

## Written Statement – session 11 – Development Management Policies

1. This paper is written on behalf of the Coordinating Team.
2. It responds to the Inspector’s questions and concerns.
3. As a **general comment**, we note that there is no guidance in any policy to limit the amount of growth to avoid overwhelming the Rural Service Centres or Larger Villages, which we believe should be no more than 20% of the existing housing numbers, although far higher numbers have been included in the draft Maidstone Local Plan.

Policy	Question	Comment
	Q11.1	For certain policies, we have endeavoured to follow that requirement.
DM1 Principles of good design	Qns 11.2 and 11.3	No comment.
DM2 Sustainable design		No comment in this paper.
DM3 Historic and natural environment		Also Session 4. This has already been discussed with SP17 proposed policy, after MBC introduced modifications so that it now applies only to landscape character etc. We agree with the changes subject to further information on the added DM policy relating to historic assets - DM(x). We would however seek the removal of the second word in 1i “positive”, and the word “significant” before “adverse impacts” in both the middle of 1i and the first sentence of 1ii. These words diminish the point of the policy, and allow too much loose interpretation in practice. The policy should be in line with NPPF section 11 paragraphs 109 to 125.
DM4 Development on brownfield	Qn 11.4	Also Session 4. We agree with the policy subject to the inclusion of an additional criteria that the number of new dwellings should not be such as to overwhelm the rural service centre or larger village or the local social infrastructure.
	Qn 11.5	We believe that there needs to be guidance on the issue of building in private garden by the addition of a paragraph 3 stating “private gardens in the countryside and small villages will not be considered as brownfield land and development resisted”.
DM5 Air Quality	Qn 11.6, 11.7 and 11.8	We believe that this policy requires comprehensive rewriting and very considerable strengthening. Air quality is now becoming recognised as a major health issue, and DEFRA have just issued a paper titled “Valuing Impacts on Air Quality” which claims in the first paragraph “Air pollution harms human

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		<p>health and the environment. A conservative estimate for one type of pollution (particulates) is that it reduces life expectancy in the UK by around six months, worth £16 billion a year”. This is extremely serious, and the body “Clean Air in London” has sought the opinion of Robert McCracken QC on the meaning of “Air Quality Directive 2008/50/EC and Planning” which emphasises the restrictions on planning to meet the requirements. Maidstone is an Air Quality Management Area, and it is known that maximum values are exceeded in a lot of places mainly in the town. We believe that the whole policy should be rewritten by MBC after taking proper advice, This needs to recognise the seriousness of the current and potential future problems, to enhance the measurement systems and to take necessary actions, including refusing planning applications, and positively mitigating situations where poor air quality is recorded.</p> <p>These questions need to be addressed by MBC in a new strengthened policy which provides answers to these questions, which the current policy does not.</p>
DM6 Non-conforming uses	Qns 11.9 and 11.10.	We believe that the policy should be modified to read: “Proposals for development which could create, intensify or expand noisy or noxious uses or which would generate volumes or types of traffic unsuited to the local area will not be permitted”.
DM7 External lighting	Qn 11.11	We do not see this as a strategic policy but rather acting as a specific planning requirement.
	Qn 11.12, 11.13, 11.14	Additionally, we would wish to see a paragraph: “Development in the countryside must avoid lighting at night in order to avoid light pollution from artificial light on intrinsically dark landscapes”.
	Qn 11.15	We agree the policy but would wish to see the ability for a time restriction added as an extra point eg: point 3:” Where lighting would have an adverse impact on residential areas the Council will include conditions on the hours of operation to safeguard against adverse effects on the local residents.”
DM8 Residential extensions, conversions and redevelopment within the built up area	Qn 11.16	The word “if” should be added to the first sentence to make the policy positive. The requirements of the NPPF paragraphs 58-64 would be taken in to account and could be written directly in to the policy.
	Qn 11. (sic), 11.17 and 11.18	No comment.
DM9 Residential premises above	Qn 11.19 and 11.20	This policy is supported.

