

### Session 4 –Environmental Constraints.

No.	Issue.	Timescale.	Response.
4.1	<p><b>Minerals Safeguarding</b> Proposed Changes <b>PC/69, PC/70 and PC/71</b> supported as likely to be necessary for consistency with national policy subject to further consideration of following matters: MBC to provide list of all sites that KCC wishes to be identified with a minerals safeguarding policy criterion, and</p> <ul style="list-style-type: none"> <li>• identify those sites that already have planning permission,</li> <li>• identify and those which do not have planning permission</li> <li>• identify those where there is a resolution to grant planning permission but which are awaiting Section 106 completion before a permission is issued.</li> </ul>	3 Nov 2016	The Council has considered this request and produced a supplementary note and table of sites that is set out following this table.
4.2	Inspector will review Inspector's report on Kent Minerals and Waste Local Plan in relation to minerals safeguarding and advise MBC as to whether further policy changes should be considered and whether they should be applied to more locations.	TBA	This will be actioned upon receipt of further requests from the Inspector.
4.3	<p><b>Policy SP17 The Countryside</b> Proposed wording in <b>PC/73 with further amendments in Document ED25</b> (also supersedes PC/72) generally supported as likely to be necessary in the interests of effectiveness and consistency with national policy subject to the following considerations:</p> <ul style="list-style-type: none"> <li>• SP17(1) MBC to consider further whether this should include a list of all the types of development that other plan policies allow for in the countryside (subject to</li> </ul>	3 Nov 2016	Revised wording for both the reasoned justification and the Policy (included as proposed to be changed through both the Schedule of Proposed Changes and Schedule of Additional Proposed Changes (SUB 010; ED 010)) follows this table. (PC/128)

	<p>individual policy criteria set out in those policies)</p> <ul style="list-style-type: none"> <li>• SP17(2) MBC to give further consideration to this criterion which is unclear as to whether it applies to agricultural or non-agricultural development or both and how it relates to national policy concerning the sequential approach to the use of agricultural land of different quality</li> <li>• SP17(3) Agreed</li> <li>• SP17(4) Inspector will give further consideration to wording in relation to setting of AONB and may write to the council in this regard.</li> <li>• SP17(5) Proposed further change in wording: '<i>the Green Belt is shown on the Policies Map and development there will be managed in accordance with national policy for the Green Belt</i>'</li> <li>• SP17(6) Further change: Remove the words 'where appropriate'</li> <li>• SP17(7) Agreed deletion of 'the setting of' and 'and'</li> <li>• SP17(8) There is no criterion 8.</li> <li>• SP17(9) Agreed deletion of clause which is addressed by other plan policies.</li> <li>• Amend reasoned justification at <b>paragraph 5.87</b> as set out in <b>PC/73</b> to replace 'protected, maintained' with '<i>conserved</i>' for consistency with national policy and to accord with similar changes proposed to SP17 in ED 25.</li> </ul>	TBA	This will be actioned upon receipt of further requests from the Inspector.
4.4	<p><b>Paragraph 5.79</b> MBC to draft revised wording for to draw attention to the national policy tests for major development in the AONB at para 116 of the NPPF.</p>	3 Nov 2016	The Council has provided amended wording and this is set out below this table. (PC/128)
4.5	<p><b>Paragraph 5.81</b> Factual corrections needed to proposed <b>PC/74</b> in respect of:</p> <ul style="list-style-type: none"> <li>• Relevant Act is Countryside and Rights of Way Act 2000</li> </ul>	3 Nov 2016	Revised wording for both the reasoned justification and the Policy (included as proposed to be changed through both the Schedule of Proposed

	<ul style="list-style-type: none"> <li>• There is no statutory duty to conserve and enhance. The statutory duty in Section 85 of the CRoW Act is to 'have regard to' the purposes of the AONB.</li> </ul>		Changes and Schedule of Additional Proposed Changes (SUB 010; ED 010)) follows this table (PC/128)
4.6	<p><b>Paragraph 5.82A</b> Incorporate additional paragraph of reasoned justification for SP17(5) in relation to the Green Belt as set out in <b>PC/75</b> in the Council's written statement for Session 4</p>	3 Nov 2016	Revised wording for both the reasoned justification and the Policy (included as proposed to be changed through both the Schedule of Proposed Changes and Schedule of Additional Proposed Changes (SUB 010; ED 010)) follows this table. (PC/128)
4.7	<p><b>Policy DM3 Historic and Natural Environment</b> Proposed wording changes in <b>Document ED 27</b> supported as likely to be necessary for effectiveness and consistency with national policy subject to:</p> <ul style="list-style-type: none"> <li>• DM3(1) Move the words 'where appropriate' to follow 'measures'</li> <li>• Drafting amended reasoned justification for the amended policy</li> </ul>	3 Nov 2016	Revised wording for both the reasoned justification and the Policy (included as proposed to be changed through both the Schedule of Proposed Changes and Schedule of Additional Proposed Changes (SUB 010; ED 010)) follows this table. (PC/129)
4.8	<p><b>Policy DM34 Design Principles in the Countryside</b> Proposed wording changes in Document ED 26 supported as likely to be necessary in the interests of effectiveness. Add to schedule of proposed changes.</p>	3 Nov 2016	The changes proposed to Policy DM34 as set out in document ED 026 have been added to the further schedule of proposed changes submitted to the Inspector with responses to Matters, Issues and Questions for hearing sessions 7-12. Its reference is PC/120.
4.9	<p><b>Policy DMX – Historic Environment</b> This new policy proposed in the Council's written statement for Session 4 is supported as likely to be necessary for effectiveness and consistency with national policy subject to further amendments to:</p> <ul style="list-style-type: none"> <li>• Split DMX(1) (Strategic) from DMX (2)-(6) (Non-Strategic)</li> <li>• Amend DMX(2) to add 'be</li> </ul>	3 Nov 2016	In its responses to the Inspector's Matters, Issues and Questions for Session 4 (Environmental Constraints) the Council proposed a new policy for the historic environment (PC/121). In response to the Inspector's request at the hearing, the Council is now proposing to split the policy into two

