

Session 4 – Environmental Constraints

Inspector's Question 4.1

Would KCC and MBC please provide an update on their respective positions on minerals safeguarding and what if any modifications may be needed to the Local Plan for consistency with national policy?

Council's response:

4.1.1 As set out in the Duty to Cooperate Compliance Statement (SUB 008) officers from the Council met with officers from the Mineral Planning Authority (MPA) during April and May 2016 to discuss the issues raised in KCC's Regulation 20 representations in respect of mineral safeguarding. By the time of the meeting on 11 May, the Kent Minerals and Waste Local Plan 2013 – 2030 (KMWLP) Inspector's Report had been issued and therefore provided some certainty regarding the final wording of the relevant policies. The KMWLP (ORD 014) was subsequently adopted on 14 July 2016.

4.1.2 Paragraph 143 of the National Planning Policy Framework (NPPF) states that, *"In preparing Local Plans, local planning authorities should...define Minerals Safeguarding Areas and adopt appropriate policies in order that known locations of specific minerals resources of local and national importance are not needlessly sterilised by non-mineral development, whilst not creating a presumption that resources defined will be worked..."*

4.1.3 For consistency with national policy, and with the adopted KMWLP, it is agreed between the Council and the MPA that modifications are necessary to identify the extent of Mineral Safeguarding Areas (MSAs) within the Local Plan, and also to further explain the relationship between the Local Plan and the KMWLP. These are set out below as Proposed Changes PC/ 69 and PC/ 70 below and the agreement is reflected in the Statement of Common Ground (SUB 018)

4.1.4 Policy CSM 5 "Mineral Safeguarding" and Policy DM7 "Safeguarding Mineral Resources" set out the MPA's approach to safeguarding against the unnecessary sterilisation of mineral resources through non-mineral development. Policy DM7 establishes the circumstances in which sterilising development located within MSAs can be permitted and includes the exemption at DM7 (7) *"it constitutes development on a site allocated in the adopted development plan"*.

4.1.5 It is recognised that there is a need for minerals safeguarding matters to be considered through the Local Plan, in the context of these, now adopted, policies. Paragraph 5.5.14 of the KMWLP sets out that *"The allocation of land within an MSA will only take place after consideration of the factors that would be considered if non-minerals development were to be proposed in that location, or in proximity to it, as set out in Policies DM7, DM8, CSM5 and CSM6"*.

4.1.6 Given the relative timings of submission of the Local Plan and adoption of the KMWLP,

the Council discussed with the MPA in May the principle of further modifications to require allocations located within MSAs to prepare a minerals assessment as part of the development management process, and the MPA indicated that this would overcome the concerns raised in the MPA's Regulation 20 representations to the Local Plan.

4.1.7 On 29 July, officers from the MPA sent an Information Note (SUB 018 (A)) to MBC which sets out the MPA's assessment of the supply of the five mineral types located within the MSAs which fall within Maidstone Borough, together with relevant details on the economic viability and application of these minerals. The Note also sets out the MPAs conclusions regarding the likelihood of Local Plan allocations leading to conflict with NPPF objectives and the prospects of unnecessary sterilisation occurring through development in the Local Plan.

4.1.8 The Council has considered this information in the wider context of addressing national policy requirements for appropriate policies on minerals safeguarding, and considers that there is adequate justification to exclude any additional requirement for minerals assessments to be undertaken as part of the determination of proposals for Local Plan site allocations located within the following MSAs:

- Hard Rock: Hythe Formation – Kentish Ragstone; and
- Industrial Sands: Sandgate Formation.

4.1.9 In respect of "Hard Rock – Hythe Formation Kentish Ragstone" the Note confirms a current landbank of some 61 years, which provides for a 10 year rolling landbank throughout the period of the KMWLP and many years beyond. The Note also confirms the practical difficulties of extracting the mineral without adversely affecting the deliverability of housing development, the wider extent of the ragstone deposits across Kent, and concludes that the probability of the MBLP allocations having any significant adverse effect on the objectives of the NPPF is of a low order.

