businesses to form a critical mass to create 'character differentiation', suggesting at paragraph 6.49: "Future allocations should therefore seek to deliver a scale of development that allows uses to cluster in one or two locations or 'co-locate' with existing employment provision." It advises that various constraints should be avoided including landscape ones: "sites should be in locations where landscape and habitat designations do not restrict the functionality and usability of the land to ensure development potential can be maximised. Sites should minimise requirements for extensive landscape treatments within sites (where not necessary to create a good quality business environment) and any associated construction and design costs. For example sites where building heights or massing may be restricted should be avoided where possible. Clearly development should still be 'high quality' and appropriate in its setting" (paragraph 6.28).

8.11.8 Our response to these criteria is that Woodcut Farm would offer advantages in terms of road access. However, the landscape constraints mentioned would certainly apply at Woodcut Farm, as indicated in paragraph 45 of the Topic Paper. Up-front investment would be needed to bring all service infrastructure to this site on the urban edge. Clustering would be practicable at Woodcut Farm, but it is difficult to understand why the character differentiation desired could only be achieved here, and not by co-locating development with existing sites, as GVA suggests, or by the substantial upgrading of existing sites.

8.13 Should the policy further define the type of development proposed in order to better assess its likely landscape and visual impact and the scope for mitigation?

8.13.1 Paragraphs 15.6-10 of the Plan explain what is expected at Woodcut Farm in terms of site controls and Policy EMP1(5) provides further specific requirements. Any type of development proposed would be expected to conform to these stipulations. These are probably sufficient to assess landscape, visual impact and mitigation. However, on the main point about the type of development anticipated, we comment as follows:

- (i) The Plan is opaque about the balance of uses at Woodcut Farm, but the Sustainability Appraisal is clearer.
- (ii) There is a surplus of industrial land in the Borough, so we can see little case for releasing the site for industry.
- (iii) Warehousing uses large amounts of land with units having sizeable footprints, often making it intrusive, but employs few people per hectare and has modest wider economic benefits for the area. With the limited requirement for warehousing in the Borough, we would be horrified if so sensitive a location was used for this lower-order activity. We are therefore very disturbed that paragraph 15.2 of the Plan specifically anticipates "distribution/logistics" at the site and the SA specifies this at 25,500m² – over half the site. In the highly likely case of insufficient other business park developments being proposed, we foresee most of the site being lost to warehousing so close to this motorway junction. Given that the net requirement for warehousing in the Borough is set in PC/2 at just 6,500m², we are at a loss to understand how 25,500m² can possibly be justified, least of all in so sensitive a location.

(iv) Office and associated development is expected to be for small firms, so we see little reason for them to be located on a greenfield site in the setting of the North Downs rather than on existing sites.

8.18 Would there be scope for mitigation in the scale, design or mix of the development to reduce its landscape and visual or heritage impacts to an acceptable degree when weighed with the economic or other public benefits of the scheme?

8.18.1 We are extremely doubtful that damage to the landscape could be mitigated ‘to an acceptable degree’ by development on the proposed allocation site at Woodcut Farm, and certainly not without completely undermining the purpose for which permission might be sought. Development proposals in this area at the foot of the North Downs scarp have repeatedly been found unacceptable in landscape terms, and the current proposed allocation is no different. The gap between what developers want and what the nationally protected landscape can reasonably absorb cannot be bridged. At the Waterside Park inquiry, the Inspector considered that “the proposals would be of considerable economic benefit to the Borough and would be supported by those policies in Chapter 1 of the Framework aimed at building a strong competitive economy” (paragraph 70), but still refused the appeals on AONB and heritage grounds. The same outcome is appropriate at Woodcut Farm, though we strongly question whether in this Plan there is a good case for the site to be allocated.

8.18.2 The very significant weight which should properly be applied to protecting the setting of the AONB in this case also needs to be appreciated. This is summarised in our Reg. 19 consultation response (attached at Appendix 1 for convenience). The additional points set out below explain the context provided by Maidstone BC’s own documentation on its value in relation to the AONB, and then the importance of this section of the setting as indicated by the designation history of the AONB. The evidence is crystal clear that the AONB should carry very considerable weight in this Plan.

