

## **Written Statement – session 4 – Environmental Constraints**

This submission is made on behalf of the Co-ordinating Team which draws together the views of the Kent Association of Local Councils-Maidstone area, the Joint Parishes Group, The Bearsted & Thurnham Society, the Maidstone branch of the CPRE and Leeds Castle.

Taking a wide view of the environmental effects of the Draft Maidstone Local Plan (DMLP), there are five major areas of concern, each of which is addressed in turn, with reference to the Inspector's specific questions:

- loss of green space and countryside due to development;
- effects on AONB, areas of Local Landscape Value and Metropolitan Green Belt;
- capacity of existing social and community infrastructure;
- transport, education & other services infrastructure capacity e.g. water & sewerage; and
- air quality.

### **Loss of green space and countryside**

As context, the housing developments from H1(1) to H1(68) are estimated in the DMLP to total 8214 dwellings, of which 7344 (88%) are on greenfield sites, and 870 (12%) are on brownfield sites, including all the sites in the town area.

Five villages are then designated as "service centres": Headcorn, Marden, Staplehurst, Lenham and Harrietsham. In our view the latter two are too close together to both be included, as encouraging their development would also encourage coalescence, which is against policy. A further five villages are identified as "larger villages" : Boughton Monchelsea, Coxheath, Eyhorne Street (Hollingbourne), Sutton Valence and Yalding.

Effectively all the 7344 new dwellings are distributed between these ten villages and all are on greenfield sites, currently within the countryside. They mostly take the form of large estates in the shape of the old field patterns. They will present a problem of integration into fairly settled communities, with loss of sufficient amenities and overwhelming the capacities of the local current social and community infrastructure. There is also a problem in many of these villages with service infrastructure, particularly sewage and transport facilities. This rate of growth should be unacceptable and far exceeds manageable organic growth.

Maidstone's decision to have distributed growth was taken when the housing target was 10,080 dwellings and appears not to have been reviewed when the housing target has been nearly doubled. It seriously erodes the local countryside, which is an asset for all and is a major reason why people choose to live in the villages.

The plan policy H2 is to add 1500 dwellings to Lenham, effectively making it a small town, without proper discussion. Additionally, policy EMP1 erodes the countryside, especially EMP1(5) Woodcut Farm, which is within the setting of the AONB.

We would wish to see policy DM28 strengthened in the DMLP with particular regard to solar farms, especially their visibility on local landscapes, other than the two AONBs. We would also wish to see a detailed policy on polytunnels.

Policy SP17 is relevant here, although we would rather see it written more positively as to what will not be allowed, rather than what would be against the criteria.

#### **Question 4.1**

This is for KCC and MBC to address.

**Question 4.2 What is the specific intention of SP17(7) and does it require additional justification?**

The intention is set out in paragraph 5.71 – which ends: “It is important these settlements retain their individual identities as there can be a delicate balance between settlement proximity and separation”. We do however think that it should read more like ENV28 in the current Local Plan 2000, which gives more positive protection to the countryside, which is one of Maidstone Borough’s major assets. Maintaining that asset should be strongly stated to be a key strategic priority for our Borough from a “living environment” and “tourism” perspective. Such clear statement would provide additional justification for this policy.

In detail, SP17 does not include the positive statement within ENV28: “In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers...etc”, which is much more limiting than SP17.

**Question 4.3 What if any development would policy SP17 permit in the countryside which the previous local plan would not?**

As currently defined, SP17 includes words such as “extension”, “expansion”, “diversification schemes”, “small-scale residential development”, “essential”, “proven need” and “local housing needs”, each of which is open to “interpretation” and potential abuse. Current drafting also puts the burden of proof onto those arguing against developments they view as harmful, rather than on those wishing to exploit the countryside.

It is important that drafting is tightened or the policy is re-modelled as suggested in Question 4.2 above, especially as our Borough appears to be unwilling to invoke Article 4 to stop Permitted Development Rights being used to erode sensitive parts of our countryside.

**Question 4.4 In the policy wording what is the effective difference between “conserved” and “maintained”?**

Using dictionary meanings, “conserve” means to protect from harm or destruction while “maintain” is to cause or enable a condition to continue. The words do have a different meaning and it is important that they are both kept in the policy.

**Effects on AONB, areas of Local Landscape Value and Metropolitan Green Belt**

We see the NPPF as the defining document here, and it is quite clear in paragraphs 115 and 116 that the AONB must be given the highest level of protection. The DMLP throughout includes the setting of the AONB and gives it the same weight as the AONB itself (except in 5.83 which appears to downgrade it slightly). This is included in “Key local issues” - third point, “Spatial Vision” - sixth point, “Spatial Objectives” - sixth point” and elsewhere in the DMLP. There is comprehensive policy on the Green Belt in the NPPF, paragraphs 79 to 92, which makes it abundantly clear that it also has the highest level of protection.

**Question 4.5 Does the reasoned justification at paragraphs 5.81 and 5.82 accurately reflect the statutory duty and also that the National Planning Policy Framework is national policy and not guidance as stated?**

Paragraphs 5.81 appears to consider that the NPPF is guidance but the definition is in the title which is clearly “national planning policy framework”. We are concerned at the attempt in this paragraph to downgrade the importance of the setting of the AONB. Paragraph 5.82 takes a different view as it states that “The Council has a statutory duty to conserve and enhance the setting of this AONB as it

does with the Kent Downs AONB and will apply the same policy considerations for any proposals that may affect its setting”.