4.1.10 In respect of "Industrial Sands – Sandgate Formation" the Note concludes that the economic viability of the mineral is now historic and unrelated to present day industrial mineral requirements. The County Council has no records of the quarrying of this material in the Maidstone Borough area in recent times. The Note concludes that any potential sterilisation of the mineral is unlikely to be material to the emergence of future quarrying activity that targets this formation specifically to exploit the material as an industrial sand source.

4.1.11 The Council considers that this information is directly relevant to the factors that would be considered under KMWLP Policy DM7 and provides the required assurance that the allocation of land for non-mineral development within these two MSAs would not lead to the unnecessary sterilisation of mineral resources. Accordingly, any additional requirement is not considered to represent an appropriate policy, in respect of the NPPF requirements for mineral safeguarding, as it would insert an unreasonable and unnecessary burden on development.

4.1.12 As set out in the Statement of Common Ground (SUB 018) the MPA considers that the requirement for minerals assessments should be applied to all allocations affected by MSAs, notwithstanding its own assessment of mineral supply and viability.

4.1.13 In respect of the other mineral types, the situation in regards to supply and viability is

somewhat less clear, and the Council considers it is appropriate to insert the requirement for minerals assessments for allocations affected by the following MSAs:

- Building Sands: Folkestone Formation;
- Sharp Sands and Gravel Aggregates: Sub-Alluvial River Terrace Deposits and River Terrace Deposits; and
- Building Stone: Palundina Limestone.

4.1.14 As set out in the Statement of Common Ground (SUB 018) the MPA considers that the proposed changes identified below address in full their concerns in respect of development within these three MSAs.

4.1.15 The information supplied by the MPA concludes that Local Plan allocations within these MSAs are nevertheless unlikely to cause significant sterilisation to mineral resources and provides a clear indication that the introduction of this requirement is unlikely to affect the deliverability of development allocated in the Local Plan.

4.1.16 Paragraph 7.5.1 of the KMWLP confirms that “the objectives and policies of the development plan as a whole will need to be considered” when determining proposals for non-mineral development within MSAs, and the Council would comment that there is a clear, identified need for development to take place on the sites allocated in the Local Plan. In conclusion therefore, it is considered that the proposed changes identified below provide a proportionate, justified and robust approach to mineral safeguarding matters that will, together with the KMWLP, set an appropriate policy framework as required by the NPPF.

Proposed Changes (strikethrough indicates deleted text, <u>underlined</u> indicates additional text)		
Reference	Proposed change	Reason
PC/ 69	<p>Para 2.4 delete final sentence: “The Kent Minerals and Waste Local Plans that are prepared by Kent County Council also form part of the development plan.”</p> <p>Additional para after 2.4 to read: <u>“The Kent Minerals and Waste Local Plan 2013 – 2030 also forms part of the development plan and was adopted by the County Council in July 2016. The Minerals and Waste Local Plan identifies Mineral Safeguarding Areas whose purpose is to avoid the unnecessary sterilisation of any mineral resources through incompatible development. Development proposals coming forward within the Minerals Safeguarding Areas located within Maidstone Borough will therefore need to comply with minerals safeguarding policies in the Minerals and Waste Local Plan. The extent of the Minerals Safeguarding Areas is shown on the policies map.”</u></p>	To explain the relationship between the MBLP and the KMWLP and to highlight the potential implications of minerals safeguarding policies in the KMWLP.
PC/ 70	To include a “Minerals Safeguarding Areas”	To add clarity to PC/ 69 and

	layer on the policies map.	PC/ 70.
PC/ 71	Policies: H1 (2), (11), (17), (21), (30), (31), (32), (33), (34), (35), (37), (45), (46), (47), (48), (51), (65), H2 (2), RMX (1), RMX (4), EMP1 (2), EMP1 (5):Additional criterion to read: <u>"Minerals Safeguarding – This site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposals will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource. The minerals assessment will comply with Policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the Minerals Planning Authority in respect of minerals safeguarding."</u>	To ensure adequate policy basis for the requirement for mineral assessments to be undertaken for affected development allocations in the MBLP, and to ensure conformity with the minerals safeguarding policies in the KMWLP.

Inspector's Question 4.2

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

Council's response:

4.2.1 Criterion 7 of Policy SP17 *The Countryside* is intended to provide a strategic policy for the wider countryside not covered by specific countryside designations. Policy SS1(9) requires protection to be given to the rural character of the borough, avoiding coalescence between settlements. Paragraph 4.22 explains that the individual identity and character of settlements should not be compromised by development that is allowed in the countryside. To clarify, the following amendment is proposed to Policy SP17(7) (PC/ 72).