8.18.3 Documentary context:

(i) The *Maidstone Landscape Character Assessment 2012* (amended 19 July 2013) identifies the LCA covering the sites as White Heath Farmlands. It states “There are wide views of the North Downs to the north” (paragraph 49.22), which is confirmed by our photographs in Appendix 2. It says of Sensitivity: “This is a sensitive location in that the landscape provides the setting to the Kent Downs AONB to the north” (paragraph 49.26). The Summary of Actions includes “Improve the rural setting of the Kent Downs AONB through avoiding further urban edge influences...” (emphasis added).

(ii) The *Maidstone Landscape Capacity Study: Sensitivity Analysis*, January 2015 covers a larger area for analysis (Leeds Castle Parklands) describes the overall landscape sensitivity as ‘High’ and ‘sensitive to change’. It argues that “extensive, large scale or visually intrusive development would be inappropriate.... Any new development should take account of the impact on potential views from and setting of the Kent Downs AONB, including seeking opportunities to mitigate existing impacts where practicable” (emphasis added). Appendix

3 shows a view of the site from the North Downs Way, from the top of the scarp above Little Allington.

(iii) The Sustainability Appraisal (Technical Appendix B) reports that “A detailed assessment of ‘landscape capacity to accommodate change’ was undertaken for this site in 2014”, and the traffic light analysis showed red, meaning the SA agrees there is ‘Low’ capacity to accommodate change here (emphasis added). (Although mis-specified as ‘Landscape Character Assessment 2014’ in the SA, paragraph 15.5 of the Reg. 19 Plan clarifies that the reference is to the *Maidstone Landscape Capacity Study: Sensitivity Analysis*.)

The Council’s support for the allocation seems to have overruled these concerns.

8.18.4 During the period leading up to designation of the AONB there was general agreement that boundaries should be drawn tightly rather than loosely, so that what was contained within the designated area could be justifiably defended. Throughout the designation process, Kent County Council promoted its view that a wider area was of ‘outstanding’ quality than proposed for designation by the Commission. The County Council also urged the Commission not to use major roads as boundaries to the AONB where landscape of quality lay beyond. For example, on 10th March 1966 Mr Heckels (Clerk to the County Council) wrote to the Commission urging consideration for inclusion in the AONB:

“be given to those important sections of highways and/or motorways such as Route M.2, A.20(M) and its proposed extension westwards to Wrotham Heath, and A.2, by the inclusion of sufficient land on both sides of such roads to preserve the views therefrom”¹ (Appendix 4(a)).

8.18.5 By seeking the designation as AONB of land south of the A20(M), the County Council was clearly hoping to include what is now the proposed allocation site. That particular request was unsuccessful, though it is reasonable to interpret this area of land as a marginal case. If the Woodcut Farm site beside the M20 were to be allocated for development, then Mr Heckels would have been proved right: it was indeed not possible “to preserve the views therefrom”, whereas clearly they would have been preserved if land south of the M20 had been included within the AONB.

8.18.6 The AONB has always been treated as one which relies for a significant part of its merit on the grandeur of the chalk scarp slope of the North Downs. Furthermore, the views from this scarp to beyond the designated area have always been integral to the reasons for designation. This can be traced through the main statements made about the Kent Downs AONB through its history, as the following sources demonstrate. All emphasise the importance of the scarp and of views. Emphasis has been added in the text to references to views from the scarp. Fuller extracts are in Appendix 4.

¹ At that time a road publicised as the Maidstone Bypass was built to motorway standards, the A20(M), between the A20 at Royal British Legion Village to the west and the A20 at Eyhorne Street to the east. This is now the central section of the M20. The principal piece of countryside between this road and the built-up area of greater Maidstone is the area in which Woodcut Farm lies.

