

# MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION

## SESSION 4 – ENVIRONMENTAL CONSTRAINTS

This statement is made by Mike Cockett (R19457) and supported by the Lenham Neighbourhood Plan Group

### 2. Policies for Landscapes of Local Value and for the setting and separation of individual settlements

Issue (ii) Whether policies for Landscapes of Local Value and for the separation of settlements are justified and will be effective

- *Submission 2.1 LLVs Designation of LLV 'Low Weald' is not in line with Landscape Studies (Jacobs) and therefore contrary to NPPF Guidance.*

#### Evidence:

1. *A comparison of Maidstone Borough's LLV map (ENV 015, 2015 appendices) with Landscape Capacity Study Sensitivity Assessment (ENV 2014 Jacobs, 2015 Assessment 2015 p. 92 see appendices) shows that Low Weald LLV includes areas with low sensitivity to change.*

*There is also a list of the results (ENV 014, p.91 see appendices).*

2. *The Lead Officer's report, Chris Berry to the Strategic Planning, Sustainability and Transport Committee on 8. September 2015. Landscapes of Local Value <https://services.maidstone.gov.uk/meetings/documents/s44234/Landscapes%20of%20Local%20Value.pdf>*

*In this report the officer makes the following observation in respect of The Low Weald (quote)*

*"2.9 The Low Weald as a whole, made up of twelve landscape character areas, dissected by two river valley areas, meets three of the landscape value criteria identified in the analysis undertaken for the previous report, one of which is a landscape identified through community engagement (which all areas satisfy). It comprises approximately a third of the land area of the borough and whilst the landscape is undeniably valued by local communities, no previous statutory plans have identified more than very limited areas of the Low Weald for special protection.*

*2.10 As already noted in paragraph 2.3 above however, non-criteria based designations are no longer supported by government policy, and at present neither of the neighbouring boroughs are considering criteria based policies for landscape protection.*

*2.12 Accordingly, it is necessary to take full account of the comprehensive assessment of the borough's landscapes undertaken for the council by Jacobs, which rated all areas in terms of*

landscape character and visual sensitivities. Eleven of the Low Weald character areas and the two river valley areas do not demonstrate high ratings in both categories thus not providing sufficient evidence for this area to be included in the designation.

2.13 Following Members' concerns, Low Weald landscape character areas have been investigated and the Ulcombe Mixed Farmlands (ref 43 in the Jacobs study, op cit) rate highly in both landscape character and visual sensitivities and lie immediately south, and contiguous with, the Greensand Ridge LLV. The Ulcombe Mixed Farmlands (ref 43 in the Jacobs study op cit.), however, rate highly in both categories and lie immediately south of, and contiguous with, the Greensand Ridge LLV. Accordingly, this area may be added to the already approved LLV, maintaining a coherent area for protection.

3.5 Option 4: Designate the whole of the Low Weald character areas as a landscape of local value. Neither during the preparation of the Maidstone Borough Wide Local Plan 2000 nor previously, has the whole of the Low Weald been identified for special protection beyond that afforded to the countryside generally. Technical studies forming the evidence base for the emerging Local Plan do not provide the justification for its designation.” (End of quote)

Evidence Summary: The inclusion of the entire area of the Low Weald is not criteria based.

Ulcombe Mixed Farmlands (see 2.13 officers report, in the Jacobs study ref 43 op cit.) and two fields adjacent to Cripple Street and the edge of Loose Valley (see 2.7. officer's report) rated highly in both categories and should have been included if the LLV designation were criteria based, which it is not.

There was also significant support to include Eyhorne Vale and East Lenham Vale (which were rated highly in both categories) and Harrietsham to Lenham Vale (with a lower score in one category) as LLV (2.8.officer's report)

The meeting however decided that the Setting of the AONB is a national designation and therefore of higher order and would not need LLV protection. This is in line with Government guidance.