SP17(7) Development in the countryside will retain the setting of and separation of individual settlements, in order to maintain the rural character of the borough; and

Inspector's Question 4.3

What if any development would Policy SP17 permit in the countryside which the previous Local Plan policies would not?

Council's response:

4.3.1 The previous Local Plan was adopted in 2000 under a different statutory and regulatory planning regime than the submitted Local Plan (2016). The Council has not relaxed its approach towards unacceptable development in the countryside given the size and character of Maidstone's rural hinterland. However, Policy SP17 is a more cohesive and positive policy, for example, by recognising the importance of small-scale economic development.

Inspector's Question 4.4

In the policy wording what is the effective difference between 'conserved' and 'maintained'?

Council's response:

4.4.1 The Council has used 'conserve' to align with the National Planning Policy Framework (NPPF). The Kent Downs AONB Management Plan uses 'maintain' to mean "little or no intervention expected from Local Authorities, Partnership or Unit but policies and actions required to prevent negative change will be expected" in the context of implementing the Management Plan.

4.4.2 To provide a clear distinction between the policies within the Local Plan and the AONB Management Plan, Maidstone Borough Council suggests that the word 'maintain' be deleted from Policy SP17 The Countryside, criteria 5 and 6 and in paragraph 5.87. The council suggests an amendment (PC/ 73) to replace "conserved, maintained and enhanced" with "conserved and enhanced".

5.87 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.

SP17(5) 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;

SP17(6) 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;

Inspector's Question 4.5

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?

Council's response:

4.5.1 The Council's intention in the second sentence of paragraph 5.81 was to reflect national policy. Currently, that does not provide the necessary clarity and distinction between guidance and policy particularly when considering the next sentence about the "setting of the AONB". Therefore the Council suggests that the sentence should be changed (PC/ 74) to the following:

5.81 Conservation and enhancement of this area is also part of the council's statutory duty under the 1981 Wildlife and Countryside Act and is covered ~~under the guidance set out in national policy (by policies in the~~ National Planning Policy Framework and guidance in the

National Planning Practice Guidance).

Inspector's Question 4.6

The Kent Downs AONB unit seeks that the relevant policy references be to 'conserved and enhanced' to be consistent with national policy and the statutory duty in respect of the AONB, why has the word 'maintained' been inserted and what is its purpose?

Council's response:

4.6.1 The North Downs AONB Management Plan uses 'maintain' to mean "little or no intervention expected from Local Authorities, Partnership or Unit but policies and actions required to prevent negative change will be expected" in the context of implementing the Management Plan. 'Conserve' has been used to align with the National Planning Policy Framework (NPPF) within the Local Plan generally, but 'maintained' was used in this section because of its inclusion in the AONB Management Plan.

4.6.2 To provide a clear distinction between the policies within the Local Plan and the AONB Management Plan and to be consistent with national policy; Maidstone Borough Council suggests that the word 'maintain' be deleted from Policy SP17 The Countryside, criteria 5 and 6 and in paragraph 5.87. The council suggests a change to replace "protected, maintained and enhanced" with "conserved and enhanced" (PC/ 73). The amendment is proposed under question 4.4.

Inspector's Question 4.7

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

Council's response:

4.7.1 The Council considers that Policy SP17 The Countryside, specifically criterion 5, together with the justification set out in paragraphs 5.77 to 5.82 and combined with the changes proposed under question 4.5 and in other hearing sessions are consistent with the national policies for designated areas set out in the National Planning Policy Framework (NPPF).

4.7.2 It does not consider that a specific reference to national policy for major development in the policy or supporting text is necessary because of the clear and specific details already provided by paragraph 116 of the NPPF.

Inspector's Question 4.8

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?

Council's response:

4.8.1 The policies for designated areas are set out in the National Planning Policy Framework (NPPF). The Council's intention in the second sentence of paragraph 5.81 of the Local Plan was to reflect national policy. An amendment to paragraph 5.81 is proposed under question

4.5 to provide clarity and distinction between guidance and policy.