	<p><i>expected to</i> before 'ensure'</p> <ul style="list-style-type: none"> <li>• Amend DMX(2) so that any identified harm to the significance of designated or non-designated heritage assets is weighed with the benefits in accordance with the tests set out in national policy in Section 12 of the NPPF</li> <li>• MBC to consider and respond in a note to the Inspector and Baltic Wharf (Maidstone) Ltd concerning the further modifications to DMX which they suggested at Session 4 and whether any are agreed by MBC or, if not, why not.</li> <li>• MBC to draft reasoned justification for the new strategic and non-strategic policies</li> </ul>		<p>separate policies; a strategic policy and a development management policy. The proposed policies are set out in the schedule in Appendix 1. These Proposed Changes (PC/130 and PC/131) wholly supersede PC/121.</p> <p>At the hearing, the Inspector requested that the Council review the then section 2 of the policy to ensure consistency with the Framework. The proposed development management policy in Appendix 1 includes amendments to simplify this section (now section 1) to address this point.</p> <p>Baltic Wharf Ltd submitted revisions to the Council's proposed historic environment policy at the hearing itself. The Inspector requested that the Council provide a note confirming whether it agreed the representor's revisions and, if not, why not. An annotated version of Baltic Wharf Ltd's submission is included in Appendix 2 showing the Council's comments. The changes which the Council agrees with have been incorporated in the proposed policies in Appendix 1.</p>
4.10	<p><b>Policy SS1</b> MBC to review Policy SS1 to ensure consistency with Policy SP17 changes</p>	3 Nov 2016	<p>The Council has reviewed Policy SS1 and made amendments to two criteria to ensure consistency with the amended SP17. The proposed changes are set out in a revised version of the policy below the table. (PC/132)</p>

4.11	<b>Binbury/Quinn Estates</b> To provide written rebuttal of Council's revised sustainability appraisal for Detling Airfield development.	18/10/16	This is an action for Binbury / Quinn Estates rather than MBC
4.12	<b>Schedule of Proposed Changes</b> MBC to include the above proposed changes in an amended schedule of proposed changes.	3 Nov 2016	All of the above changes have been given a reference.  For clarity the Council will produce a combined and consolidated schedule of all the proposed changes, including those submitted with the plan on 20 May 2016 (SUB 010) and those submitted as part of the responses to the Inspector's questions (ED 010; ED045) and will also add any subsequent changes as a result of further hearings and action points.

### **Minerals Safeguarding Note**

1. The purpose of this Note is to clarify which of the proposed Local Plan allocations lie within the mineral typologies identified as Mineral Safeguarding Areas in the Kent Minerals and Waste Local Plan 2013 – 2030 and to confirm the planning status of each of the identified sites.
2. This information is set out in the table below, and is based on Appendix 1 of Kent County Council's representations to the Regulation 19 Publication of the Maidstone Borough Local Plan. The table also sets out the planning status of each of the identified sites; in particular, whether sites have planning consent or a resolution to grant consent from the Council's Planning Committee. The planning status is correct as at 31 October 2016.
3. Proposed Change PC/71, as set out in the Council's written statements to this session (and shown as reference MS3 in the Statement of Common Ground (ref SUB 018)), relates only to sites located within the following mineral typologies:
  - Folkestone Formation – Building Sands;
  - Palundina Limestone – Building Stone;
  - River Terrace Deposits – Gravel Aggregates;
  - Sub-Alluvial River Terrace Deposits – Sharp Sands.

4. Proposed Change PC/71 therefore does not relate to sites located within the following mineral typologies:

- Hythe Formation – Kentish Ragstone;
- Sandgate Formation - Industrial Sands.

Mineral Typology (Mineral Safeguarding Area)	Policy Reference	Planning Status			
		Planning permission granted	Resolution to grant permission, subject to s106	Application submitted	No application submitted
Hythe Formation Kentish Ragstone	H1 (1)	X			
	H1 (2)	X			
	H1 (3)	X			
	H1 (4)				X
	H1 (5)	X			
	H1 (6)	X			
	H1 (7)		X		
	H1 (8)				X
	H1 (9)		X		
	H1 (10)		X		
	H1 (23)		X		
	H1 (24)		X		
	H1 (27)		X		
	H1 (28)		X		
	H1 (29)			X – refused	
	H1 (52)			X	
	H1 (53)				X
	H1 (54)				X
	H1 (55)			X	
	H1 (56)				X
	H1 (57)	X			
	H1 (58)	X			
	H1 (59)	X			
	H1 (60)				X
	H1 (61)			X	
	H1 (62)	X			
	GT1 (1)				X
	GT1 (2)				X
GT1 (4)				X	
Sandgate Formation Industrial Sands	H1 (2)	X			
	H1 (3)	X			
	H1 (4)				X
	H1 (32)	X			
	H2 (2)				X
Folkestone	H1 (2)	X			

Formation Building Sands	H1 (21)		X		
	H1 (30)				X
	H1 (31)				X
	H1 (32)	X			
	H1 (33)	X			
	H1 (34)		X		
	H1 (35)	X			
	H1 (65)				X
	H2 (2)				X
	RMX1 (1)	X			
	RMX1 (1) (Retail)				X
	EMP1 (5)			X - refused	
	Palundina Limestone Building Stone	H1 (37)	X		
H1 (51)					X
River Terrace Deposits Gravel Aggregates	H1 (45)	X			
	H1 (46)	X			
	H1 (47)	X			
	H1 (48)				X
Sub-Alluvial River Terrace Deposits Sharp Sands	H1 (11)	X - 192 units through LDC.			X - residual allocation
	H1 (17)				X - withdrawn
	H1 (37)	X			
	EMP1 (2)				X
	RMX1 (4)				X

## Policy SP17 The Countryside (PC/128)

### The countryside

5.65 Maidstone borough is predominantly rural with a large proportion of the population living in villages as well as on the fringes of the urban area. Much of the rural landscapes are of high quality with valuable agricultural and ecological resources within the borough. The countryside areas are highly accessible to those living and working in the urban areas, complemented by a wide and well-used public rights of way network. They also act as a major asset to attract new investment into the borough. However this proximity to the urban area brings with it pressures arising from an increased level of demand for houses, recreation and jobs in the countryside.

5.66 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. The countryside has an intrinsic

character and beauty that should be conserved and protected for its own sake. However there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy and to maintain mixed communities. This needs to be mitigated in a way that maintains and enhances the distinctive character of the more rural parts of the borough.

## **Rural economy**

5.67 Maidstone's rural economic character is diverse and complex in nature. The number of rural and agricultural businesses found within villages and rural service centres and the wider countryside account for a significant proportion of all firms in the borough. Small businesses are a particular feature of rural areas, as is homeworking, home-based businesses and live-work units.

5.68 Agriculture remains an important influence, fulfilling a number of important and varied roles in the countryside, contributing to the local economy, and managing and maintaining much of the valued landscapes. It benefits from the fact that much of the soil within the borough comprises the most high grade and versatile agricultural land. However, in line with other businesses agriculture needs to be able to react to new and changing markets and developments in technology. A more recent trend in agriculture is the response to demand for produce to be available on a year round basis. This leads to land being put under intense pressure for almost industrial scale development that can have an adverse impact on the wider landscape and natural assets, such as wildlife, soil and water resources that require protection within the landscape. Another trend is the increasing interest in smaller-scale renewable energy installations. Further advice and guidance on the landscape implications of these activities will be given in the Landscape Character Guidelines supplementary planning document.