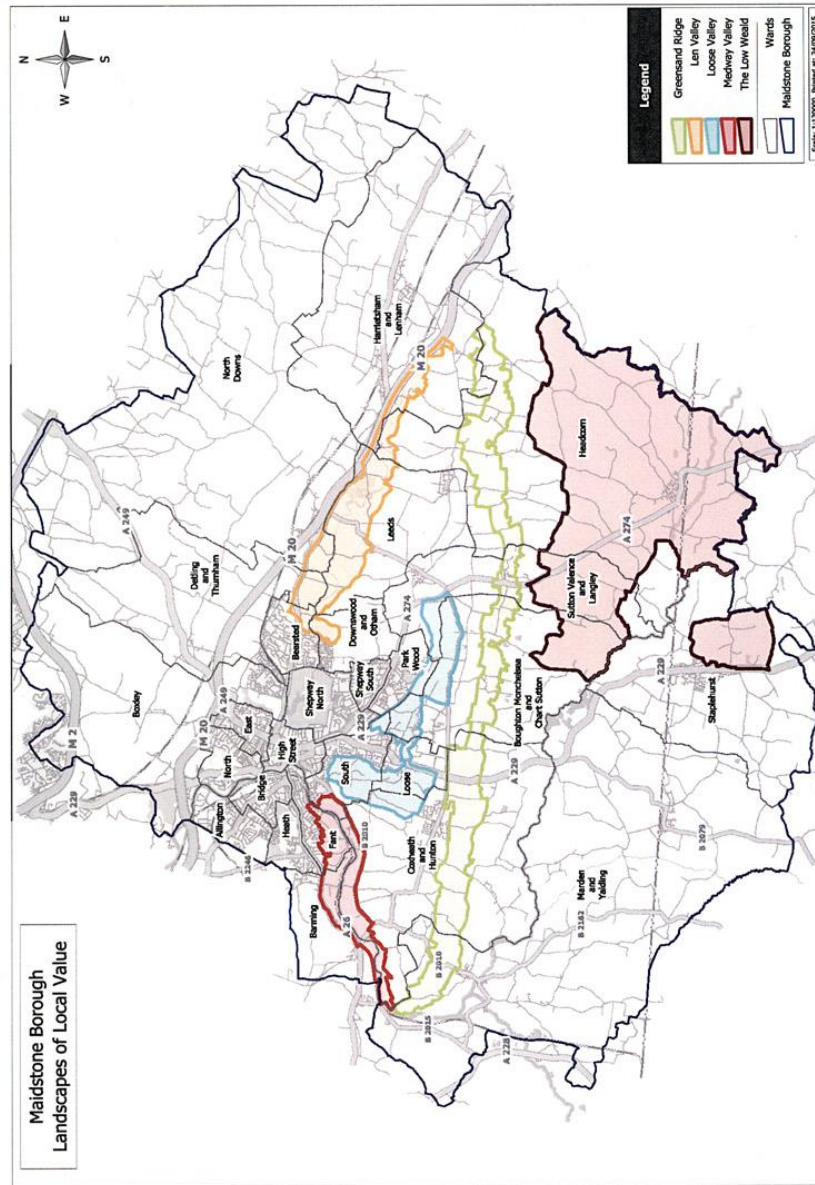
Concern: We are however concerned that this recognition of higher ranking order of national designation vs. local designation will in practice be undermined by the council's intention not to 'formally identify the setting of the Kent Downs AONB' (SP5.81)