4.8.2 The NPPF and Planning Practice Guidance (PPG) do not make reference to the setting of designated areas. SP17(5) does apply to the setting of the AONB, and particular reference to the setting of the AONB is made in paragraph 5.81 of the Local Plan.

Inspector's Question 4.9

How would the setting of the AONB be defined?

Council's response:

4.9.1 The setting of the AONB is not defined either in policy (National Planning Policy Framework) or guidance (Planning Policy Guidance). Policy SP17(5) includes the setting of the AONBs, and paragraph 5.81 justifies inclusion of the "setting" in the Policy.

4.9.2 The Kent Downs AONB Management Plan (2014) 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 is not formally defined or indicated on a map.

Inspector's Question 4.10

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

Council's response:

4.10.1 The Council's intention is to rely on the policies which are set out under Section 9 of the National Planning Policy Framework, together with paragraphs 79-92. The Metropolitan Green Belt (MGB) is referenced elsewhere in the submitted Local Plan not just in Policy SP17 criterion 5, for example, paragraph 5.72 (Small Villages).

4.10.2 For clarity, it is proposed that a reasoned justification for the Metropolitan Green Belt, referring to the NPPF and the Council's Metropolitan Green Belt Review 2016 (STR 001), is added to the supporting text of Policy SP17. (PC/ 75)

Metropolitan Green Belt

5.82A 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 (5.3km²) 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 Watlington 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.

Inspector's Question 4.11

Is the SP17(5) reference to the Green belt consistent with national policy??

Council's response:

4.11.1 The Council's response to question 4.10 proposes the inclusion of a reasoned justification to support Policy SP17(5), referring to the protection policies of the NPPF and the Council's Metropolitan Green Belt Review 2016 (STR 001). This amendment demonstrates consistency of the Local Plan policy with national policy.

Inspector's Question 4.12

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

Council's response:

4.12.1 Policy SP 17 The Countryside covers the high quality rural landscape of the borough which include valuable agricultural and ecological resources. The countryside has an intrinsic character and beauty that SP17 seeks to conserve and enhance, whilst recognising the need for appropriate development.

4.12.2 The landscape criteria in Policy SP17 specifically recognises nationally important designated landscapes that are protected by national polices and by criterion 5 of Policy SP17. The Landscapes of Local Value (LLV) cover significant parts of the countryside and include extensive tracts of landscape that are highly sensitive to change. This is recognised by their inclusion under criterion 6 of Policy SP17.

4.12.3 The landscape criterion 2 in Policy DM3 Historic and Natural Environment is part of a suite of criteria within Policy DM3 that seeks to ensure that historic and natural asset bases remain robust and reliable. It applies throughout the borough. Criterion 2 (Policy DM3) also focuses on protecting and enhancing the borough's landscape by "careful, sensitive management and design of development". Therefore the Council asserts that the landscape criteria in both SP17 and DM3 are consistent because they focus on different scales of landscape: from nationally and locally important designated areas in SP17 to single development proposals in DM3. They can be visualised as layers that overlap in parts but are not inconsistent.

Inspector's Question 4.13

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

Council's response

4.13.1 As set out in the Spatial Strategy Topic Paper (SUB 007) the Council's spatial strategy is to maximise the use of brownfield (previously developed) land where possible. As part of this strategy, the Council revisited all sites within the built up areas which were identified

through previous assessments including Urban Capacity Studies from 2002 and 2009, the Employment Land Review (2013), the Town Centre Study (2010) and the Employment Site Assessment (2014) to provide a significant source of brownfield land for assessment through the Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA). Additionally, a series of publicised "Call for Sites" exercises provided additional opportunities for brownfield land to be considered as part of the SHEDLAA.

4.13.2 The Spatial Strategy Topic Paper establishes that all sites assessed as suitable, available and achievable through the SHEDLAA exercise were included in the Local Plan either as development allocations or as broad locations for future housing growth.

4.13.3 It is considered therefore that the Council has taken a comprehensive and methodological approach to making best use of brownfield land before allocating greenfield sites. Despite this, it is clear that brownfield land is a finite resource and does not provide sufficient capacity to enable the Local Plan to meet in full the objectively assessed development needs.