5.69 Many rural businesses have begun to diversify away from traditional rural activities primarily through the re-use of farm and other buildings for commercial non-agricultural purposes. This has not only helped to retain economic activity within rural areas but has enabled a number of farms to remain operational. Tourism is of great importance to the local rural economy with the countryside providing ample leisure and open-air recreational opportunities. As well as sustaining many rural businesses these industries can be significant sources of employment and can help support the prosperity of rural settlements and sustain historic country houses, local heritage and culture. To a lesser degree, the winning of minerals such as sand and chalk has also taken place as a diversification activity, but these activities are largely confined to relatively small-scale sites on the North Downs and Greensand Ridge.

5.70 The local plan will continue to recognise the importance of supporting small-scale rural business development. Its priority is to locate these businesses within the defined rural service centres. However, there are employment sites already located outside of these settlements and it is important to offer these businesses a degree of flexibility.

## **Small villages**

5.71 The attractiveness of the countryside is partly due to its scattered settlement pattern and buildings. 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 these settlements retain their individual identities as there can be a delicate balance between settlement proximity and separation.

5.72 A small area to the west of the borough lies within the Metropolitan Green Belt (MGB), incorporating the villages of Nettlestead and Nettlestead Green. The fundamental aims of the MGB are to prevent urban sprawl and to assist in safeguarding the countryside from encroachment. The local plan will support sustainable development within the MGB provided it is not harmful to the open character of the designation in accordance with the National Planning Policy Framework.

5.73 The rural settlements rely heavily on community-focused services. Community facilities such as clinics, health centres, day centres, playgrounds, playing fields and sports facilities, children's nurseries and schools, village halls and places of worship, together with local village services, particularly with respect to village shops, post offices, healthcare facilities and public houses are essential if small rural settlements are to remain vital and viable.

5.74 For sustainability reasons, the local plan priority is to locate new or improved community facilities in defined rural service centres and larger villages. However, in small villages new facilities may be permitted to serve the local community provided a clear need is demonstrated. The local plan will resist the loss of any community facility that meets an essential community need and which is not available or reasonably accessible elsewhere. In all cases, another beneficial community use should be sought before permission is granted for the removal of these facilities.

5.75 There has been a continued decline in local village services and the local plan will continue to resist any further losses. Any proposal for the re-use or re-development of an existing local village service will be required to be supported by clear evidence of non-viability, such as marketing the building or facility for a period of time to test whether another community interest, operator or owner could be found.

## **Design**

5.76 The countryside is a sensitive location within which to integrate new development and the council will expect proposals to respect the high quality and distinctive landscapes of the borough in accordance with policy DM34. In order to assist in the successful integration of new development into the countryside the council will ensure Landscape and Visual Impact Assessments are carried out as appropriate to assess suitability and to aid and facilitate the design process.

## **Kent Downs Area of Outstanding Natural Beauty and its setting**

5.77 A large part of the northern part of the borough lies within the Kent Downs Area of Outstanding Natural Beauty (AONB). This is a visually prominent landscape that contributes significantly to the borough's high quality of life. It is an important amenity and recreation resource for both Maidstone residents and visitors and forms an attractive backdrop to settlements along the base of the Kent Downs scarp. It also contains a wide range of natural habitats and biodiversity. Designation as an AONB confers the highest level of landscape protection and one which the council has a statutory duty to conserve and enhance<sup>1</sup>. Within

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<sup>1</sup> s85 Countryside and Rights of Way Act 2000

the AONB, the Management Plan provides a framework for objectives to conserve and enhance the natural beauty of the area. The council has adopted the Management Plan and will support its implementation. Open countryside to the immediate south of the AONB forms a large extent of the setting for this designation. In Maidstone this is a sensitive landscape that is coming under threat from inappropriate development and is viewed as a resource that requires conservation and enhancement where this supports the purposes of the AONB.

5.78 The council will ensure proposals conserve and enhance the natural beauty, distinctive character, biodiversity and setting of the AONB, taking into account the economic and social well-being of the area. Rural diversification and land-based businesses in the Kent Downs AONB will only be acceptable where they help improve the special character of the AONB and are in accordance with the Kent Downs AONB Management Plan, supporting guidance and position statements. Economic development within the AONB should be located in existing traditional buildings of historic or vernacular merit in smaller settlements, farmsteads or within groups of buildings in sustainable locations.

5.79 New development in the AONB should demonstrate that it meets the requirements of national policy. ~~needs to respect the vernacular architecture, settlement character and the natural beauty of the local landscape.~~ This will require high quality designs as set out in policy DM34. To help developers produce designs of a suitably high quality, the council will continue to encourage the use of the Kent Downs AONB Unit's design guidance and publications.

5.80 The above considerations apply equally to the setting of the Kent Downs AONB. The Kent Downs AONB Management Plan 2014-2019 states that the setting of the Kent Downs AONB is 'broadly speaking the land outside the designated area which is visible from the AONB and from which the AONB can be seen, but may be wider when affected by intrusive features beyond that.' It makes it clear that it is not formally defined or indicated on a map.

5.81 The foreground of the AONB and the wider setting is taken to include the land which sits at and beyond the foot of the scarp slope of the North Downs and the wider views thereof. It is countryside sensitive to change, with a range of diverse habitats and landscape features, but through which major transport corridors pass. ~~Conservation and enhancement of~~ Having due regard to this area is also part of the council's statutory duty under the Countryside and Rights of Way Act 2000 and is covered under the guidance set out in national policy (National Planning Policy Framework and National Planning Practice Guidance). However, proposals which would affect the setting of the AONB are not subject to the same level of constraint as those which would affect the AONB itself. The weight to be afforded to potential impact on the setting will depend on the significance of the impact. Matters such as the size of proposals, their distance, incompatibility with their surroundings, movement, reflectivity and colour are likely to affect impact. The Kent Downs AONB Management Plan advises that 'where the qualities of the AONB which were instrumental in reasons for its designation are affected, then the impacts should be given considerable weight in decisions. This particularly applies to views to and from the scarp of the North Downs.' It is considered therefore that it is not necessary to formally define the setting of the Kent Downs AONB and that the impact of development can be appropriately assessed through the criteria of the policy.

