

BOXLEY PARISH COUNCIL



MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION

WRITTEN STATEMENT TO COMMENT UPON INSPECTOR'S AGENDA QUESTIONS

SESSION 4 - ENVIRONMENTAL CONSTRAINTS - TUESDAY 11 OCTOBER 2016

1. INTRODUCTION

1.1 Boxley is a civil parish lying immediately to the north of Maidstone. It has a population of 9554 (2011 Census) and covers some 22 sq.km, making it one of the largest parishes by both population and area in Maidstone Borough. As well as extensive areas of countryside, the parish embraces the attractive historic village of Boxley and suburban areas on the fringes of both Maidstone and the Medway towns. The latter have grown significantly over recent years and are still subject to considerable development pressure. The M20 and M2 motorways, and the HS1 Channel Tunnel rail link, all run east-west through the parish. See **Map 1**.

1.2 The northern part of the parish lies on the rolling dip slope of the North Downs. The steep scarp of the Downs rises to nearly 200 metres above sea level and crosses the centre of the parish, with Boxley as a spring line village at its base. To the south, the land drops down to the flatter land of the Maidstone Basin. The great majority of the parish – all the land between the M20 and M2 motorways- has formed part of the Kent Downs AONB since its designation in 1968. This is the narrowest part of the AONB and only about 4km separates the built up areas of Maidstone and the Medway towns.

1.3 These comments are submitted on behalf of Boxley Parish Council (BPC) by Lindsay Frost, an independent planning consultant, who will be attending the hearing session on environmental constraints scheduled for Tuesday October 11 2016.

2. SCOPE OF COMMENTS

2.1 BPC responded to the Local Plan's Regulation 19 consultation on 17 March 2016 (ID: 811010 and R1953). The sections of that response relevant to this hearing were as follows:

Spatial vision: *The lack of a specific mention of the Medway Strategic Gap, which stops the coalescence of Maidstone and the Medway Towns, weakens this vision.*

Spatial objectives Item 6: *The lack of a specific mention of the Medway Strategic Gap, which stops the coalescence of Maidstone and the Medway Towns, weakens this objective.*

Policy SP17 Countryside: *It is considered that this policy is not significantly robust to protect agricultural land; this policy needs the inclusion of a statement to ensure agricultural land remains available for food production both now and in the future.*

SP17- Item 5. *The lack of protection of the Medway Strategic Gap, which stops the coalescence of Maidstone and the Medway Towns, is of great concern. Failure to protect what was a strategic gap and Area of Local Landscape Importance is a significant weakness in this document.*

SP17- Item 6. *The parish council considers that the Medway Strategic Gap, Walderslade Woods, Beechen Bank, Cowbeck Wood and Reeds Croft Wood meet the requirement for Landscapes of Local Value. The fact that MBC failed to consult or work with this parish council when deciding on the areas that would be covered by LLV status is deplored.*

Policy DM3: Historic and Natural Environment: *Whilst BPC welcomes the policy, it deplores the fact that MBC did not choose to identify more green corridors and has failed to work with this parish council to give protection to areas that should be covered by section (iv)*

2.2 The Inspector's questions which are relevant to the above matters are as follows:

- Issue(ii) whether policies for Landscapes of Local Value, and for the separation of settlements, are justified and will be effective
 - Q.4.2: What is the specific intention of SP17 (7) and does it require additional justification?
 - Q.4.3: What, if any, development would policy SP17 permit in the countryside which the previous local plan policies would not?
 - Q.4.4: In the policy wording, what is the effective difference between "conserved" and "maintained"?
 - Q.4.12: are the landscape criteria for the countryside in SP17 inconsistent with the landscape criteria of policy DM3, which apply throughout the borough, and would that undermine the effectiveness of the policies?

2.3 Comments on the above questions are set out below. BPC has not raised concerns on the other matters to be raised at the hearing.

3. COMMENTS ON THE INSPECTOR'S QUESTIONS

Q.4.2: What is the specific intention of SP17 (7) and does it require additional justification?

3.1 Policy SP17 (7) states that "Development in the countryside will retain the setting and separation of individual settlements". This statement has to be seen in the context of the rest of the policy, particularly the requirement that "proposals should not harm the

character and appearance of an area “and will be limited to a range of small scale development, involving either re-use, extension or diversification of existing buildings (SP17 (1) i) or new development which has a proven and exceptional need for a countryside location (SP17 (1) ii). In all cases, such development will need to be well designed and integrated into the countryside and any harmful impacts mitigated, using Landscape and Visual Impact Assessments as appropriate (SP17 (2)). So, it follows that we are only talking about small scale and/or exceptional development of the type that the planning system has always accommodated in the countryside within an overall policy of development restraint.