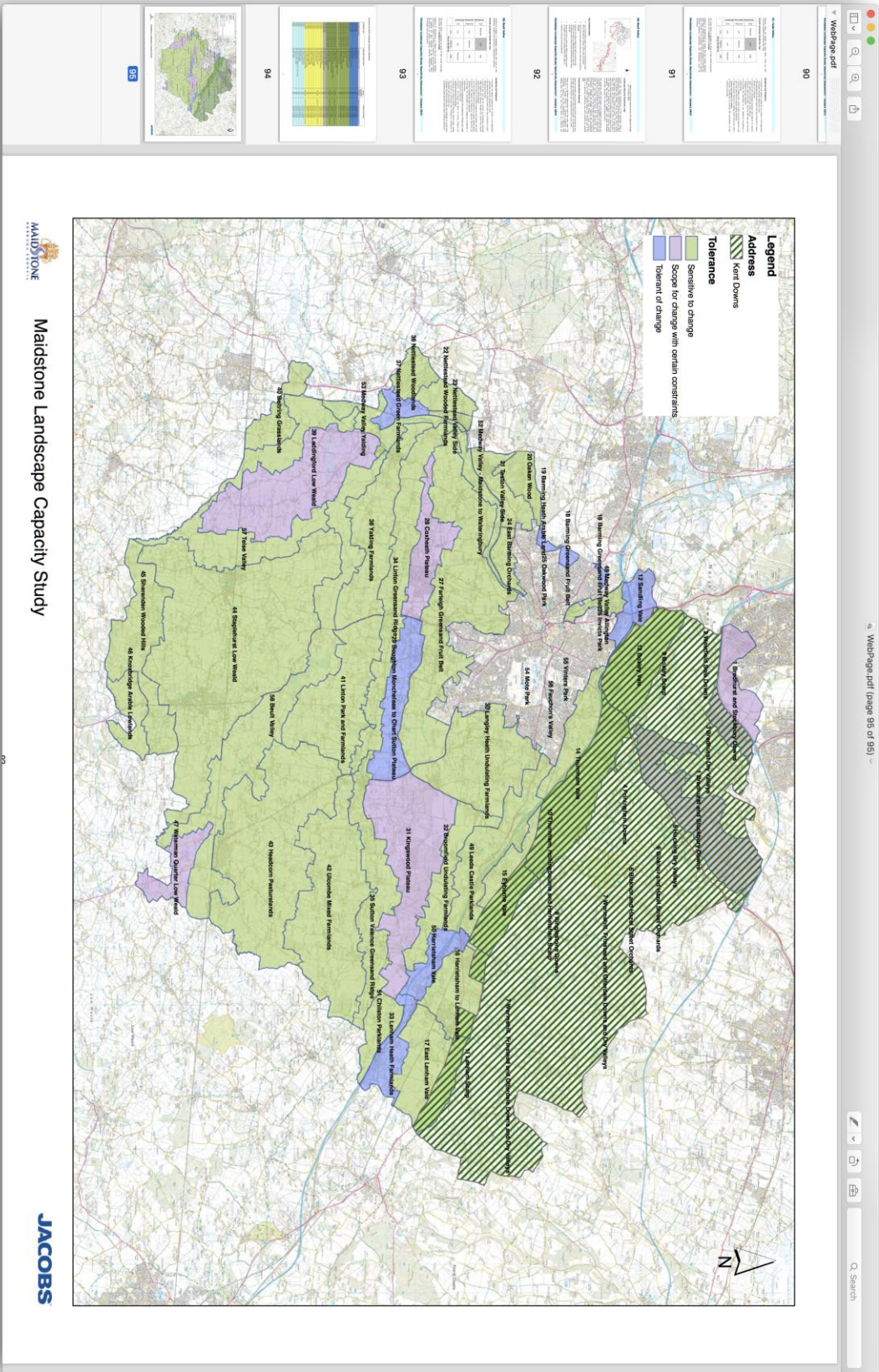
Maps and table illustrating the above evidence are found on the three following pages.

## 2 . Policy SP5 - amendments relating to landscape and landscapes of local value

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Maidstone Borough Council | Maidstone Borough Local Plan Public Consultation (Regulation 18) October 2015