**Question 4.6. The Kent Downs AONB unit seeks that the relevant policy references be “conserved and enhanced” to be consistent with national policy and the statutory duty in respect of the AONB. Why has the word “maintained” been inserted and what is its purpose?**

Maintained adds a different requirement to the duty to conserve and enhance as in Question 4.4.

**Question 4.7 Is the policy consistent with National policy for the AONB and should there be a reference to national policy for major development in the policy or the supporting text?**

It would be useful if the policy or the text included reference or details of the national policy contained in the NPPF.

**Question 4.8 Does the policy SP17(5) seek to provide exactly the same policy to the setting of the AONB as to the designated AONB itself and is that justified?**

The policy (5) treats the setting exactly the same as the AONB itself. We believe this to be quite correct and essential to maintain the “ambience”, and therefore enjoyment, of the AONB.

**Question 4.9 How would the setting of the AONB be defined?**

It must be defined on a basis of proximity and visibility, and treated as if it were the AONB itself. The limits would have to be looked at on a case-by-case basis, taking full account of local topography.

**Question 4.10 If the intention is to rely on national policy for the Green Belt should there be wording to that effect in policy SP17 and/or clarification in the reasoned justification?**

Yes, it should be clear that the plan relies on the NPPF.

**Question 4.11 Is the SP17(5) reference to the Green Belt consistent with national policy?**

No, the last words “where appropriate” should be removed, as they can be interpreted loosely.

**Question 4.12 Are the landscape criteria for the countryside in policy SP17 inconsistent with the landscape criteria of policy DM3 which apply throughout the Borough and would that undermine the effectiveness of the policies?**

Yes, there are differences between the two policies which could be considered inconsistent and confusing, which could undermine the effectiveness of the policies. Although they generally serve two somewhat different purposes they should be consistent in policies and studies that each rely on, which should be made the same.

**Question 4.13 Can the Council demonstrate that the use of brownfield land has been accorded priority over the allocation of greenfield sites?**

It is difficult to find any of the development sites in any of the villages which are on brownfield land. The sites within the town are mostly on brownfield land, but not quite all, and amount to only some 12% of policies H1(1) to H1(68). However, the brownfield sites proposed in H2 amount to 2000 dwellings, which alters the ratio, even though 1500 dwellings are allocated to Lenham.

**Question 4.14 Can the Council demonstrate that the development of poorer quality agricultural land has been accorded priority over the development of higher quality land and especially grade 1, 2 and 3A best and most versatile land?**

CPRE Kent have analysed the Council’s SHEDLAA 2016 documents and have produced the following table:

Land Quality	Dwellings	% of Dwellings
Grade 1 and 2	4316	49.6
Grade 2 and 3	399	4.6
Grade 3	595	6.8
Grade 4 and 5	1171	24.9

In total, over half the sites are on the best and most versatile land. It clearly has not been a factor in the selection of sites.

**Questions 4.15, 4.16, 4.17 and 4.18**

These questions are in respect of historic sites and contact with Historic England and they are for the Council to respond.

**Question 4.19, 4.20, 4.21 and 4.23.**

These relate to the historic environment and the need for an enhanced policy position.

We are uneasy about paragraphs 17.12, 17.13 and 17.14 which do not provide sufficient action in respect of historic assets. Policy DM3 appears to give developers the responsibility for protecting these assets. At minimum, their opinion should not be allowed to prevail and it should be made clear that the Borough / Historic England have an overarching role and will determine what is and is not acceptable.

There undoubtedly needs to be a specific policy for the protection of the historic environment.

**Question 4.22**

This is for the Council to answer.

**Capacity of the existing local social and community structures**

We have very little expectation that any of the planned developments are intending, or have recently built, any items of social infrastructure. This is contrary to NPPF paragraph 70. This includes village halls, pubs, clubs, restaurants, buildings for local trades and sports facilities. The emphasis in DM23 is about retaining the existing facilities, rather than catering for a 28% increase in households which will overwhelm many existing facilities. These are facilities which should be planned within the development of estates.

**Transport, education & other services infrastructure capacity e.g. water, sewerage**

The effect of developments on the transport, education and other services such as doctors’ surgeries and sewerage etc are not within the remit of MBC. They need to be put in place by other providers. This provision will very likely lag behind the time when the need arises. Some developments, even most, will have section 106 agreements which will seek to provide funds, but the Council cannot do other than press these providers to take the necessary actions. This is particularly the case with transport facilities, such as the roads. Kent County Council are adamant that this number of additional households will lead to hugely increased traffic congestion throughout the town and other parts of the borough, an inevitability when there will be an increase in households of over 28%. The Council commissioned its own consultants to look at the problem, and they have proposed means of giving buses priority on a very

limited number of junctions on one road leading toward the town. However, they have glibly said that the other traffic will not be affected, which is clearly not the case as individual developments reach completion.

### **Air Quality**

It is becoming widely recognised that poor air quality is a very real risk to public health. There are standards which are set by DEFRA and the EU, although the latter presumably will not apply directly as we leave the EU. Maidstone has been declared an Air Quality Management Area (AQMA) since 2008. However, the relevant policies in the Local Plan, DM5 and DM6, appear hopelessly inadequate, as do the paragraphs leading to both policies. The plan shows no sign of how any quality readings might be taken or how poor quality might be tackled, even current poor quality areas. The policies must be re-thought to be effective, which will be difficult as the main source of pollution is from traffic, and congestion is inevitably going to increase. Any modal shift towards increased bus usage, or increase in walking and cycling, would have to be extraordinarily high to offset the traffic growth from an increase of 28% in the number of households, and is extremely unlikely to occur.