3.2 There is little justification for SP17 (7) in the preamble to the policy, save in two places. Firstly, paragraph 5.71 states *“The overall settlement pattern across the borough is characterised by a large number of small villages scattered across the countryside surrounding a handful of larger, more substantial settlements. It is important that these settlements maintain their individual identities as there can be a delicate balance between settlement proximity and separation”*. Secondly, the criteria for the designation of “landscapes of local value” in paragraph 5.83 include (v) *“preventing the coalescence of settlements which would undermine their character”* and (vii) *“providing a valued transition from town to countryside”*

3.3 The justification for the policy SP17(7) is lacking in several respects :

- (a) It does not differentiate between **strategic gaps** to prevent the coalescence of larger urban areas, such as Maidstone and the Medway towns, and smaller areas of open countryside which are of local importance in separating neighbouring villages
- (b) The policy does not indicate the circumstances in which village proximity, separation and setting would be at issue in determining a planning application
- (c) The weight afforded to criteria (v) and (vii) amongst all the others which contribute to the identification of “Landscapes of Local Value” is unclear. They are not mentioned in paragraphs 5.84 to 5.87, which seek to justify the five LLVs proposed in the new Local Plan

3.4 BPC is pleased to note that policy SS1 (9) of the Local Plan refers to *“protection of the rural character of the borough avoiding coalescence between settlements, including Maidstone and surrounding villages, and Maidstone and the Medway Gap/Medway Towns conurbation”*. This gives continuity with the long standing planning policies included in the former Kent Structure Plan and policy ENV 31 of the Maidstone Borough Local Plan (2000). **However, policy SS1(9) needs to be cross referenced to SP17(7), with appropriate supporting text and the extent of the strategic gap shown on the Policies Map**

3.5 The policy needs more justification on the circumstances in which village proximity, separation and setting will be at issue in determining planning applications. Whilst a planning judgement will need to be exercised in each individual case, some guidance on proximity and degree of separation, and on the overall sensitivity of different landscape settings to accommodate development (as per the Maidstone Landscape Capacity Study-Sensitivity Assessment - January 2015), would assist users of the plan.

3.6 BPC remains very concerned indeed that policy SP17 (6) proposes new “landscapes of local value” to replace the existing Areas of Local Landscape Importance in policy ENV 35 of Maidstone Borough Local Plan (2000). The net result of this is that several areas in the

northernmost part of Boxley parish, adjoining the Medway towns conurbation, will no longer be recognised for their local landscape value. These are shown in **Map 2**. BPC fears that this will weaken controls over development in the woodlands and fields which contain and separate large blocks of housing development in Walderslade and Lordswood, and also give easy public access to the countryside. The areas concerned, and as described in policy ENV35, are:

- **North of the M2** - the area between the M2 motorway and the proposed Medway Towns Southern Peripheral Road is an attractive wooded landscape which both defines and conceals development at Walderslade;
- **Beechen Bank** - a prominent area of wooded landscape set on a steep sided slope which provides a setting for the built up areas of Walderslade and Lordswood;
- **Tunbury Valley** - an important wooded valley which provides a landscape setting for the residential areas at Tunbury Avenue and Impton Lane
- **Capstone, Darland, Lidsing** - this area provides a substantial tract of undeveloped land extending from the North Downs into the heart of the Medway Towns. It forms a particularly attractive and important landscape feature, and the rolling farmland and woods in the Lidsing area provide an important view from the M2 motorway

3.7 The new LLV areas were considered in a report to MBC's Strategic Planning, Sustainability and Transport Committee in July 2015. This report sets out criteria for assessing landscapes of local value, but argues that they need to be "strategic" (a confusing construct for users of the plan when their designation is "local" value). This analysis led to the proposed designation of five LLVs as indicated in policy SP17 (6). The areas above in the 2000 Plan were rejected as being "too small" and "non-strategic". BPC considers that the high quality of the local landscapes, and the value attached to them by the local community, have not changed over the intervening period. ENV 35 remains an important planning policy tool and can still be a conclusive factor in planning decisions. **(See recent appeal at Three Ashes, Boxley Road, Walderslade. Copy attached)**

3.8 This "too small" reason for rejection is hard to square with MBC's criteria for identification of LLVs, with only the first criteria "*part of a contiguous area of high quality landscape*" having any reference to size, albeit an oblique one. The six other criteria could apply equally to smaller areas. Indeed, smaller areas could score more highly on other criteria such as ecological diversity, prevention of coalescence, and providing a valued transition from town to countryside. BPC believes that this is the case with the ENV 35 areas in the north of the parish and would like MBC to reconsider its position on areas of local landscape value to afford continuing protection to these areas.