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shops and businesses		
DM10 Residential garden land	Qn 11.21	We wish to see parking included in this policy by reference to policy DM27.
DM11-15		Session 2B.
DM16 - 19		No comment in this paper.
DM20		Session 8.
DM21 Retention of employment sites	Qn 11.22, 11.23, 11.24	No comment except that we note policies for the AONB are covered elsewhere.
DM22 Open space and recreation	Qn 11.25, 11.26	No comment.
DM23 Community facilities		We agree the policy.
DM24 Sustainable transport	Qns 11.27, 11.28, 11.29	The Integrated Transport Plan has yet to be agreed. However, assessments must be on a cumulative basis of current and potential developments and not related to specific developments.
DM25- 27		No comment in this paper.
DM28 Renewable and low carbon energy schemes	Qn 11.30	We object to the changes proposed by MBC and wish to see the inclusion of “setting” of the AONB retained.
	Qn 11.31	No comment.
	Qn 11.32 and 11.33	We wish to see criterion 2 widened to include LLVs valued landscape and heritage assets, particularly in relation to solar farms as well as wind turbines, where the visual effects need to be assessed over a wide area. We also wish to see an additional criteria that precludes development on the “best and most versatile land (grades 1, 2 and 3A)”, and includes a requirement to avoid impact on ecological or biodiversity or includes measures to mitigate any such effects.
	Qn 11.34	No comment in this paper.
DM29 Electronic communications	Qns 11.35, 11.36, 11.37 and 11.38	No comment.

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DM30-33		No comment in this paper.
DM34 Design principles in the countryside	Qns 11.39 and 11.40	The failure to include the effects on conservation areas and listed buildings is contrary to the requirements of NPPF paragraphs 126 to 141. We cannot find this covered elsewhere in the MDLP and would wish to add: "conservation areas and listed buildings" either to the end of criteria 1 or inserted in to criteria 2.
	Qn 11.41	No comment.
	Qn 11.42	We believe that cross referencing this policy with SP17 would make them more effective.
DM35 Conversion of rural buildings	Qn 11.43	No comment.
	Qn 11.44	Whereas NPPF paragraph 28 supports economic growth, conversion of buildings can be for many other reasons and should not be a criteria of the policy. With regard to NPPF paragraph 51, we believe that the policy DM35 is acceptable as written.
	Qn 11.45	No comment.
Dm36 Rebuilding and extending dwellings in the countryside		No comment in this paper.
DM37 Change of use of agricultural land to domestic gardens	Qn11.46 and 11.47	We object to this policy because it is too permissive and open ended. We believe that there should be a presumption against inclusion of agricultural land in to domestic gardens, which would be in line with the text to this policy in paragraph 19.11 as written there.
	Qn 11.48	No comment.
	Qn 11.49	SP17 (as revised) does not appear to include the incorporation of agricultural land in to domestic gardens.
DM38-39		No comment in this paper.
DM40 New agricultural buildings and structures	Qns 11.50, 11.51	No comment.
DM41 Expansion of existing business in	Qn 11.52	We would wish to see criteria 4 extended to include: "and the effects of lighting whether internal or external, and:". This will allow reference to DM7.

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rural areas		
DM42 Holiday caravan and camp sites	Qn 11.53, 11.54	No comment.
DM43 Caravan storage in the countryside	Qns 11.55 and 11.56	Some aspects of this policy should already be covered by other policies, including SP17 and DM7, but otherwise we agree with the policy as written, particularly as regards screening, although newly planted screening would take years to become effective so some other short term addition (eg climbing plants on fencing) must be included.
DM44 Retail units in the countryside	Qn 11.57 and 11.58	No comment.
	Qns 11.59 and 11.60	We believe that it is essential to give guidance on what is a “significant proportion” to avoid unlimited growth of what started as a farm shop becoming a major retailer out in the countryside. This would have adverse effects, particularly where HGVs begin to deliver goods for sale and customer traffic increases hugely. With one proviso, we believe therefore that the “significant proportion” should be around 60% and indicated as such in the policy. The proviso is that, if the farm shop is the only retailer within a reasonable distance and can reasonably demonstrate that it would not otherwise survive, such percentage may be varied by the planning authority’s consideration of a planning application, but such consideration shall include whether the farm demonstrates that it is making, and will make, sustained efforts to maximise its sale of local fresh produce.
DM45 Equestrian development	Qn 11.61	Where lighting is proposed it should be referenced to DM7, and included as such in the policy.
	Qn 11.62	No comment.