4.13.4 Additionally, spatial policies in the Local Plan such as SP1, SP5, SP11, SP17, and development management policies such as DM4 and DM20 proactively support the redevelopment and re-use of brownfield land. In addition to the significant quantum of development to be delivered on brownfield allocations/broad locations, the Local Plan also includes a windfall allowance which will make a significant contribution towards meeting the objectively assessed needs for housing, and entirely within previously developed land. These proactive measures further support the Council's strategy to make best use of brownfield land over the course of the Local Plan period.

Inspector's Question 4.14

Can the Council demonstrate that the development of poorer quality agricultural land has been accorded priority over the development of higher quality land and especially Grade 1, 2 and 3a best and most versatile land?

Council's response:

4.14.1 The submitted Local Plan (paragraph 5.68) recognises the benefits to agriculture from much of the soil in the borough comprising the most high grade and versatile agricultural land. Policy SP17 The Countryside criterion 4 supports proposals which facilitate the efficient use of the borough's significant agricultural land and soil resources.

4.14.2 To meet the requirements of paragraph 112 of the National Planning Policy Framework (NPPF) and to assist the council with the allocation of land for housing and employment, Maidstone Borough Council commissioned an Agricultural Land Classification (ALC) Study 2015 (ENV 005 parts one (A) and two (B)) as part of its evidence base. The ALC, including field studies, identified and assessed the presence of best and most versatile land in specific sites within the borough in response to objections raised on the grounds of loss of best and most versatile agricultural land quality.

4.14.3 The findings of the ALC study were included in the individual site pro forma that were used to assess suitable sites for development, and formed a key part of the appraisal which gave consideration to the possible loss of best and most agricultural land. The results of the

site appraisals are recorded in the Council's Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) 2016 (HOU 007).

Inspector's Question 4.15

Has there been any previous contact with Historic England (or its predecessor English Heritage) during the preparation of the Local Plan since 2012?

Council's response

4.15.1 Historic England (/English Heritage) was consulted on both the main iterations of the Local Plan namely the Regulation 18 Maidstone Borough Local Plan (March 2014) and the Regulation 19 Maidstone Borough Local Plan (February 2016).

4.15.2 The Council acknowledges that contact with Historic England (/English Heritage) outside these events has been limited. Two representatives from English Heritage were invited to the Council's Duty to Co-operate workshop which was held on 14th April 2014, although neither attended. This workshop was held during the consultation period for the Regulation 18 Maidstone Borough Local Plan (March 2014) to discuss infrastructure matters and broader issues relating to the Local Plan with the range of statutory agencies. The statement in the Duty to Co-operate Statement that there has been dialogue with HE on specific elements of the Local Plan (SUB 008, page 8) is therefore somewhat misleading.

4.15.3 Notwithstanding the extent of this engagement, which the Council acknowledges, it is important to highlight that the Council has its own in-house conservation expertise upon which it has been able to rely during the preparatory stages of the Local Plan. As an example, the Council's Conservation Officer was involved in the assessment of potential development sites through the SHEDLAA and his comments are specifically recorded in the SHEDLAA site assessment proformas. Similarly, Kent County Council's Archaeologist contributed to the SHEDLAA assessments with specific comments on sites.

Inspector's Question 4.16

Was Historic England consulted at the Regulation 18 stage and did they submit comments?

Council's response:

4.16.1 The Council can confirm that English Heritage was formally notified of the Regulation 18 Local Plan consultation which commenced in March 2014. EH did not provide comments on that occasion. A further Regulation 18 consultation on selected aspects of the Local Plan was undertaken in October 2015. It appears that HE was not notified of this consultation, unfortunately, as the result of an administrative error and certainly MBC did not receive any representations from HE at that stage.

4.16.2 After the Regulation 19 consultation, to which HE did not respond, MBC contacted HE to elicit and clarify its views on the submission Local Plan (exchange of letters dated 9th June; 17th June; 30th June). Since then, MBC has been undertaking additional work to try to positively address HE's concerns. MBC has prepared a Heritage Topic Paper (ENV 018), as suggested by HE, and MBC is also proposing that a new dedicated heritage policy be incorporated in the Plan. MBC has already shared this additional work with HE and will continue to work positively with officers at HE in response to their comments on this

additional work.