8.18.7 (i) The Ministry of Housing and Local Government issued a Press Statement announcing the designation of the Kent Downs on 23rd July 1968 (Appendix 4(b)). The description of the special qualities of the area was brief:

“The Downs rise in places to 600 feet, and the escarpments provide some fine views over the Weald. There is considerable wild-life interest within the areas and at Crundale Downs near Wye there is a National Nature Reserve.”

8.18.8 (ii) A study into the Kent Downs was carried out in 1978-79 by Land Use Consultants as part of the Countryside Commission’s programme aimed at clarifying the role of the AONB designation in countryside conservation and its effectiveness. An edited version of their report was subsequently published by the Commission in 1984 (*The Kent Downs Area of Outstanding Natural Beauty*, CCP150) – Appendix 4(c). The study found that

“... there was little, if any, debate about the core of the area to be protected, which is broadly common to the Hobhouse Area, the 1948 Preservation Area, and the Area of Great Landscape Value. This ‘core area’ is specifically described in a report by the National Parks Commission’s Field Officer as “the scarp and scarp slope of the North Downs” ...”.

The study concluded its assessment of the designation process by stating:

“... the scarp slope and dry valleys of the Kent Downs were the main target for designation, particularly where they retained a downland character, that woodlands were highly valued throughout the designated area and particularly on the scarp slope and dry valley sides, and that other qualities of note were views from the escarpment, pastoral scenery, parklands, villages, churches and castles” (paragraph 1.9).

8.18.9 (iii) Subsequently the Countryside Commission and Kent County Council commissioned *The Kent Downs Landscape: An assessment of the Area of Outstanding Natural Beauty*, published in 1995 (Appendix 4(d)). In the Foreword, the Chairman of the Countryside Commission highlights that:

The Kent Downs landscape is valued for its dramatic south-facing scarp, secluded dry valleys, the network of tiny lanes and for its isolated farms and churches... Situated between the capital and the coast, however, the landscape is seen by millions of people using the railways and the motorways along its boundaries.”

8.18.10 (iv) The Kent Downs AONB *Management Plan 2014-2019* (ORD 015) similarly emphasises the chalk scarp and views from it. Section 1.2.1 on ‘Special characteristics and qualities’ refers to:

“The Kent Downs’ dramatic and diverse topography is based on underlying geology. These features comprise: impressive south-facing slopes (scarps) of chalk and

greensand..... Breathtaking, long-distance panoramas are offered across open countryside, estuaries, towns and the sea from the scarp, cliffs and plateaux....”.

Section 3 of the Management Plan in a sub-section on ‘Setting’ is clear that:

“Where the qualities of the AONB which were instrumental in reasons for its designation are affected, then the impacts should be given considerable weight in decisions. This particularly applies to views to and from the scarp of the North Downs.”

Likewise, section 4.2 on ‘Landform and landscape character – special characteristics and qualities’ has its first sub-section on ‘The Chalk Ridge’, observing:

“The long arc of the North Downs chalk ridge is the most dominant element of the AONB, consisting of the steep, south-facing scarp slope rising above the Gault clay vale below, the open expansive plateau tops and gentle dip slopes traversed by many hidden, dry valleys. Spectacular views are offered along the chalk escarpment across the Vale of Holmesdale, Low Weald, the river valleys and the towns below making the setting important to the enjoyment and purposes of the AONB.”

8.18.11 The generality of the importance to the designated area of the scarp of the North Downs and of views is supported by specific comment on the importance of the scarp overlooking the Woodcut Farm area. The Countryside Commission’s description of the landscape in the Hollingbourne Vale section of the Mid-Kent Downs emphasises the view (*The Kent Downs Landscape: An assessment of the Area of Outstanding Natural Beauty*, 1995, page 27) – Appendix 4(d). It opens as follows:

“The steep scarp of the downs, between Boxley and the Stour Valley, overlooks a wide rolling landscape of mixed farmland”:

8.18.12 Finally on the importance to the AONB of its setting and views, public opinion supports the established consensus on what matters most in the AONB. The *Kent Downs Management Plan 2014-2019* (ORD 015) reports the views of the public on the most valued features of the Kent Downs AONB (page 10). This is derived mainly from responses to a questionnaire in 2013 in the local newspapers. ‘Scenery and views’ are by far the most highly valued quality of the AONB at 79%, as they were in surveys in 2003 and 2008. No other feature (of the other ten options) gathered as much as 40% support in 2013. Views such as those from the AONB over Woodcut Farm are critical to the value of the AONB and are central to the reasons why people appreciate the AONB so much.