Maidstone Landscape Capacity Study



## Summary of Overall Landscape Character Sensitivity

Landscape Type	Landscape Character Area	Overall Landscape Sensitivity	Tolerance to Change
Dry Valleys and Downs	1. Bredhurst and Stockbury Downs	Moderate	Scope for change with certain constraints
Gault Clay Vale	12. Sandling Vale	Low	Tolerant of change
Gault Clay Vale	13. Boxley Vale	High	Sensitive to change
Gault Clay Vale	14. Thurham Vale	High	Sensitive to change
Gault Clay Vale	15. Eyhome Vale	High	Sensitive to change
Gault Clay Vale	16. Harrietsham to Lenham Vale	High	Sensitive to change
Gault Clay Vale	17. East Lenham Vale	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	18. Barning Greensand Fruit Belt	Low	Tolerant of change
Greensand Orchards and Mixed Farmlands	19. Barning Heath Arable Land	Low	Tolerant of change
Greensand Orchards and Mixed Farmlands	20. Oaken Wood	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	21. Teston Valley Side	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	22. Nettlestead Wooded Farmlands	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	23. Nettlestead Valley Side	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	24. East Barning Orchards (locally known as Medway Valley Orchards)	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	27. Farleigh Greensand Fruit Belt	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	28. Coxhath Plateau	Moderate	Scope for change with certain constraints
Greensand Orchards and Mixed Farmlands	29. Boughton Monchelsea to Chart Sutton Plateau	Low	Tolerant of change
Greensand Orchards and Mixed Farmlands	30. Langley Heath Undulating Farmlands	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	31. Kingswood Plateau	Moderate	Scope for change with certain constraints
Greensand Orchards and Mixed Farmlands	32. Broomfield Undulating Farmlands	High	Sensitive to change
Greensand Orchards and Mixed Farmlands	33. Lenham Heath Farmlands	Low	Tolerant of change
Greensand Ridge	34. Linton Greensand Ridge	High	Sensitive to change
Greensand Ridge	35. Sutton Valence Greensand Ridge	High	Sensitive to change
Low Weald	36. Nettlestead Woodlands	High	Sensitive to change
Low Weald	37. Nettlestead Green Farmlands	Low	Tolerant of change
Low Weald	38. Yalding Farmlands	High	Sensitive to change
Low Weald	39. Laddingford Low Weald	Moderate	Scope for change with certain constraints
Low Weald	40. Beltring Grasslands	High	Sensitive to change
Low Weald	41. Linton Park and Farmlands	High	Sensitive to change
Low Weald	42. Uicombe Mixed Farmlands	High	Sensitive to change
Low Weald	43. Headcorn Pasturelands	High	Sensitive to change
Low Weald	44. Staplehurst Low Weald	High	Sensitive to change
Low Weald	45. Sherenden Wooded Hills	High	Sensitive to change
Low Weald	46. Knoxridge Arable Lowlands	High	Sensitive to change
Low Weald	47. Waterman Quarter Low Weald	Moderate	Scope for change with certain constraints
Valleys	48. Medway Valley Allington	High	Sensitive to change
Valleys	49. Leeds Castle Parklands	High	Sensitive to change
Valleys	50. Harrietsham Vale	Low	Tolerant of change
Valleys	51. Chilston Parklands	High	Sensitive to change
Valleys	52. Medway Valley –Maidstone to Watlington	High	Sensitive to change
Valleys	53. Medway Valley Yalding	High	Sensitive to change
Valleys	57. Teise Valley	High	Sensitive to change
Valleys	58. Beut Valley	High	Sensitive to change

#### **Qn4.2 What is the specific intention of SP17(7) and does it require additional justification?**

- Historically, various villages have developed different 'identities', which are reflected in different building styles or in the way these villages are spatially organised; some are spatially organised around a village green, others along a road or around a market square. The spatial organisation of a village is part of 'local distinction' and should as such, in line with NPPF, be retained.'
- **Submission 2.5** Rural settlements require local people to engage in the community as social activities and entertainment are mostly provided by 'local' people for 'local' people. This requires that residents relate to a 'settlement' in this case to a village. If settlements sprawl and merge there will be in our opinion a detrimental effect on residents' feeling that they 'belong' and are part of a community. We submit this is the reasoning behind former anti-coalescence policies.

#### **Qn4.3 What if any development would Policy SP17 permit in the countryside which the previous Local Plan policies would not?**

**Submission 1** Building on Tanyard North since this was ruled out by earlier references to The Jacobs Reports which states on Page 158:

- Conserve the undeveloped foreground and rural setting of the Kent Downs AONB
- Conserve and enhance hedgerows and tree belts and restore hedgerow boundaries and field headlands where practicable
- Restore historic hedgerow and shaw pattern where opportunities arise
- Plant new oak standards in hedgerows to replace ageing specimens
- Conserve the traditional setting of historic buildings and Conservation Areas, and soften the impact of recent farm buildings through native planting
- Conserve the defined boundary between Lenham's compact settlement and the surrounding rural area

#### **Qn4.4 In the policy wording what is the effective difference between 'conserved' and 'maintained'?**

**Submission 2** This change significantly weakens the NPPF guidelines which impose a duty to conserve and *enhance* based upon S85(1) of the Countryside and Rights of Way Act 2000 provides that: *'In exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB'*.