Inspector's Question 4.17

Does it matter if the Historic Environment Record comprises evidence in several places and would it be proportionate to require the evidence to be brought together in one place?

Council's response

4.17.1 In the Council's view, it is neither necessary nor proportionate for all the information about built heritage in the borough, including evidential studies which have a heritage dimension, to be collated together in a single place. Nonetheless, the Council agrees that there is value in presenting the relevant evidence in a clearer and more comprehensive format. In its letter to the Council of 30th June 2016, HE proposed that a Topic Paper could be used to present evidence of heritage in the borough and to demonstrate the Council's understanding of it. The Council has followed this suggestion and a Heritage Topic Paper ('the Topic Paper') is included as ENV 018 in the Evidence Library.

4.17.2 The Topic Paper presents up to date details of the range of heritage assets in the borough and the sources of information about them. Where the information is not held by the Council itself, the Topic Paper specifies the organisation which holds the core information. The formal Historic Environment Record is held by Kent County Council. The Topic Paper specifies where, in addition, there is other information about heritage assets in the borough.

4.17.3 Further, the Topic Paper sets out how heritage considerations have input to specific evidential studies which themselves have informed the content of the Local Plan, namely the Strategic Housing and Economic Development Land Availability Assessment (HOU 007), the Town Centre Study (CEN 002) and the Landscape Character and Capacity Assessments (ENV 001; ENV 014).

Inspector's Question 4.18

How did Swale BC address the issue and could that approach be adopted in MBC

Council's response

4.18.1 Swale Borough Council received a representation from Historic England to its Local Plan (Regulation 19 stage) which expressed concern over the adequacy of the Swale Borough Plan evidence base in providing a comprehensive heritage assessment. In response to the representation, SBC commissioned a heritage asset review to provide an overview of the heritage within the borough. The objectives of the review were to bring together existing sources of evidence on heritage; identify influential factors in the creation of Swale's heritage; acknowledge weak areas within the evidence base; assess the significance, needs and potential of heritage assets; outline the likelihood of unidentified assets coming forward; to test the appropriateness of allocations in the emerging Local Plan with respect to heritage and to outline themes for a proposed Heritage Strategy.

4.18.2 Upon the completion of the review, Historic England commended the work that had been carried out and indicated it would be beneficial in supporting the Local Plan and safeguard heritage. As a result, Historic England did not request to appear at the Swale Local Plan Examination.

4.18.3 In further response to the review, SBC proposed a Modification to its submitted Local Plan stating that it will prepare a Heritage Strategy.

4.18.4 The presentation of information about heritage assets in the Topic Paper broadly follows the approach in the Swale document to the extent that:

- It identifies existing sources of information about heritage assets in the borough
- It provides commentary on the features which particularly define the borough's historic character and an overview of the significance of heritage assets
- It outlines the means by which currently unidentified assets will be identified.

4.18.5 The Framework identifies that heritage evidence should be used to assess the significance of heritage assets (paragraph 169). In this regards, the Topic Paper includes a contextual section which demonstrates understanding of the particular local influences on the character and nature of built heritage in the borough. Brewing and the paper making industry for example have been particularly important.

4.18.6 The significance of individual or groups of heritage assets is most particularly measured through formal designations such as listed buildings, conservation areas and scheduled ancient monuments. The Landscape Character Assessment, for example, also shows how historical features such a stone walls can be integral to landscape character and thereby have wider significance. To an extent, significance is also assessed on an incremental basis through the development management process.

4.18.7 The Framework requires Local Plans to include a "positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats" (paragraph 126). Whilst Swale BC has chosen to make a commitment in its Local Plan to prepare a Heritage Strategy at a future date, the Framework does not require that a specific, separate strategy be produced.

4.18.8 The Council's view is that the requirements of the Framework could be met through changes to the wording of the policies and supporting text of the Local Plan. This is considered to be a reasonable and proportionate response to Historic England's comments and also does not place a reliance on future work. This is proposed through the addition of new policy for heritage in the Local Plan, as set out in Appendix A.

Inspector's Question 4.19

Does the Local Plan need a separate policy for the Historic Environment that would include the strategy for the conservation and enhancement of the historic environment sought by the Framework and Historic England?