8.18.13 Our conclusion is that the overwhelming impression throughout the history of the Kent Downs AONB is the importance to the designated area of the chalk scarp of the North Downs and the views from it. By virtue of the tightly drawn boundaries of the AONB, these views are clearly to land beyond the designated area. This land can be said to comprise its ‘setting’. It is in the foreground of this setting that the proposed allocation site lies. The Woodcut Farm proposal challenges the purposes for which the Kent Downs AONB was designated, and should be assessed in that light.

Appendix 1: Kent Downs AONB Unit Reg. 19 response on Policy EMP1(5) Woodcut Farm

The Kent Down's AONB Unit has consistently objected to the allocation/development of the site at Woodcut Farm for employment purposes due to concerns that development here would impact on the setting of the AONB; development of this site would have a damaging effect on both views to and from the AONB.

The site is prominent in views from the North Downs scarp across an arc from north to east. It can be seen in particular from an important length of the North Downs Way national trail and from open access land on the scarp west of Hollingbourne. Although the site cannot be seen from the Pilgrims Way in this area, it is clearly visible from much of the scarp slope above this elevation to the north east.

From higher elevations views into the site are more prominent and can be experienced wherever the North Downs Way offers views out from the scarp between Hollingbourne and the 'C' road above Broad Street. Further west views into the site are initially eliminated by Snarkhurst Wood, which lies on a hillock immediately north of the M20 Junction 8. However, the site once again becomes visible from the North Downs Way west of Broad Street in places where views open out, as far as White Horse Wood Country Park, though the impact of development on the site would diminish westwards.

Views over the proposed allocated site from the local area towards the AONB would also be affected. These apply both from the site itself and from surrounding areas. In particular from the bridleway to Woodcut Farm there are splendid views from the bluff over the allocated site below, to the east and north-east. Most of the site is relatively low-lying, so there are extensive views over it to the north east quadrant from surrounding roads, rights of way and properties, all with the North Downs scarp in the Kent Downs AONB as a backdrop. These views are often wide and uninterrupted by significant built development, notwithstanding the presence of the transport corridors through the local area.

The impact of development of this site and other land in the immediate locality on the landscape including impact on the Kent Downs AONB has been recognised in recent appeal decisions. The site at Woodcut Farm is wholly within the area proposed for a Strategic Rail Freight Interchange (Kent International Gateway), which also extended well to the west of the allocated site.

The Inspector at the KIG inquiry stated (paragraph 18.31): "...the majority of the appeal site is, to my mind, attractive open countryside. Despite the presence of the M20 motorway/High Speed Railway Line (HS1) there are expansive views across most parts of the site into the Area of Outstanding Natural Beauty (AONB), to the north, and to the North Downs scarp. The site's undulating landform and watercourses are a visible continuation of the topography of the AONB [7.103]. The woodlands and smaller groups of trees on the site can be seen from some distance and are attractive in their own right. The site is a 'buffer' between the built-up area of Bearsted and the M20/HS1 and also gives a strong sense of passing through open countryside for users of the motorway. Whilst the noise of the M20/HS1 is a negative feature of the area [6.45] the appeal site nonetheless has a strongly rural character and atmosphere."

He commented on the adverse effect of extending the built-up area of Maidstone and the loss of the sense for travellers of moving through open countryside (paragraph 18.33). He concluded that “The loss of the open countryside character of the site resulting from its development as an SRFI would cause significant harm” (paragraph 18.31) and that “Overall the proposal would cause substantial harm to the open countryside character and appearance of the site” (paragraph 18.34).