### 3. Policy for the Kent Downs AONB and its setting, the setting of the High Weald AONB, and the Metropolitan Green Belt

Issue (iii) Whether the policy for the AONBs and the Green Belt would be consistent with national policy and effective.

Submission 3.1

- We propose that para 3.4 be amended to read:  
Policy SP17(5) provides that: *'The distinctive character of the Kent Downs AONB and its setting, the setting of the High Weald AONB and the extent and openness of the Metropolitan Green Belt will be rigorously conserved, maintained and enhanced.'*

#### **Qn4.5 Does the reasoned justification at paragraph 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?**

Submission 3.2 We submit that the change of wording does NOT reflect the Councils statutory duty and the NPPF should remain as National Policy NOT guidance

Submission 3.3 We agree with the comment made by the Kent Downs AONB unit referred to in **Qn4.6**

#### **Qn4.8 Does 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?**

Submission 3.4 We submit that application of the same policy to the AONB and its setting. Is justified by the effect that the setting has upon all users of the AONB

#### **Qn4.9 How would the setting of the AONB be defined.**

Submission 3.5 We submit that the definition should include "all landscapes which when viewed from either, the scarp of the North Downs, the Pilgrims Way or any footpaths across the AONB bring a sense of pleasure to the viewer."

Submission 3.6 *The Setting of the AONB is valued for its intrinsic value but it is also useful to regard the AONB with respect to the ecological services it provides. (DEFRA, White Paper).*

- *Alternatively, "The setting of the North Downs AONB is the area between the official boundaries of the AONB and the line where the service function of the AONB ends."*
- *The service function of the AONB comprises:*
  - *habitat ( also potential habitat if farming were to change or cease)*
  - *extent of aquifers ( crucial for water supply)*
  - *associated line of springs and streams ( habitat chalk stream but also crucial for delivery of water to wider area and sewage treatment plants)*
  - *recreation and tourism associated with the AONB*

#### **Qn4.10 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?**

Submission 3.7 Yes

**Qn4.12 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?**

Submission 3.8      Yes, Yes on both points.

#### **4. Development on Greenfield Land and on Best and Most Versatile Agricultural Land**

*Issue (iv) Whether the Local Plan is consistent with national policy in respect of prioritising brownfield development over greenfield development*

**Qn4.13 Can the Council demonstrate that the use of brownfield land has been accorded priority over the allocation of greenfield sites?**

Answer: No

Evidence: Refusal of Planning Permission for the Old Goods Yard Lenham,

Allocating H1 (42) Tanyard Fam (north) - Grade 2 agricultural land.

The Old Goods Yard

2003 Maidstone Borough Council had received a planning application for the development of the Old Goods Yard Lenham. The application was denied based on planning regulations which were valid at that time.

04 07 2014, three months after the Draft Local Plan Reg 14 was published, the owner of the land submitted a new Planning Application. Planning regulations had changed under NPPF which asks for brownfield sites being considered before greenfield sites.

The application was refused.

06 10 2015 Appeal was allowed but, the appeal decision unlike others (ORD011 to ORD032) is not provided as evidence in conjunction with the Local Plan .