Inspector's Question 4.20

Does the Local Plan clearly define its strategic policy on the historic environment to guide the preparation of Neighbourhood Plans?

Council's response to Q 4.19 & 4.20

4.19.1 In short, the response to Q4.19 is yes. The de-coupling of natural and historic environment considerations into distinct, separate policies would ensure the Local Plan can more clearly comply with the requirements of the Framework with respect to the historic environment. It would also improve the clarity of the Plan for the end user.

4.19.2 A proposed new policy and supporting text is set out in Appendix A. The Council requests that this be formally made as a Proposed Modification to the Local Plan. For clarity, the consequential amendments to Policy DM3 – Historic and natural environment to exclude heritage matters from that policy are set out in Appendix B.

4.19.3 The proposed new policy provides strategic level policy (part 1) and it also details the specific considerations which should inform the preparation of development proposals and the determination of planning applications (parts 2 – 6).

4.19.4 The first section of the proposed new policy confirms positive support for measures which help secure the future of the heritage assets in the borough. The policy then sets out means by which this can be achieved. It is considered that this provides the strategic level policy to deliver conservation and enhancement of the historic environment, including for neighbourhood plan production, as required by the Framework (paragraph 156, final bullet).

4.19.5 As a whole, the Local Plan, underpinned by its supporting evidence base, is considered to provide a positive strategy for the conservation and enhancement of the historic environment as sought by paragraphs 126 and 157 of the Framework. At the highest strategic level, this positive strategy is provided by the Local Plan's spatial vision which states that, by 2031, the Plan will deliver sustainable growth and regeneration whilst protecting and enhancing the borough's natural and built assets. To achieve this high level Vision, one of the Plan's spatial objectives is "to ensure that new development is of a high quality design, making a positive contribution to the area including protection of built and natural heritage and biodiversity".

4.19.6 This overarching objective will then be delivered through the more detailed policies of the Local Plan, including Policy DM1 – Principles of Good Design and the proposed new policy for the Historic Environment. The site allocation policies also identify specific, relevant heritage considerations. Together these policies provide a clear framework for the consideration of heritage issues in the development management process. There is also the opportunity for locally attuned planning policies for heritage to be developed in neighbourhood plans.

4.19.7 Other positive actions include the preparation of Conservation Area appraisals and management plans and the identification of locally designated heritage assets which could be done in conjunction with local communities and/or as part of Conservation Area appraisal exercises. These measures can be instituted as any time, subject to resources, and do not necessitate any further change to the Local Plan in order to progress.

4.19.8 Further, and importantly, the positive enhancement of the historic environment is not limited to actions directly linked to the Local Plan or the wider planning system. The Topic Paper highlights a number of other initiatives which the Council is pursuing which will bring direct heritage benefits.

Inspector's Question 4.21

Does the merger in DM3 of the criteria for natural and historic environment lead to inconsistency with national policy for the historic environment in section 12 of the Framework in relation to matters such as the significance of heritage assets, the distinction between substantial and less than substantial harm, and the appropriate balancing of harm and benefits?

Council's response

4.21.1 The Council considers that the proposed new policy overcomes this issue of inconsistency.

4.21.2 The Framework provides significant detail on the considerations which should apply when development will lead to harm or loss of a heritage asset or its setting (paragraphs 132 to 135). In these circumstances, there is little merit in trying to repeat or paraphrase the Framework in the Local Plan and indeed it is not good practice to do so. A reference to the Framework is nonetheless included in the policy so that users of the Plan can have certainty about the tests and factors which the Council will apply.

Inspector's Question 4.22

Would the Council please respond to the specific Baltic Wharf representations in this regard?

Council's response

4.22.1 Firstly the representation states that there should be a stand-alone policy in the Local Plan for heritage assets. The proposed new policy would address this concern.

4.22.2 Secondly, it is argued that the policy should fully reflect the provisions of the NPPF. In response, the council considers that the proposed new policy addresses the issue of conflict with the Framework. The responses to the earlier questions illustrate how the council considers that the new policy complies with the Framework's requirements for Local Plans with respect to heritage matters. It is unnecessary for the Local Plan to additionally repeat the Framework's detailed provisions with respect to the determination of planning applications.