Q.4.3 What, if any, development would policy SP17 permit in the countryside which the previous local plan policies would not?

3.9 There is a great deal of continuity between the range of development which would be permitted in countryside locations outside the built confines of towns and villages by the policies of the existing 2000 Local Plan and the new 2016 Plan (particularly, as the former has been filleted down to the "saved" policies agreed by the Secretary of State in 2007, and now has to be read and interpreted in the context of the 2012 NPPF).

- 3.10 From BPC's perspective, the main difference will be that maintaining the distinctive character and appearance of the local landscape, and promoting public access to the countryside, around the southern fringes of the Medway towns will no longer be flagged up as a planning policy interest when planning applications arise in the areas formerly covered by policy ENV35 of the 2000 Plan.
- 3.11 It is acknowledged that ENV 35 was never a complete block on development, but - in a plan-led system where policies in the development plan have primacy - it does provide policy recognition of the value of the local landscape, which then weighs significantly in planning decisions. This alerts applicants for planning permission to the importance of the local landscape. It also strengthens the hand of the local authority in resisting harmful development, in mitigating its impacts (particularly on important features of the local landscape), and in securing public benefit such as new recreational opportunities. This is a significant issue for BPC in that the area is under considerable development pressure, both in the Maidstone BC area and adjoining parts of Medway and Tonbridge and Malling. For example, outline planning permission was granted on appeal for approximately 89 dwellings, open space, biomass plant and access roads at Gleaming Wood Drive in Lordswood in November 2015 (copy attached)
- 3.12 Policy SP17(4) in its reference to "*facilitating the efficient use of the borough's significant agricultural land and soil resource*" has an unclear relationship with the NPPF's paragraph 122 which states "*local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*".
- 3.13 The supporting text for SP17 (4) should clarify what the policy means and explain how (if at all) it differs from national policy. BPC's concern is that it could be seen as being weaker than national policy because the term "efficient use" is open to different interpretations and does not clearly give primacy to retention of the best and most versatile agricultural land

Q.4.4 In the policy wording, what is the effective difference between "conserved" and "maintained"?

- 3.14 Policy SP17(6) says that LLVs will be "*conserved, maintained and enhanced*". The difference between the first two terms – and its relevance to the application of the policy- will no doubt be explained by MBC at the hearing.
- 3.15 As far as BPC are concerned, we suggest that some standard definitions are helpful. The distinction between the two terms seems to be best articulated in the historical environment field. Historic England defines **conservation** as "*a positive and collaborative approach that focuses on actively managing change with the aim of recognising and reinforcing the significance of an asset*" and **maintenance** as "*routine work regularly necessary to keep the fabric of a place in good order*". These definitions suggest that conservation is a broader and more dynamic process, rather than just "keeping things the same"

3.16 Applying these definitions to a local landscape, “conserving” local landscapes might include accommodating some new ,small scale, development (as long as it is appropriate to the location, well-sited and well-designed) and reinforcing and/or restoring landscape features such as woodlands ,hedgerows and ponds , where this will add to the character and appearance of the area . Some of these activities will require planning permission. By contrast, “maintenance” would include routine work to manage woodlands, such as rotational coppicing and keeping buildings, walls and fences in good order. Maintenance will mostly be done outside the planning system. The supporting text to policy DM3 appears to promote the more dynamic “conservation” approach to the landscape (see para 17.31 of the Local Plan)

Q 4.12: are the landscape criteria for the countryside in SP17 inconsistent with the landscape criteria of policy DM3, which apply throughout the borough, and would that undermine the effectiveness of the policies?

3.17 It is difficult to disentangle the landscape criteria from SP17 and DM3. In SP17, they are mingled with other planning considerations such as the type of development, design and materials, maintenance of local facilities, and agricultural land. In DM3, they are mixed with the historic environment, biodiversity, pollution control, climate change and public access to the natural environment. There is some overlap between the two policies. Cross referencing between the two policies is limited to the references in paragraph 17.29 and 17.30 of the Local Plan

3.18 The thrust of the two policies differs, as one is a spatial policy and one is a development management policy. SP17 defines the type of development that may be acceptable in the countryside , identifies specific areas (Kent Downs AONB, Green Belt, landscapes of local value) with a higher degree of protection, and other planning interests which will be protected (setting and separation of settlements , natural and historic assets including characteristic landscape features). In contrast, DM3 provides a detailed checklist of matters for applicants to consider when framing their proposals, in order that the historic and natural environment of Maidstone Borough can be protected and enhanced.

