

Written Statement – session 10A

1. We offer outline answers to the Inspector’s questions, followed by analysis that informs our views.

Questions

2. Numbering is the Inspector’s.

Question	Comment
<p>Qn10.8 Would those Representors seeking changes to the wording of the DM policies please identify:</p> <p>a) Why that policy as worded may be unsound (eg because it may be ineffective as worded or inconsistent with a specified national policy)?</p> <p>b) What specific wording change is sought by the Representor?</p>	<p>Please see our comments below on certain DM policies</p>
<p>Qn10.9 Do Representors have any comments on the contents of the Duty of Compliance Statement?</p>	<p>From what we have heard and read, MBC’s discharge of this duty has been cursory and half-hearted when compared with some other Authorities. That was brought out in Session 1A.</p> <p>In particular we are concerned that Tonbridge & Malling has not been consulted about employment matters, given the large, old Aylesford Paper Mills site.</p> <p>We are also concerned that Ashford has not been consulted about employment and housing matters, given its large growth aspirations a few years ago.</p> <p>The evidence of discharge of this duty is very thin and is not compelling.</p> <p>When considering the situation within Maidstone, it is interesting to reflect on The Planning Inspectorate / Mr David Hogger’s 29th April 2014 report on his examination of Runnymede Local Plan. That plan had to be reviewed and revised for subsequent re-submission.</p>
<p>Qn10.10 Are there any matters in the original Regulation 19 representations from those invited to Session 10A which they consider have not been addressed at other public hearing sessions?</p>	<p>Constraints</p> <p>We do not believe that “constraints” have been properly explored. That is, constraints that apply within the Borough so that it has difficulty meeting assessed housing need.</p> <p>We understand that, if constraints do apply, there is an obligation upon MBC to exercise the Duty to Cooperate with other Authorities to explore whether they</p>

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	<p>could meet Maidstone’s un-met need.</p> <p>We further understand that MBC identified 21 potential constraints, but chose not to carry any forward.</p> <p>Given the traffic situation in NW Maidstone and SE Maidstone, traffic should be one constraint that bites.</p> <p>We do not believe that the Borough has diligently explored constraints, for whatever reason, and has therefore not exercised the Duty to Cooperate to fill any gap left by constraints.</p> <p>That renders the draft plan unsound.</p> <p>Settlement Boundaries</p> <p>Paragraph 5.66 of the draft Local Plan states:</p> <p>“The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages with defined settlement boundaries and is depicted on the policies map”.</p> <p>That leaves smaller villages, which will have a normally-accepted “village envelope”, exposed under certain policies e.g. DM 35, 36, 38, 42, 43.</p> <p>Smaller villages, and perhaps hamlets, should have recognition so that development is not intrusive or overbearing.</p>
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3. Below is a detailed statement of requested amendments to draft DM policies.

Specific amendments to DM policies

4. Our issues and suggested word changes are detailed in the table below, with additions underlined and deletions marked by a strike-through.

Draft Policy	Comment	Suggested Wording
DM3 - Renewables and low carbon energy schemes	This relates to schemes such as solar farms, wind farms and biomass. The adverse visual impact of the first two should be addressed by restricting placement to those areas not visible at either short or long	<p>Paragraph 1, sub-paragraph i:</p> <p>Protect positive historic and landscape character, heritage assets and their settings (<u>including impact of short and long views</u>), areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate</p>

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	distance and by restricting adjacent, individual developments so that the overall, cumulative impact is acceptable.	development and ensure that these assets do not suffer any adverse impacts as a result of development; Paragraph 2: Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development, <u>including by consideration of short and long views</u> .
DM5 – air quality	Where air quality is an <u>existing</u> issue, developments should not be supported that may exacerbate the situation, until mitigation measures for the existing issue are implemented.	Paragraph 2: Proposals within or adjacent to Air Quality Management Areas that are likely to have a negative impact on air quality should identify sources of emissions to air from the development and an Emissions Statement identifying how these emissions will be minimised and <u>fully</u> mitigated against must be provided; Paragraph 3: Proposals in or affecting Air Quality Management Areas or of a sufficient scale to impact local communities should, where necessary, incorporate mitigation measures which are locationally specific and proportionate to <u>fully remedy</u> the likely impact.
DM7 – external lighting	A ‘dark sky’ policy outside the urban area would be appropriate and the draft policy should be expanded to give that context..	For paragraph 1, a new sub-paragraph iv: <u>In a rural area, lighting does not adversely impact a “dark sky”.</u>
DM8 - Residential extensions etc	1(iv) should make clear that “sufficient” requires that each parking space should be separately accessible from the highway, even if other spaces are occupied, and that a garage with a space in front only equates to one space.	Paragraph 1, sub-paragraph iv: Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene <u>and each parking space should be separately accessible from the highway, when all spaces are occupied by a vehicle.</u>