## **High Weald Area of Outstanding Natural Beauty and its setting**

5.82 The High Weald AONB lies beyond the southern boundary of the borough adjacent to the parishes of Marden and Staplehurst, within the administrative area of Tunbridge Wells Borough Council. Its closest point to the borough is at Winchet Hill in the southern part of Marden parish. The council has exactly the same 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.

### **Metropolitan Green Belt**

5.83 Green Belts afford protection to the countryside from inappropriate development, and policies for their protection are set out in the National Planning Policy Framework. A small area (5.3km<sup>2</sup>) on the western edge of the borough is included within the Metropolitan Green Belt. The designation extends up to the borough boundary, contiguous with the Green Belt boundary in Tonbridge and Malling Borough Council's administrative area; and lies between Teston and Watlingbury and west of the River Medway, which includes the settlements of Nettlestead and Nettlestead Green. The Council has undertaken a review of its Green Belt boundary (Maidstone Borough Council Metropolitan Green Belt Review, January 2016), which concluded there were no exceptional circumstances for revising the Green Belt boundaries within the borough.

### **Landscapes of local value**

5.84 The council will seek to conserve or enhance its valued landscapes. The Kent Downs AONB and High Weald AONB and their settings and other sites of European and national importance are considered to be covered by appropriate existing policy protection in the National Planning Policy Framework, National Planning Practice Guidance and other legislation. As well as this national policy guidance and statutory duty, the settings of the Kent Downs and High Weald AONBs are also afforded protection through the criteria of policy SP17 and no additional designation is therefore necessary. In addition to these areas, the borough does include significant tracts of landscape which are highly sensitive to significant change. Landscapes of local value have been identified and judged according to criteria relating to their character and sensitivity:

- i. Part of a contiguous area of high quality landscape;
- ii. Significant in long distance public views and skylines;
- iii. Locally distinctive in their field patterns, geological and other landscape features;
- iv. Ecologically diverse and significant;
- v. Preventing the coalescence of settlements which would undermine their character;
- vi. Identified through community engagement;
- vii. Providing a valued transition from town to countryside.

5.85 Development proposals within landscapes of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape. Designated areas include parts of the Greensand Ridge and the Low Weald, and the Medway, Loose and Len river valleys. These landscapes were highlighted as areas of local value by the public through previous consultation.

5.86 The Greensand Ridge lies to the south of Maidstone and is defined by the scarp face of the Ridge with extensive views across the Low Weald to the south. It is characterised by

frequent small blocks of coppice and deciduous woodland, extensive orchards and frequent oast houses, with ragstone being a predominant material in walls and buildings.

5.87 The Medway Valley is characterised by the wide River Medway and steep valley sides where the valley incises the Greensand and is crossed by distinctive ragstone bridges. The area lends itself to much recreational land use including the Medway Valley Walk, although some sections are more wooded and remote in character. The Loose Valley lies to the south of Maidstone and is characterised by the Loose stream, mill ponds and springs with steep wooded valley sides, mature native woodland and traditional mill buildings and cottages. The Len Valley lies to the east of Maidstone and is bordered by Bearsted to the west. It is characterised by the River Len, historic mills and a network of pools with remnant orchards.

5.88 The Low Weald covers a significant proportion of the countryside in the rural southern half of the borough. The Low Weald is recognised as having distinctive landscape features: the field patterns, many of medieval character, hedgerows, stands of trees, ponds and streams and buildings of character should be ~~protected, maintained~~ conserved and enhanced where appropriate.

## **Policy SP17**

### **The Countryside**

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 defined on the policies map.

1. Provided proposals do not harm the character and appearance of an area and accord with other policies in this plan, ~~the following types of development~~ that will be permitted in the countryside includes:

i. Small-scale economic development, including development related to tourism and open-air recreation, through:

a. The re-use or extension of existing buildings;

b. The expansion of existing businesses; ~~or~~

c. Farm diversification schemes; or

d. Development within designated Economic Development Areas located within the countryside.

ii. Small-scale residential development necessary to:

a. Meet a proven essential need for a rural worker to live permanently at or near their place of work;

b. Meet a proven need for Gypsy and Traveller accommodation; or

c. Meet local housing needs; and

iii. Development demonstrated to be necessary for agriculture or forestry.

~~2. Where proposals meet criterion 1, development in the countryside will be permitted if:~~

~~i. The type, siting, materials and design, mass and scale of development and the level of activity maintains, or where possible, enhances local distinctiveness including landscape features; and~~

~~ii. Impacts on the appearance and character of the landscape can be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances.~~

~~3. The loss of local shops and community facilities which serve villages will be resisted. In all cases, another beneficial community use should be sought before permission is granted for the removal of these facilities;~~

~~2. Agricultural Pproposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated;~~

~~4. The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, the setting of the High Weald Area of Outstanding Natural Beauty and the extent and openness of the Metropolitan Green Belt will be rigorously conserved, maintained and enhanced where appropriate;~~

~~3. The landscape and scenic beauty of the Kent Downs Area of Outstanding Natural Beauty will be conserved and enhanced;~~

~~4 Proposals should not have a significant adverse impact on the setting of the Kent Downs Area of Outstanding Natural Beauty and the High Weald Area of Outstanding Natural Beauty;~~

~~5 The extent and openness of the Metropolitan Green Belt will be rigorously protected; Green Belt is shown on the Policies Map and development there will be managed in accordance with national policy for the Green Belt;~~

~~6. The distinctive landscape character of the Greensand Ridge, Medway Valley, Len Valley, Loose Valley, and Low Weald as defined on the policies map, will be conserved, maintained and enhanced where appropriate as landscapes of local value;~~

~~7. Development in the countryside will retain the setting of and separation of individual settlements; and~~

~~9. Natural and historic assets, including characteristic landscape features, wildlife and water resources, will be protected from damage with any unavoidable impacts mitigated.~~

Account should be taken of the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Maidstone Borough Landscape Character Guidelines supplementary planning document.

## **Policy DM3 Natural Environment (PC/129)**

(paragraph numbering to be added when plan fully restructured to reflect other changes)

Maidstone's historic and natural environment is a fundamental part of the borough's economic wealth and social wellbeing, the benefits of which are far-reaching. It is essential to ensure these historic and natural assets bases remain robust and viable.

### **Historic environment**

Maidstone has been shaped and influenced by a long past history, the legacy of which is a strong and rich cultural heritage. The Archbishop's Palace and Leeds Castle are two high profile heritage assets but the borough also abounds with many other historical buildings. These heritage assets contribute to the strong sense of place which exists across the borough. However, this rich historical resource is very vulnerable to damage and loss. The local plan allows some flexibility for the re-use and conversion of historic assets but care must be taken to ensure this does not lead to unacceptable adverse impacts. Small scale changes over time, especially the standardisation of building materials and practices can erode the special character and appearance of places, and the setting of historic features such as listed buildings and scheduled monuments, which can be crucial in maintaining historic integrity.