3.19 The two policies are not inherently inconsistent, but additional cross-referencing and explanatory text would be helpful to ensure that they are applied consistently and coherently. It is suggested that – as a spatial policy- SP17 comes first and that DM3 follows with more detailed considerations, if a proposal accords with the spatial matters covered in SP17.

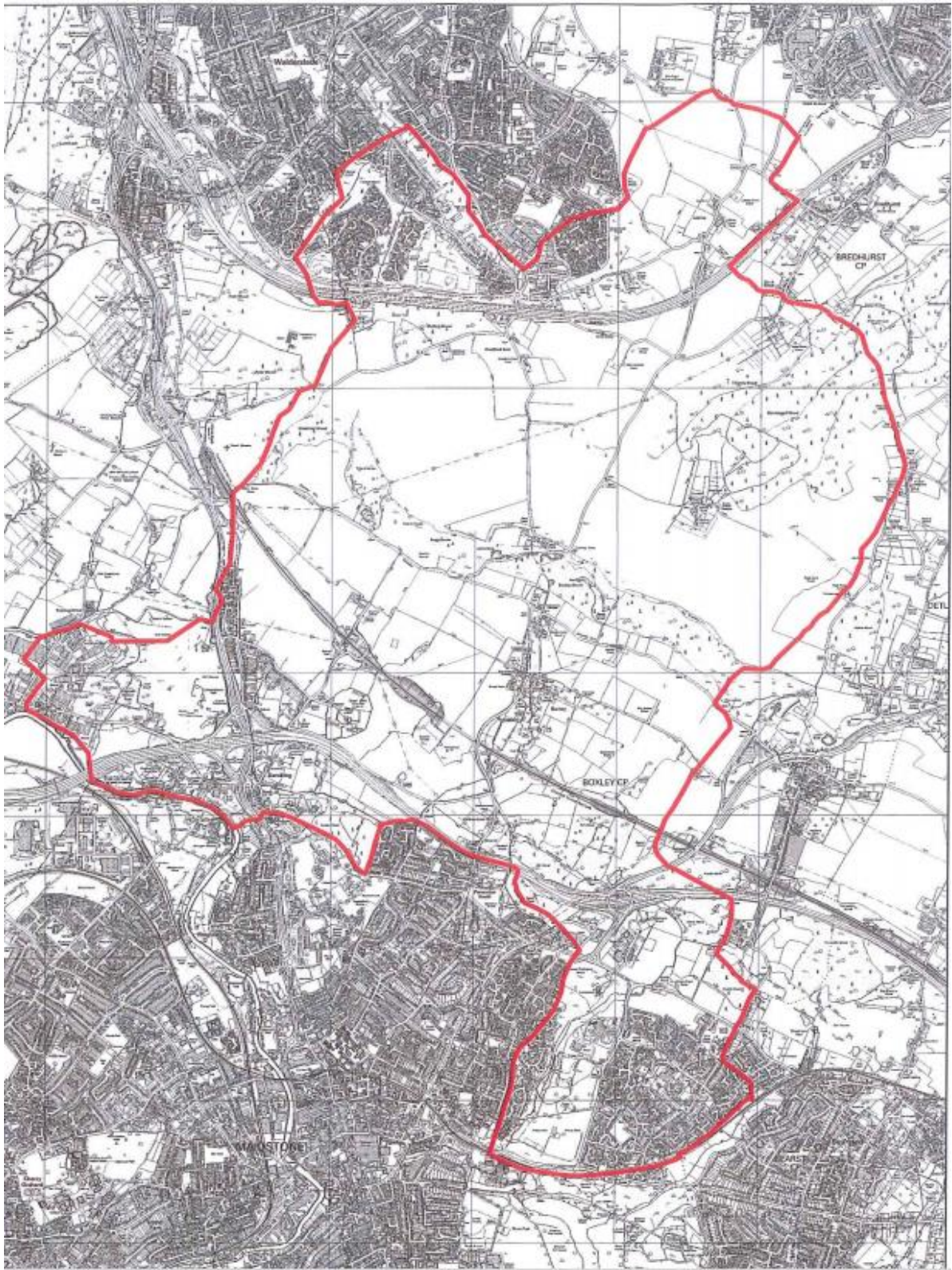
4. CONCLUSIONS

4.1 BPC considers that the a “sound” Local Plan requires :

- more prominence to the importance of retaining the strategic gap between Maidstone and the Medway towns in the plan , and a clearer link between SS1 and SP17
- continuing local landscape protection policy for areas in Boxley parish around the southern fringes of the Medway towns
- SP17(4) to give clear primacy to retention of the best and most versatile agricultural land in line with national policy