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DM10 – development of domestic garden land	There should be the addition of a requirement for adequate on-site car parking to reduce likelihood of on-street parking.	A new paragraph v: <u>Adequate car parking arrangements are provided within the development to reflect the number of potential occupants and there is no adverse car parking impact on the area around the development.</u>
DM13 – affordable housing	The target of 40% in the countryside is far too much, given the general absence of sustainable transport to centres of employment and services.	Paragraph 1, sub-paragraph ii: <u>Countryside, rural service centres and larger villages 40% and, for countryside, the presumption is 0%, unless it can be demonstrated that sustainable transport to centres of employment and services are available, in which event no more than 20%.</u>
DM20 - Economic development	Paragraph 17.94 states: “ grow in a sustainable manner the increase in house building has been aligned with growth in local employment”. That is factually untrue and should be corrected. 18,560 homes imply 40-50,000 residents and a requirement for perhaps 30,000 jobs. The Borough’s own consultants say that the 14,400 jobs outlined in a review of Borough employment is very optimistic.	Introduction: The council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, <u>so that out-commuting from the borough is reduced.</u> This will be achieved through the allocation of specific <u>employment sites, while restricting housing developments to a level matched by demonstrable shorter-term increase in the number of jobs available within the borough</u> and through:
DM24 – sustainable transport	This is supported by our Parish Council, but with a requirement to implement necessary enhancements prior to development taking place.	Paragraph 2, sub-paragraph iii: <u>Improve highway network capacity and function at key locations and junctions across the borough before any developments adversely affecting those locations and junctions before any relevant development becomes occupied or operational.</u>
DM26 – gypsy, traveller and travelling show-people	It is stated that “Gypsies and Travellers historically resorted to the Maidstone area because of their involvement in agriculture” That was indeed history, but	This is covered by Session 10B

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accommodation	no longer applies and the observation should be corrected.	
DM28 - Renewable and low carbon energy schemes	Item 2 (landscape and visual impact) should be expanded to ensure that placement of such facilities is restricted to those areas not visible at either short or long distance. The latter is especially relevant to views across a valley or between hills.	Paragraph 2: The landscape and visual impact of development <u>taking account of short and long views</u> , with particular regard to any impact on, or the setting of, the Kent Downs AONB or the setting of the High Weald AONB
DM29 - Electronic communications	Item 4 should make clear that “health effects” will consider the cumulative affect of nearby masts and not just the mast in question.	Paragraph 4: Proposals adhere to current Government advice on the health effects of exposure to radio waves, <u>including when any cumulative effects of nearby masts and antennae are considered</u> ;
DM30 – mooring facilities and boatyards	In the event of expansion of access to waterways there is a need to balance the increase in mooring facilities with sufficient stations to supply fuel and water needs and proper facilities on land for the disposal of waste, including sewage.	Paragraph 1, sub-paragraph x: <u>Adequate Facilities are provided for proper disposal of boat toilet contents and disposal of all other waste</u> ; New sub-paragraph within paragraph 1: <u>Adequate facilities for replenishment of fresh water</u>
DM34 – design principles in the countryside	The general principle of the policy is welcomed, provided it would not result in, or increase, unacceptable traffic levels on nearby roads (many of which may already have unacceptable levels).	Paragraph 4: Not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges, <u>as determined by the views of residents directly affected by the development or, in the case of traffic levels, the views of those residents along roads likely to carry more traffic as a result of the development</u> .
DM40 – new agricultural buildings and	Item 4 relates to polytunnels. It is very inadequate, especially as the Borough has not taken the effort	Paragraphs 1-3: 1. The proposal is necessary for the purposes of agriculture <u>at that particular location</u> ; 2. The proposal would not have an adverse impact on the amenity of existing residents

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<p>structures</p>	<p>to establish a Planning Policy Advice Note (as has been done for solar panels – although that requires review).</p> <p>The long-distance, as well as short-distance, impact of polytunnels should be considered, with clear reference to the topography of the land.</p> <p>The cumulative effect of polytunnels should be taken into account; that is, a development should not be permitted just because there is a neighbouring one and, in fact, because of that neighbour, may be refused.</p> <p>Most importantly, the policy should make clear that permission for polytunnels will only ever be temporary, so that, if management policies are not adhered to, refusal of renewal is an available remedy, as Enforcement is otherwise unlikely.</p>	<p><u>and the general public, including visual amenity taking account of short and long views to the site;</u></p> <p>3. The building or structure would be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location is essential the site should be chosen to minimise the impact of the building or structure on the character and appearance of the countryside <u>and on visual amenity taking account of short and long views to the site;</u></p> <p>Paragraph 4:</p> <p>In the case of polytunnel development in addition to the above, the council will expect proposals to address the following issues:</p> <ul style="list-style-type: none"> i. <u>If there are other polytunnels within a same short or long view as the proposed site, why this proposal would not give rise to a cumulative adverse impact on the amenity of existing residents and the general public, including visual amenity taking account of short and long views to the site</u> ii. How surface water run-off will be dealt with and controlled; iii. The inclusion of a rotation programme for the covering/uncovering of the structures/frames, which explores the possibility of following the seasons; and iv. The inclusion of a programme for the maintenance and enhancement of existing field margins in the interests of encouraging biodiversity, <u>together with assurance that the programme for maintenance will be applied continuously by the applicant and his successors and agreed financial penalties if such programme for maintenance is not fully adhered to.</u>
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