The local plan will ensure the qualities and local distinctiveness of the historic environment are recognised and protected. This will be achieved in part through the protection of Scheduled Ancient Monuments, Listed Buildings and Conservation Areas from inappropriate development. The local plan will seek to encourage a greater understanding of designated and non-designated heritage assets and their values through partnership working with communities, developers and asset managers. The council will encourage mutually beneficial and sustainable proposals to conserve and enhance heritage assets for future generations whilst acknowledging the social and economic challenges faced by land owners and managers.

All development proposals will be expected to be accompanied by an initial survey to establish what on-site assets there are. Sufficient information to assess the direct and indirect effects of development on past or present heritage assets together with any proposed prevention, mitigation or compensation measures will also be required.

### **Green and blue infrastructure**

Green and blue infrastructure (GBI) is a network of natural components of open space and water which lie within and between the borough's towns and villages and which provide multiple social, economic and environmental benefits. Maidstone borough contains a wide range of green open spaces together with a number of rivers and streams. Key assets include the Kent Downs AONB, the River Medway and its tributaries, Mote Park, and the distinctive green corridors which help shape Maidstone town. Amongst other things, these green spaces and blue corridors provide reservoirs for biodiversity and recreation; act as corridors for the movement of animals, plants and people; and provide opportunities for the protection and enhancement of the local landscape and historic assets; water management, green education, and the mitigation of climate change impacts.

Green and blue infrastructure has the capacity to deliver a wide range of positive outcomes in line with the objectives of the sustainable community strategy including:

- Helping to attract and retain higher paying employers;
- Maintaining and enhancing biodiversity, water and air quality;
- Promoting distinctive landscapes and townscapes;
- Helping in the creation of an efficient, sustainable, integrated transport system;
- Helping to mitigate and adapt to climate change; and
- Creating healthier communities.

The green and blue infrastructure is considered to be of such importance that a Green and Blue Infrastructure Strategy (GBIS) has been produced. The strategy will look to encourage the creation of links and stepping stones to help in the movement of people and wildlife across the built up urban area. In the rural areas the focus will be more on land management, and creating and enhancing landscape and habitat networks. The strategy will also seek to identify those areas of the borough where deficiencies exist and look to provide guidance on how these can be overcome. The council will promote a partnership approach with developers, land owners and neighbouring local authorities, including Kent County Council, to help achieve the objectives of the Strategy.

The growth proposed in the borough provides a chance to increase the value of accessible green spaces and blue corridors. New development will be expected to contribute towards the goal of a linked network which extends across the borough and beyond. Development schemes will be expected to contribute towards improved connectivity through the provision of footpaths and cycle routes that are part of a strategic network; space for nature that contributes to the larger landscape-scale pattern of connected habitat; and the provision of imaginative recreational facilities that give educational and physical health benefits to local people. The council will liaise with neighbouring local authorities, including Kent County Council, to ensure potential linkages at all scales and across administrative boundaries are recognised in the development of specific proposals. Developers will also be expected to provide details of how the green and blue infrastructure elements of their proposal, including publicly accessible open spaces, sites managed for their biodiversity, or geodiversity ~~or~~ heritage interest, will be managed and maintained over the long-term.

Publicly accessible open space, recreation and tourism are essential elements of sustainable communities, contributing towards health, quality of life, sense of place and overall well-being. Spaces and facilities form a part of the overall green and blue infrastructure network and within built up areas can provide local linkage between the town centre, urban neighbourhoods and the surrounding countryside. The needs and deficiencies in publicly accessible open spaces and facilities, and the open space standards, are identified in the local plan and details on implementation will be included in the green and blue infrastructure strategy.

## **Climate change**

Climate change is resulting in ever more variable weather patterns, the outcomes of which include flooding and drought. Natural systems are able to adapt to these consequences. However, adverse changes to the natural systems can result in increases in damage to property and compensation costs, and a decrease in water resource resilience. A green and blue infrastructure approach represents a means to positively tackle these issues. It can offer

alternative flood mitigation strategies, such as Sustainable Urban Drainage Systems (SUDS) and the creation of water meadows. It is able to provide the means to capture and store rainwater, as well as help improve water quality. Development proposals will be expected to take full account of climate change and mitigate for any anticipated climate change impacts.

## **Water Framework Directive**

The Water Framework Directive (WFD) looks to improve the local water environment for people and wildlife, and promote the sustainable use of water. The Directive applies to all surface water bodies, including lakes, streams and rivers as well as groundwater. The overall aim of the WFD is for all water bodies to reach good status by 2027. In Maidstone this would mean improving their physical state, preventing deterioration in water quality and ecology, and improving the ecological status of water bodies. The WFD introduced the concept of integrated river basin management and such plans should influence development plans. Maidstone lies within the Thames River Basin District and in December 2009 the Environment Agency published the Thames River Basin Management Plan (RBMP).

The council will continue to work in partnership with the Environment Agency and other bodies to help achieve the goals of the WFD and actions of the Thames RBMP. The council will also actively encourage development proposals to include measures to mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate.

## **Biodiversity**

Maidstone is a biodiverse district endowed with a variety of habitats including heathlands and chalk downlands, orchards and ancient woodland, river valleys and ponds, wildflower meadows and parklands. All of these are underpinned by an equally diverse array of soils. Soils are a fundamental element of the ecosystems found within these habitats but one which is highly susceptible to damage. The council will work in partnership with land owners, land managers and developers to encourage better soil handling practices to avoid the degradation of soil and ensure soil functions are maintained as appropriate.

The broad range of habitats forms an extensive network across rural and urban areas, including previously developed land. Many sites are important for their nature conservation and geological interest, and are designated for their protection. In Maidstone, these include a site of international importance, namely the North Downs Woodlands Special Area of Conservation (SAC), nationally important Sites of Special Scientific Interest (SSSI), locally important Local Wildlife Sites (LWS) and Local Nature Reserves (LNR). Current designated nature conservation sites will be noted on the policies map.

As a result of increasing development pressures in the past many of the borough's biodiversity assets have been lost, damaged or fragmented. In response to this decline the council has acted in partnership with other bodies to undertake surveys of the borough's habitats and ancient woodlands. It has also adopted the Maidstone Local Biodiversity Action Plan (LBAP), a key element of which is the establishment of a connecting network of sites and corridors on a landscape scale. By reconnecting fragments of habitats to form a mosaic, the natural environment is provided with the means to become self-sustaining as well as being better able to respond to and adapt to climate change.