Appeal Ref: APP/U2235/W/15/3008336

The Old Goods Yard, Headcorn Road, Lenham, Kent ME17 2HT



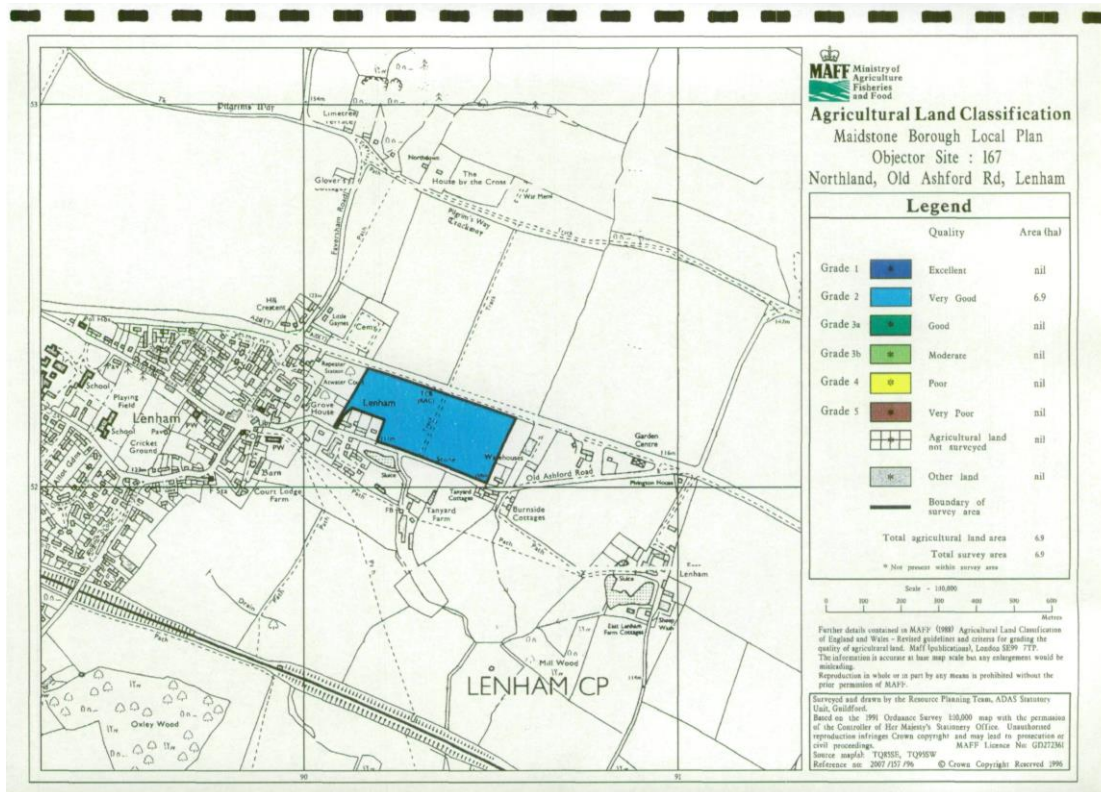
Tanyard Farm North H1(42) is Grade 2 agricultural land, as confirmed by the MAFF Agricultural Classification shown below, but it has nevertheless been given priority for development over the brownfield site 'Old Goods Yard'.

Maidstone Borough Council Agricultural Land Classification Study (Part One, ENV 005) shown on the following page has omitted test results for the site (identified in the study as H129).

Test Results for this site are held, however, by the Environment Agency (Natural England at the time) and DEFRA. The results are post 1988 and therefore in line with current testing methods.

Test results are also available relating to the building of the Community Centre which directly adjoins this site.

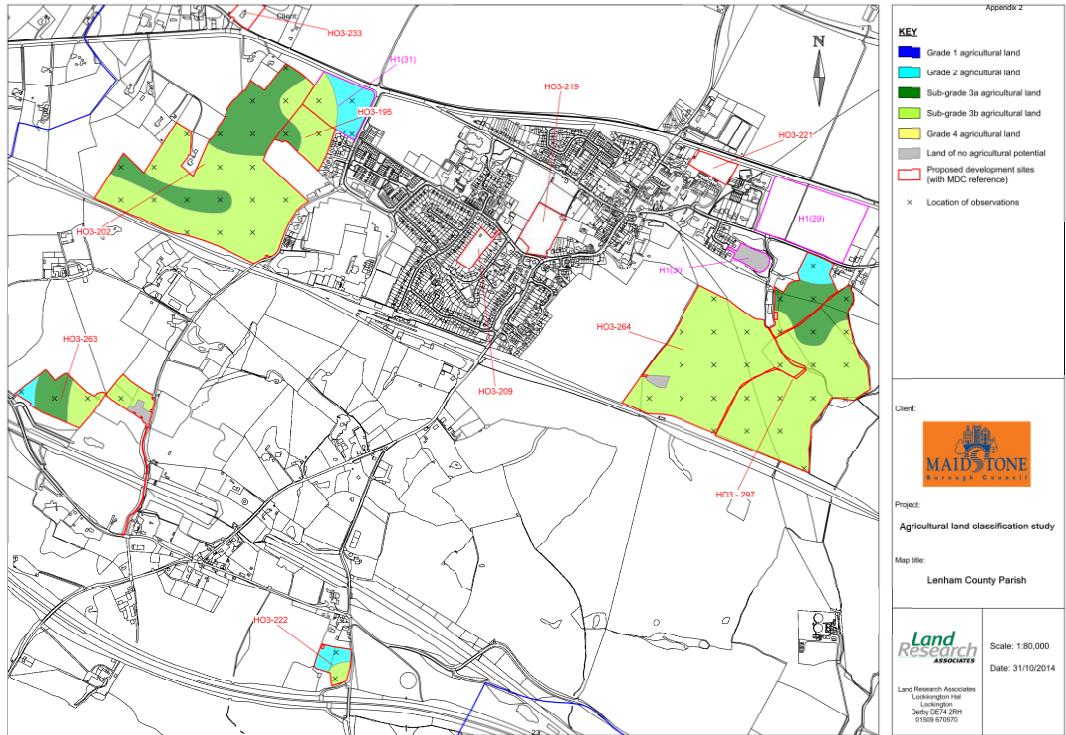
**Agricultural Land Classification detailed Post 1988 ALC survey, Lenham, Old ALCR15796Ashford Road (Maidstone LP Site 167, ALCR15796)**