Whilst the impact of the proposed allocation would clearly be less than the entire KIG development, the issues involved in the allocation site are the same. The Inspector was also clear that, although the proposal conflicted with policy on the Special Landscape Area within which the site lies, “However, even if little or no weight were to be given to [this] policy ENV34, the substantial harm that the proposal would cause to the character and appearance of the countryside, and the conflicts with *Local Plan* policy ENV28, *South East Plan* policy C4 and national planning policies would remain” (paragraph 18.37). The Secretary of State agreed with the Inspector.

The recent Waterside Park appeals are also relevant given the proximity of the site to Woodcut Farm. Here, the Inspector concluded that the proposal would result in considerable environmental harm and that development here would fail to protect the setting of the Kent Downs AONB. Notwithstanding an identified need for more employment land it was concluded that the environmental harm would be greater than the economic benefits.

Maidstone Borough Council has also recognised the harm that would ensue to the landscape as a result of the development of this part of the borough. The KIG proposal was strongly opposed and evidence advanced on the adverse effect of development here on the landscape and on views to the AONB. Similarly, the Waterside Park proposals were refused on the grounds of impact on landscape character and setting of the Kent Downs AONB. The proposed policy EMP1 also acknowledges that the allocated site lies within the setting of the AONB and that it has a high degree of sensitivity in landscape terms to accommodate new employment related development.

In recognition of this, the policy requires proposals to meet certain criteria including the need for any development to create a spacious parkland setting with substantial internal landscaping and building to cover no more than 40 per cent of the developed area, landscape buffers to be provided, a maximum building size of 10,000m², height of buildings to be restricted to no greater than 12 metres, orientation to respect views to and from the AONB and requirement for proposals to be informed by an LVIA.

While it is acknowledged that Maidstone Borough Council has sought to address impact on the AONB through these proposed criteria, the AONB Unit nevertheless considers that notwithstanding these proposed safeguards the development of the site would result in unacceptable change to landscape character and harm to the AONB. Furthermore, should this site be developed, it is likely to result in increased pressure in the future for surrounding land to be developed, resulting in a cumulative impact on AONB. The allocation is contrary to the NPPF, in particular para 14, footnote 9, para 110 which advises that plans should

allocate land with the least environmental or amenity value and 115 and 116 which advise that great weight should be given to the conservation of landscape and scenic beauty in AONBs. The allocation is also contrary to other policies in the Regulation 19 Local Plan, in particular SP17 as well as the Spatial Vision and spatial objectives set out in Chapter 3 – Spatial Portrait of the Local Plan which seek to protect the AONB and its setting.

The site at Woodcut Farm has been proposed following an assessment of the quantitative and qualitative needs of employment in the Borough. The Strategic Economic Development Land Availability Assessment (SEDLAA) identifies that the only available additional land at a motorway junction is at J8 of the M20. In view of this apparent lack of sites in the Maidstone Borough and the consequent impact of the proposed allocation on the adjacent AONB, it is considered imperative that Maidstone complies with the NPPF requirements of Duty to Cooperate. At the recent Waterside Inquiry it was acknowledged that available industrial floor space is available in neighbouring Districts, including Kingsnorth Commercial Park at Medway, G.Park at Sittingbourne and Neats Court Business Park at Sheppey. In addition, consideration should be given to the recently closed Aylesford Paperworks, particularly given the proximity of this to Maidstone and its access to the motorway. The Planning Practice Guidance reiterates the role Duty to Co-operate can play in addressing strategic planning issues and it is considered imperative that available floor space in neighbouring boroughs is taken into account in determining Maidstone's employment land supply.

The Kent Downs AONB therefore considers policy EMP 1 (5) should be deleted.

Appendix 2: Views across Woodcut Farm allocation site to the Kent Downs AONB

2(a) View north from Old Mill Road with allocation site in red



2(b) View east from access to Woodcut Farm PROW KH641 with allocation site beyond centre hedgerow



2(c) View north from A20 across western development area of the allocation site



Appendix 3: View to Woodcut Farm allocation site from the Kent Downs AONB

View WSW from North Downs Way above Little Allington to western development area (in red)