Development proposals will be expected to be supported by an initial survey of on-site assets. Surveys must be undertaken at the appropriate time of year for the relevant habitats, species, flora and fauna. Where harm to protected species or habitats is unavoidable, developers must ensure suitable mitigation measures are implemented to enhance or recreate the features, either on or off-site, and bring sites into positive conservation management. Sufficient information to assess the direct and indirect effects of development on protected sites, species, biodiversity or geology, and any proposed prevention, mitigation or compensation measures must be provided. Proposals should particularly seek to avoid damaging and fragmenting existing habitats. Opportunities to contribute towards the UK priority habitats and species in Maidstone and any additional Maidstone LBAP habitats and species should be maximised.

Development likely to have an adverse effect on the integrity and conservation objectives of internationally important nature conservation sites is unlikely to meet the requirements of the Habitats Directive. Such development will not be considered favourably. Damage must be minimised in those exceptional cases where the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological feature. Any remaining impacts must be fully mitigated and a mitigation strategy accompany the planning application. Compensation will only be acceptable in exceptional circumstances.

The borough has already experienced development applications that have, in certain areas, required the trans-location of wildlife to receptor sites in alternative off-site locations. Such sites are important in ensuring adequate provision of suitable habitats for valued and protected species and should be protected and maintained. Natural England should be consulted on development proposals that will have an adverse impact on receptor sites, either directly or indirectly. It is extremely unlikely that the trans-location of wildlife from one receptor site to another would be permitted under licence for the purposes of allowing development.

## **Landscape**

The visual character of Maidstone's landscape is highly valued by those living, working and visiting here. A significant proportion of the borough benefits from high quality landscapes. A large area of the borough lies within the Kent Downs AONB, a nationally important landscape designation and a strong level of protection will be given to this designation and its setting, set out in policy SP17. However, all of the landscapes play an important role in contributing to the borough's environmental, economic and social values. Therefore all landscapes, rather than just those that are designated, will be viewed as a natural asset. This is in line with the European Landscape Convention.

The National Planning Policy Framework encourages the protection of valued landscapes. For Maidstone, these landscapes are identified as the Greensand Ridge, the Low Weald, and the river valleys of the Medway, the Loose and the Len, which are afforded protection in policy SP17.

A landscape character assessment, together with capacity studies, forms part of the evidence base and should be used to inform development and land management proposals. They are a descriptive tool which identify and describe variations of landscape character, distinguishing the features that give a locality its 'sense of place' and pinpointing what makes it distinctive, setting out information on landscape character, condition and sensitivity in a comprehensive

and objective way. The documents identify the positive attributes of a landscape which need protecting or enhancing as well as the negative aspects, which can be restored or otherwise improved upon. In cases where development is proposed on sensitive sites more detailed landscape and visual assessments will be required.

### **Policy DM3**

#### **~~Historic and n~~Natural environment**

1. To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the ~~historic and natural environment, where appropriate~~, by incorporating measures *where appropriate* to:

- i. ~~Protect positive historic and landscape character, heritage assets and their settings, 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 development and ensure that these assets do not suffer any~~ *avoid significant* adverse impacts as a result of development. *In locations outside the AONB, the setting of the AONB and Landscapes of Local Value, development will respect the landscape character of the locality;*
- ii. Avoid damage to and inappropriate development considered likely to have significant *direct or indirect* adverse effects on:
  - a. ~~Cultural heritage assets protected by international, national or local designation and other non-designated heritage assets recognised for their archaeological, architectural or historic significance, or their settings;~~
  - b. *a.* Internationally, nationally and locally designated sites of importance for biodiversity; and
  - c. *b.* Local Biodiversity Action Plan priority habitats.
- iii. Control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate;
- iv. Enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland; support opportunities for the creation of new Biodiversity Action Plan priority habitats; create, enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise;
- v. Provide for the long term maintenance and management of all ~~heritage and natural assets, including landscape character, associated with the development;~~
- vi. Mitigate for and adapt to the effects of climate change; and
- vii. Positively contribute to the improvement of accessibility of natural green space within walking distance of housing, employment, health and education facilities and to the creation of a wider network of new links between green and blue spaces including links to the Public Rights of Way network.

~~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.~~

3. Where appropriate, development proposals will be expected to appraise the value of the

borough's historic and natural environment through the provision of the following:

- i. An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species;
- ii. Heritage and arboricultural assessments to take full account of any past or present heritage and natural assets connected with the development and associated sites; and
- iii. A landscape and visual impact assessment to take full account of the significance of, and potential effects of change on, the landscape as an environmental resource together with views and visual amenity.

4. Publicly accessible open space should be designed as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits.

5. ~~Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures or, as a last resort, compensation appropriate to the scale and nature of the impacts cannot be achieved.~~ When significant harm cannot be avoided through consideration of alternative sites or adequate mitigation provided on-site within the immediate locality, compensatory measures will be achieved within the relevant Biodiversity Opportunity Area, or other location as agreed by the Local Planning Authority.

6. Development proposals will give weight to the protection of the following designated sites for biodiversity, as shown on the Policies Map, which will be equal to the significance of their biodiversity/geological status, their contribution to wider ecological networks and the protection/recovery of priority species as follows:

- i) For internationally designated sites (including candidate sites), the highest level of protection will apply. The council will ensure that plans and projects proceed only when in accordance with relevant Directives, Conventions and Regulations. When the proposed development will have an adverse effect on the integrity of a European site, planning permission will only be granted in exceptional circumstances, where there are no less ecologically damaging alternatives, there are imperative reasons of overriding public interest and damage can be fully compensated.
- ii) For nationally designated sites (including candidate sites), development will only be permitted where it is not likely to have an adverse effect on the designated site or its interests (either individually or in combination with other developments) unless the benefits of the development at this site clearly outweigh both the impacts that it is likely to have on the features of the designated site that make it of national importance and any broader impacts on the national network of Sites of Special Scientific Interest. Where damage to a nationally designated site cannot be avoided or mitigated, compensatory measures will be sought. Development will also accord with and support the conservation objectives of any biodiversity site management plans;
- iii) For locally designated sites (including draft published sites), development likely to have an adverse effect will be permitted only where the damage can be avoided or

*adequately mitigated or when its need outweighs the biodiversity interest of the site. Compensation will be sought for loss or damage to locally designated sites.*

Account should be taken of the Landscape Character Guidelines SPD, the Green and Blue Infrastructure Strategy and the Kent Downs AONB Management Plan.

