



## **MAIDSTONE BOROUGH COUNCIL LOCAL PLAN EXAMINATION IN PUBLIC**

### **RESPONSE FROM THE KENT DOWNS AONB UNIT**

#### **SESSION 3 B - ALTERNATIVE STRATEGIC DEVELOPMENT (BINBURY PARK – FORMER DETLING AERODROME SITE)**

##### **Qn 3.15 how would the Council assess the major mixed development proposal against the Framework tests?**

While this question is directed at the Council, in view of the scale of the proposal and potential implications for the Kent Downs AONB, the Kent Downs AONB Unit offers the following comments.

The legal requirements for protecting Areas of Outstanding Natural Beauty, which underpin national planning policy, are set out in the Countryside and Rights of Way Act 2000. This places a statutory duty on relevant authorities, which includes local and central government, to have regard to the purpose of conserving and enhancing the natural beauty of AONB in exercising their functions.

National planning policy on AONBs is set out in the NPPF. At the heart of the Framework is a presumption in favour of sustainable development. In respect of plan making, it is advised that this means that local plans should meet objectively assessed needs unless specific policies in the NPPF indicate development should be restricted (paragraph 14). Footnote 9 to this paragraph advises that such restrictions include policies relating to sites designated as an Area of Outstanding Natural Beauty.

Para 115 confirms that AONBs have the highest status of protection in relation to both landscape and scenic beauty. Para 116 states that planning permission should be refused for major developments except in exceptional circumstances and where it can be demonstrated that they are in the public interest. It is advised that consideration of applications should include an assessment of:

- the need for the development,
- the cost and scope for developing elsewhere outside of the designated area, and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

The Kent Downs AONB Unit does not agree that allocation of the site would meet the stringent requirements set out in para 116 of constituting both exceptional circumstances and being in the public interest. We are of the view that the proposed allocation fails to satisfy the tests for justifying major development in an AONB. Furthermore allocation of land for major housing and business uses should follow a process of avoiding land with AONBs, in accordance with the core planning principles set out at paragraph 17 of the NPPF as well as paragraphs 14 and 110.

In respect of need and scope for developing elsewhere, the Planning Practice Guidance sets out the approach that local planning authorities should take when assessing housing and economic development needs. It reaffirms the role of the Duty to Cooperate in addressing strategic planning issues that cross administrative boundaries in the applicable housing market area or functional economic area. It is contended that other sites that lie outside of Maidstone Borough are available and more suitable in planning terms for major commercial development, such as those considered at the Waterside Park public inquiry in May 2015, including G.Park at Sittingbourne, Neats Court Business Park at Sheppey, Kingsnorth Commercial Park in Medway and Invicta Riverside at New Hythe, while Maidstone's housing requirements should be met by utilising sites which are less environmentally constrained within the Borough.

Focusing on consideration of the third bullet point of para 116 of the NPPF, the impact on the environment, the Kent Downs AONB Unit considers the proposal would have a significant detrimental impact on both landscape character and the visual appearance of this part of the AONB. The strategic nature of the proposal and resulting scale and quantum of development would not be capable of being satisfactorily mitigated.

The most recent Landscape Character Assessment covering the site is the Maidstone Landscape Character Assessment of 2012 (LCA). The majority of the site lies within the Bredhurst and Stockbury Downs Landscape Character Area identified in this LCA. The site largely consists of a mix of woodland and agricultural land, comprising a patchwork of small fields with attractive undulating topography in addition to the flatter landscape and larger arable fields that comprise the north eastern and southern most parts of the site. This is consistent with the landscape characteristics identified in the LCA, which includes 'mixture of arable fields, paddocks, remnant orchards and small to medium blocks of woodland'. The site, in the main, reflects the characteristics of the Kent Downs AONB and contributes to the landscape and scenic beauty of it.

The LCA identifies that the A249 dual carriageway, immediately adjacent to the site, contrasts with the rural road patterns in the area which comprises many narrow and winding lanes. Bimbury Lane which passes through much of the proposed site shares such characteristics.

The site also includes the Detling Aerodrome Industrial Estate. This comprises large industrial type buildings, extensive areas of open storage and fenced compounds and has a prevalence of motor based uses. The LCA identifies that the Industrial estate is an uncharacteristic feature of the North Downs. In common with the LCA, it is considered by the AONB Unit that the existing industrial estate is a detracting feature within the AONB. The industrial estate forms only a relatively small proportion of the total area of the site put forward for the mixed use development however.

It is contended that the scale of the proposed mixed-use development would be uncharacteristic with the current predominantly rural character of the locality. As well as harm arising as a result of the proposed buildings including the commercial development comprising large scale built form which would result in the addition of further non-characteristic features, the introduction of the quantum of housing proposed would not be in keeping with settlement pattern in the locality which

comprises small scale villages and individual farmsteads/dwellings. There would also be impacts as a result of new highway infrastructure. The LCA recognises that a feature of the Bredhurst and Stockbury Downs Character Area is narrow and winding lanes. The scale of development would result in detrimental change to the character of Bimbury Lane which runs through the site. The proposal also includes the introduction of acceleration/deceleration lanes and a new roundabout on the A249, which would be further urbanising features in this rural locality as well requiring the removal of woodland between the A247 and slip roads providing access to the Industrial Estate/ Bimbury Lane, opening up views of the site.

Accordingly, the Kent Downs AONB Unit is of the view the development would result in a major adverse impact to landscape character and that the proposal would not conform with the 'Restore and Improve' strategy identified in the LCA which identifies the Bredhurst and Stockbury Downs LCA as having a moderate sensitivity to change.

In terms of visual impacts, it is accepted that longer and middle distance views to the site are limited as a result of the undulating topography of the landscape and the presence of blocks of woodland. Notwithstanding this, there would nevertheless be negative visual impacts in both shorter distance views of the site and views from within the extensive site area itself, which is traversed by a number of public rights of way. The experience of users of these Public Rights of Way would be substantially altered. The LCA notes that the majority of tree and hedgerow species are broadleaved and the arable crops are seasonal, therefore views would appear more open in winter. Much of the tree cover in and within the vicinity of the site comprise Ash which is being severely impacted by Ash die-back disease (*Chalara Fraxinea*) in the locality, as noted locally on site. Loss of the majority of ash trees in the Kent Downs AONB is anticipated which is likely to result in views of the site being opened up; the potential impacts of Ash dieback disease need to be taken into account.

It should be noted that the Landscape Assessment dated September 2014 submitted in support of the allocation is in respect of a site area that is much smaller than is now being proposed and relates to a proposal for employment/business park development only. This assessment advises that development would take place in the central and eastern parts of the site and advises that the southern parts of the site would be left as farmland, forming a buffer with the Kent County Show Ground and the western and northern parts of the site would be retained as farmland. It should also be noted that contrary to the statement at para 3.15 of the Landscape Assessment submitted in support of the proposed allocation, much of the woodland within the larger site area does comprise Ancient and semi-natural Woodland, and trees within the Industrial Estate are covered by Tree Protection Orders.

In conclusion, the Kent Downs AONB Unit considers allocation of the site would result in a significant detrimental change to landscape character as well as harming visual amenity. The AONB is sensitive to both landscape and visual effects. Justifying the proposal on the basis that the site is largely hidden in longer distance views does not justify the proposal; this is not just a visual issue but one about landscape impacts as well; the NPPF is clear that it is both landscape and scenic beauty that is required to be conserved in AONBs.