

Introduction

Appendix B of the Council's responses to Session 4 includes a revised version of Policy DM3 to omit the references to heritage from the policy as a consequence of the proposal to have a new, dedicated policy for heritage.

The Inspector's Q4.12 asks if the landscape criteria in Policy SP17 are inconsistent with those in Policy DM3. The Inspector has also separately asked that the Council consider which policies in the Local Plan are strategic; the Council concluded that Policy DM3 is a development management policy, not a strategic policy. Having further considered both matters, the Council wishes to propose changes to Policy DM3, additional to those already shown in Appendix B.

These changes are:

1. Omit section 2 of Policy DM3. This section is a strategic matter which is now covered in Policy SP17 (as proposed to be amended). Specific development management considerations are included in Policy DM1 (Principles of Good Design) criteria (ii) and (vi).
2. Amend Criterion 1(i) to specify the policy approach to landscape character in areas outside the AONB, the setting of the AONBs and Landscapes of Local Value which are themselves encompassed in the strategic policy SP17 (as proposed to be amended).

A revised version of the Policy showing all the proposed changes is presented below.

Policy DM 3

Historic and 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 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 (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.

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