## **Maidstone Borough Spatial Strategy**

### **Policy SS1**

#### **Maidstone Borough spatial strategy**

1. Between 2011 and 2031 provision is made through the granting of planning permissions and the allocation of sites for:
  - i. 18,560 new dwellings;
  - ii. 187 Gypsy and Traveller pitches and 11 Travelling Showpeople plots;
  - iii. ~~39,830~~24,000 $m^2$  floorspace for office use;
  - iv. ~~20,290~~ $m^2$  floorspace for industrial use;
  - v. ~~49,911~~6,500 $m^2$  floorspace for warehousing use;
  - vi. 98,000 $m^2$  floorspace for medical use;
  - vii. 6,100 $m^2$  floorspace for retail use (convenience goods); and
  - viii. 23,700 $m^2$  floorspace for retail use (comparison goods).
2. New land allocations that contribute towards meeting the above provisions are identified on the policies map.
3. An expanded Maidstone urban area will be the principal focus for development in the borough. Best use will be made of available sites within the urban area. Regeneration is prioritised within the town centre, which will continue to be the primary retail and office location in the borough. Strategic locations to the north west and south east of the urban area provide for substantial residential development and junction 7 of the M20 motorway is identified as a strategic location for additional business provision in association with a new medical campus.
4. A prestigious business park at Junction 8 of the M20 that is well connected to the motorway network will provide for a range of job needs up to 2031, and will help to diversify the range of sites available to new and expanding businesses in the borough to help accommodate future demand.
5. Harrietsham, Headcorn, Lenham, Marden and Staplehurst rural service centres will be the secondary focus for housing development with the emphasis on maintaining and enhancing their role and the provision of services to meet the needs of the local community. Suitably scaled employment opportunities will also be permitted.
6. The larger villages of Boughton Monchelsea, Coxheath, Eyhorne Street (Hollingbourne), Sutton Valence and Yalding will be locations for limited housing development consistent with the scale and role of the villages.
7. Broad locations for significant housing growth likely to come forward in the later phases of the plan period are identified at Invicta Park Barracks, in the town centre and at Lenham.
8. ~~Suitably~~ Small scaled employment opportunities will be permitted at appropriate

locations to support the rural economy (in accordance with policy DM41).

9. In other locations, protection will be given to the rural character of the borough avoiding coalescence between settlements, including Maidstone and surrounding villages, and Maidstone and the Medway Gap/Medway Towns conurbation.
10. The green and blue network of multi-functional open spaces, rivers and water courses, ~~will generally be maintained and enhanced where appropriate;~~ and the Kent Downs Area of Outstanding Natural Beauty and its setting, the setting of the High Weald Area of Outstanding Natural Beauty, and landscapes of local value will be conserved and ~~maintained~~ *enhanced*.
11. Infrastructure schemes that provide for the needs arising from development will be supported. New residential and commercial development will be supported if sufficient infrastructure capacity is either available or can be provided in time to serve it.

## Appendix 1 - Session 4 Action Points

Proposed change reference number	MIQ paragraph	Policy/paragraph number/site reference	Proposed change	Reason for proposed change
<b>Session 4 – Environmental constraints</b>				
PC/130 (supersedes PC/122)		New strategic policy for the historic environment	<p><b><u>Policy SP X – the Historic Environment</u></b></p> <p><u>Maidstone borough has been shaped and influenced by a long past history, the legacy of which is a strong and rich cultural heritage. Brewing, paper making and shipping along the Medway have been notable industrial influences on the borough’s heritage. The borough’s varied geology has been the source of locally distinctive building materials, namely Kentish ragstone, Wealden clay for brick and tile making and oak from the Wealden forests used in the construction of timber-framed buildings and weather boarding.</u></p> <p><u>The diversity of heritage assets is recognised through designations made at the national level by Historic England such as listed buildings, scheduled ancient monuments and historic parks and gardens and also those identified more locally such as conservation areas, the parks and gardens included in the Kent Gardens Compendium and locally listed buildings. The term ‘heritage asset’ is defined in the Framework and, in addition to these ‘designated’ assets, encompasses features of more localised significance, so called ‘non-designated’ heritage assets.</u></p> <p><u>Collectively these heritage assets contribute to the strong sense of place which exists across the borough. This historic inheritance also has wider economic, social and cultural benefits. The Archbishop’s Palace and Leeds Castle are two particularly high profile examples which help to drive tourism in the borough. Mote Park is an historic park which both local residents and visitors value highly as a popular recreational resource. Historic features such as buildings, traditional field enclosures and monuments are also integral to the borough’s high quality</u></p>	<p>The Council proposed a new policy for heritage as part of its written responses to the Environmental Constraints MIQs.</p> <p>In response to the Inspector’s request at the hearing, the Council is now proposing that the strategic and non-strategic elements of the policy be split out.</p>

Proposed change reference number	MIQ paragraph	Policy/paragraph number/site reference	Proposed change	Reason for proposed change
			<p><u>landscape, particularly enjoyed by users of the borough's extensive public rights of way network.</u></p> <p><u>This rich historical resource is, however, vulnerable to damage and loss. This importance is signified by the fact that heritage assets are inherently irreplaceable; once lost they are gone forever. Through the delivery of its Local Plan, and its wider activities, the Council will act to conserve and enhance the borough's heritage assets.</u></p> <p><b><u>Policy SP X – the Historic Environment</u></b>  <b><u>To ensure their continued contribution to the quality of life in Maidstone borough, the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the Council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include;</u></b></p> <ul style="list-style-type: none"> <li>○ <b><u>collaboration with developers, landowners, parish councils, groups preparing neighbourhood plans and heritage bodies on specific heritage initiatives including bids for funding;</u></b></li> <li>○ <b><u>through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings;</u></b></li> <li>○ <b><u>through the incorporation of positive heritage policies in neighbourhood plans which are based on analysis of locally important and distinctive heritage; and</u></b></li> <li>○ <b><u>ensuring relevant heritage considerations are a key aspect of site masterplans prepared in support of development allocations and broad locations identified in the Local Plan.</u></b></li> </ul>	