4.22.3 Finally, the representation states that the Local Plan policy should seek to allow necessary and desirable change to heritage assets where this would constitute sustainable development. In response, the new policy affirms that the Council will support measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets. The Framework itself highlights the benefits of bringing heritage assets into viable use (paragraph 131) and also how this should be considered in the circumstances where substantial or less than substantial harm would result (paragraphs 133 to 135).

Inspector's Question 4.23

What if any further assessment of the impact of development proposals on heritage is needed?

Council's response

4.23.1 The Strategic Housing and Economic Land Availability Assessment (SHEDLAA) (HOU 007) provides the assessment of the potential development sites in the borough. A common site assessment proforma was used for each site which included a specific section on heritage impacts. This was completed for each of the assessed sites; where there was the potential for impacts on designated heritage assets, the specific advice of MBC's Conservation Officer and/or Kent County Council's archaeologist was sought and recorded in the assessment. By this means, heritage considerations were fully part of the comprehensive assessment of

potential development sites. The outcomes of the comprehensive sites assessments in the SHEDLAA informed the allocation of sites in the Local Plan.

4.23.2 The Maidstone Landscape Capacity Study: Sensitivity Assessment (ENV 014) also records where heritage features have a particular influence on the sensitivity of the landscape character areas, and of specific sites within the LCAs, to change through development. This work has further informed the selection of sites for allocation in the Local Plan.

4.23.3 Further, as a result of these assessments, additional specific criteria have been included in selected site allocation policies to ensure identified potential heritage impacts will be fully addressed in the design of schemes. In some cases, the criteria identify that further heritage assessment is required.

4.23.4 For development on unallocated sites, the new policy requires that appropriate heritage assessment is undertaken as part of the application process.

4.23.5 The Sustainability Appraisal also provides a high level assessment of the implications of differing spatial distributions of development on heritage, amongst a series of factors. In considering options for the overall distribution strategy for housing, the SA concludes that the policies in the Local Plan should be sufficient to achieve any necessary mitigation for the potential adverse effects of development on historic buildings (SUB 002B, page 60, paragraph 10.5.14).

4.23.6 In these circumstances, the Council considers that it has taken an appropriate and proportionate approach to the assessment of the impact of the Local Plan's development proposals on heritage in the borough. It is not considered that further assessment is needed for the Local Plan to be sound in this respect.

APPENDIX A – Proposed new policy DMx - Historic Environment

Policy DMx – Historic Environment

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.

The diversity of heritage assets is recognised through national designations such as listed buildings, scheduled ancient monuments and historic parks and gardens and also local level designations including those park 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 designated assets, encompasses features of more localised significance, so called 'non-designated heritage assets'.

These heritage assets collectively 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 landscape, particularly enjoyed by users of the borough's extensive public rights of way network.

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.

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.

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.

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.

Where development is proposed for a site which includes or has the potential to impact on heritage assets, developers must submit an appropriate heritage 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.

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).

Policy DM X - Historic Environment

- 1. 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;**
 - **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;**
 - **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 of development on the identified significance.**

- 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 or harm to the significance of a heritage asset or its setting.**

- 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**

APPENDIX B – Consequential changes to Policy DM3 to omit heritage references (incorporating PC/49 and PC/50)

Policy DM3 ~~Historic and n~~Natural environment

~~17.11~~ Maidstone's ~~historic and~~ natural environment is a fundamental part of the borough's economic wealth and social well being, the benefits of which are far-reaching. It is essential to ensure *this* ~~these~~ ~~historic and~~ natural asset bases ~~remains~~ robust and viable.

Historic environment

~~17.12~~ 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.

~~17.13~~ 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.

~~17.14~~ 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

17.15 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.

17.16 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.

17.17 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.

17.18 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, geodiversity or heritage interest, will be managed and maintained over the long-term.

17.19 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

17.20 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

17.21 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).

17.22 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

17.23 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.

17.24 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.

17.25 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.

17.26 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.

17.27 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.

17.28 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

17.29 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.

17.30 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.

17.31 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 DM 3

~~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 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 adverse impacts as a result of development;**
- ii. Avoid damage to and inappropriate development considered likely to have significant direct or indirect (PC/49) 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.
(PC/50)

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.” (PC/50)**

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