### H3(1) Broad Location

The soil tests carried out by Maidstone Borough Council are in stark contrast to Ordnance Survey ALC indicative mapping, which shows all the sites of H3(1) as grade 2.

Nevertheless H3(1) contains grade 2 and grade 3a land. The land to the south of the railway, towards Sandway is known to be of poorer quality (no test results available). Potential development opportunities on this land which arose in conjunction with planning applications at the Old Goods Yard were at no time explored by MBC.



## 5. Policy for the Historic Environment

### Issue (vi) Whether the Local Plan is supported by an adequate evidence base in relation to heritage.

- Submission 5.1 We believe it is not. The Council points to assessments of the impact on heritage including the SHEDLAA Report. There is no evidence at all that the council has at any time considered the impact of H1(42) and H2(3) on heritage assets of Lenham especially when viewed from the AONB
- The Council points to assessments of the impact on heritage including the SHEDLAA Report. There is no evidence at all that the council has at any time considered the impact of H1(42) and H2(3) on heritage assets of Lenham especially when viewed from the AONB.
- None of the following was considered by the council:
- Views from the North Downs AONB towards the grade 1 listed church would be interrupted by large-scale development on H1(42) in the foreground.
- Views towards the grade 1 listed Tithe Barn from the south side of H1(43) will take in modern development with the Tithe Barn as backdrop.
- Views from the Chalk Hill Carving, which is an unlisted Heritage Asset, would be on H1(42) . English Heritage has an ongoing programme of listing all war memorials. Listing of Lenham Cross can be expected to take place.
- Views onto the Memorial Cross from old Ashford Road would be obstructed by modern development.
- Views from Lenham Quarry 7 (Grid Reference TQ915525) a SSI of historic geological interest would also be interrupted by modern development. This is especially negative as the SSI relates to the formation of landscape at the foot of the AONB.
- The River Stour is not mentioned and the latest maps from the Blue/Green Infra Structure shows the Stour as a tributary of the Len

### **Qn4.23 What if any further assessment of the impact of development proposals on heritage is needed?**

- We believe that the heritage value of Lenham is already at risk from lack of parking space, and the increasing size of HGVs which try to use narrow lanes between Lenham and local villages such as Headcorn and Chart Sutton.
- No proposals have been made within the Local Plan to deal with the extra traffic which would be generated by increasing Lenham's current population of 2000 by the occupiers of the 1746 new houses proposed in the Plan period.
- There are no new job opportunities being created in the Plan within sustainable travel distances of Lenham.
- New residents would be forced to drive long distances on existing inadequate roads to find work. At present some 63 of working people in Lenham use cars to travel to work. (Neighbourhood Plan Survey 2015)
- We would draw the Inspector's attention to the traffic survey work which was carried out at times avoiding morning and evening rush hours, school hours and work hours at Lenham Storage.

Dated 13<sup>th</sup> September 2016