Proposed change reference number	MIQ paragraph	Policy/paragraph number/site reference	Proposed change	Reason for proposed change
PC/131 (supersedes PC/122)		New development management policy for heritage assets	<p><b><u>Policy DM X – Development affecting designated and non-designated heritage assets</u></b></p> <p><u>The Planning (Listed Buildings and Conservation Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. When making a decision concerning a listed building or its setting, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Act also places the duty on the Council in making its decisions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas in the borough.</u></p> <p><u>The local plan allows some flexibility for the re-use and conversion of historic assets but care must be taken to ensure this does not lead to unacceptable adverse impacts. Small scale changes over time, especially the standardisation of building materials and practices, can erode the special character and appearance of places, and the setting of historic features such as listed buildings and scheduled monuments, which can be crucial in maintaining historic integrity.</u></p> <p><u>Policy DM1 provides clear guidelines about the need for development to be planned and designed in a manner which appropriately responds to its historic context and, where possible, positively enhances the historic character of the locality. Character analysis is provided in supporting documents such as the Conservation Area management plans, the Landscape Character Assessment and the specific character area assessment SPDs.</u></p> <p><u>Where development is proposed for a site which includes or has the potential to impact on heritage assets, developers must submit an appropriate heritage</u></p>	<p>The Council proposed a new policy for heritage as part of its written responses to the Environmental Constraints MIQs.</p> <p>In response to the Inspector’s request at the hearing, the Council is now proposing that the strategic and non-strategic elements of the policy be split out.</p> <p>The Council has also amended the first part of the development management policy to comply with the Framework and has made some changes in response to Baltic Wharf Ltd’s submission at the hearing.</p>

Proposed change reference number	MIQ paragraph	Policy/paragraph number/site reference	Proposed change	Reason for proposed change
			<p><u>assessment which analyses the direct and indirect effects of development on those assets. Significance can be defined in this context as the value of a heritage asset to this and future generations because of its heritage interest which may be historic, archaeological, architectural or artistic. Significance derives not only from the heritage asset's physical presence but also from its setting.</u></p> <p><u>In the determination of planning applications, the relevant assessment factors, including weighting of potential harm against wider benefits of the development, is set out in detail in the Framework paragraphs 131 to 135 (or as superseded).</u></p> <p><b><u>Policy DM X - Development affecting designated and non-designated heritage assets</u></b></p> <ol style="list-style-type: none"> <li><b><u>1. Applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve , and where possible enhance, the significance of the heritage asset and, where appropriate, its setting;</u></b></li> <li><b><u>2. Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of:</u></b> <ol style="list-style-type: none"> <li><b><u>i. any heritage assets, and their settings, which could reasonably be impacted by the proposals;</u></b></li> <li><b><u>ii. the significance of the assets; and</u></b></li> <li><b><u>iii. the scale of the impact of development on the identified significance.</u></b></li> </ol> </li> <li><b><u>3. Where development is proposed for a site which includes or has the</u></b></li> </ol>	

Proposed change reference number	MIQ paragraph	Policy/paragraph number/site reference	Proposed change	Reason for proposed change
			<p><i><u>potential to include heritage assets with archaeological interest, applicants must submit an appropriate desk-based assessment and, where necessary, a field evaluation.</u></i></p> <p><i><b>4. <u>The Council will apply the relevant tests and assessment factors specified in the Framework when determining applications for development which would result in the loss of, or harm to, the significance of a heritage asset and/or its setting.</u></b></i></p> <p><i><b>5. <u>In the circumstances where the loss of a heritage asset is robustly justified, developers must make the information about the asset and its significance available for incorporation into the Historic Environment Record</u></b></i></p>	

**Appendix 2 – Changes proposed by  
Baltic Wharf Ltd to Policy DM X – Historic  
Environment**

1 To ensure their continued contribution to the quality of life in Maidstone borough, **the Council will work pro-actively with owners to ensure that the** characteristics, distinctiveness, diversity, and quality **and setting** of heritage assets will be ~~protected~~ **conserved** and, where possible, enhanced. This will be achieved by the Council encouraging and supporting measures that secure the ~~sensitive~~ **appropriate** restoration, ~~reuse~~ **use**, enjoyment, conservation and/or enhancement of heritage assets, in particular designated assets identified as being at risk, to include;

- ☐ Collaboration with developers, landowners, parish councils, groups preparing neighbourhood plans and heritage bodies on specific heritage initiatives including bids for funding;
- ☐ Through the development management process, securing the sensitive management and design of development which impacts on heritage **assets and their settings**;
- ☐ **Permitting planning applications that will provide for the optimum viable use of designated heritage assets where any harm to the asset is out-weighed by the public benefits arising from its development and by bringing an asset back into use and providing for its ongoing conservation according to the tests set out in the Framework;**
- ☐ ~~Through~~ The incorporation of positive heritage policies in neighbourhood plans which are based on analysis of locally important and distinctive heritage; and
- ☐ Ensuring relevant heritage considerations are a key aspect of site masterplans prepared in support of development allocations and broad locations identified in the Local Plan.

~~2 Applicants will ensure that new development incorporates measures to:~~

- ~~I. Protect and, where possible, enhance positive historic character, heritage assets and their settings;~~
- ~~II. Avoid harm to the significance of designated heritage assets; and~~
- ~~III. Ensure that harm to the significance of non-designated heritage assets is avoided wherever possible. In the event that a degree of harm is unavoidable, ensure and demonstrate that the harm resulting is outweighed by the benefits of the proposal;~~

3 Where appropriate, development proposals will be expected to respond to the value of the historic environment by the means of a proportionate Heritage Assessment which assesses and takes full account of;

- I. Any heritage assets, and their settings, which could reasonably be impacted by the proposals;
- II. The significance of the assets; and
- III. ~~The scale of the impact~~ **harm** of development ~~on~~ **would cause to the historic environment** ~~the identified significance.~~

**Comment [SA1]:** Not agreed. This change would limit collaboration to landowners only.

**Comment [SA2]:** Inclusion of reference to setting agreed below

**Comment [SA3]:** Not agreed. Original wording better highlights the need for development to reflect the heritage significance

**Comment [SA4]:** Not agreed. Heritage assets will generally have had a previous use

**Comment [SA5]:** Reference to setting agreed

**Comment [SA6]:** Not agreed. Does not reflect that the Framework has different tests according to the degree of harm

**Comment [SA7]:** Changes to this section proposed. See Appendix 1.

**Comment [SA8]:** Not agreed – impacts could be positive.

**Comment [SA9]:** Not agreed. Significance is the term used in the Framework para 129

4 Where development is proposed for a site which includes or has the potential to include heritage assets with archaeological interest, developers must submit an appropriate desk-based assessment and, where necessary, a field evaluation.

5 The Council will apply the relevant tests and assessment factors specified in the Framework when determining applications for development which would result in the loss of, or harm to, the significance of a designated heritage asset and/or its setting, or loss of or harm to non-designated heritage assets.

6 In the circumstances where the loss of a heritage asset is robustly justified, developers must make the information about the asset and its significance available for incorporation into the Historic Environment Record.

**Comment [SA10]:** Grammar changes agreed; splitting out of designated and non-designated assets not agreed – original wording sufficient and Framework confirms that impacts on non-designated assets can be indirect (paragraph 135)