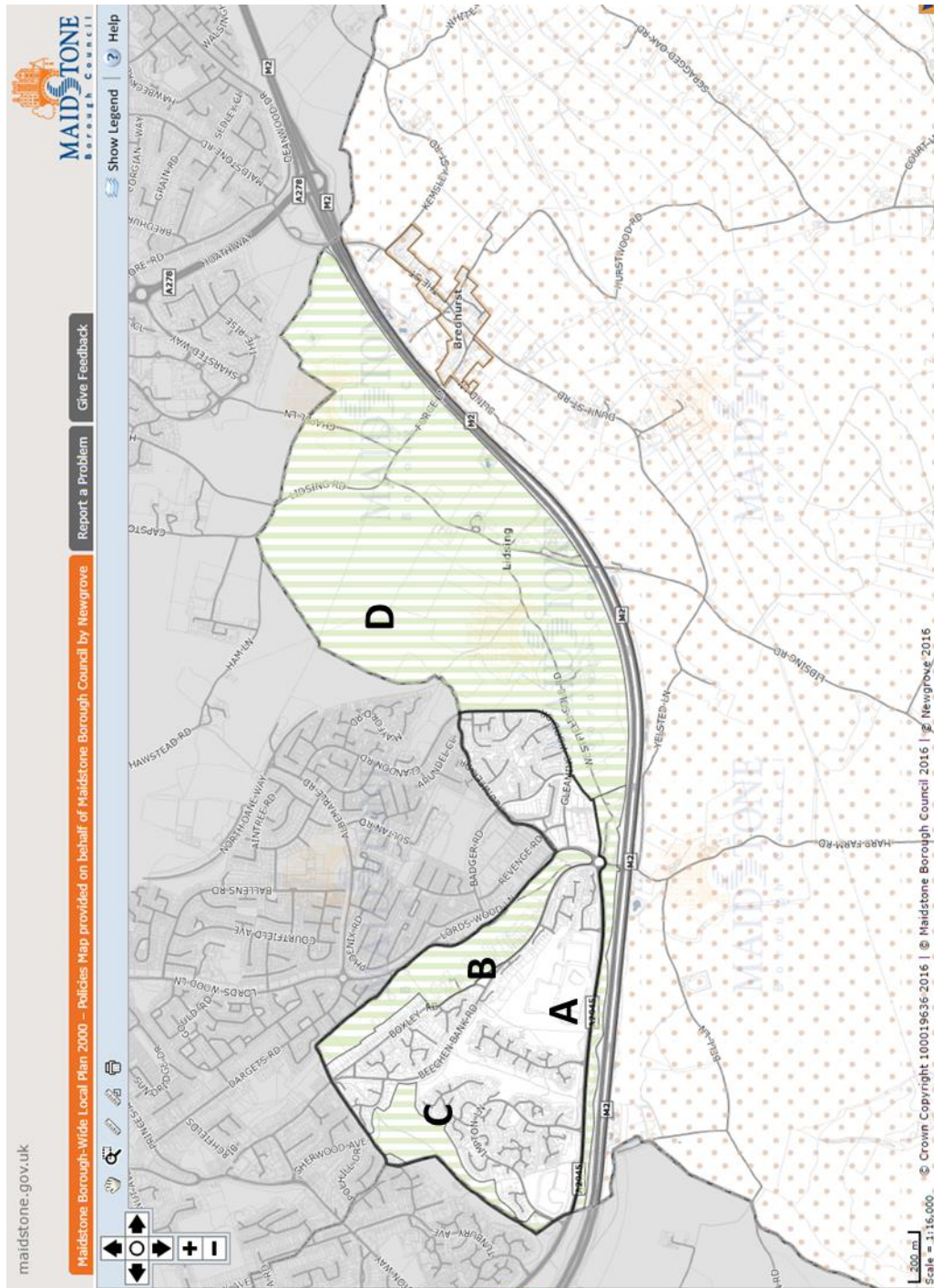
Without these, the effectiveness of the plan in delivering sustainable development will be undermined.

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15 September 2016



MAP 1: BOXLEY PARISH

**AREAS OF LOCAL LANDSCAPE IMPORTANCE (ENV 35 shown in green and white striping)
 STRATEGIC GAP (ENV 31 shown with brown dots)**



MAP 2 Strategic Gap (ENV31) and Areas of Local Landscape Importance (ENV35) in Maidstone Local Plan 2000
A- north of M2 B- Beechen Bank C-Tunbury Valley D-Capstone, Lidsing and Darland