

**MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE**

REPORT OF DIRECTOR OF PROSPERITY & REGENERATION

File ref: MA/07/2092

**KENT INTERNATIONAL GATEWAY, LAND WEST OF JUNCTION 8, M20,
MAIDSTONE**

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Outline planning permission for the construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new railway sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity sub station, realignment of public rights of way and watercourses, drainage works and landscaping with access to be considered at this stage and all other matters reserved for future consideration, as shown on drawing numbers JLH0170/05 (application site), 107.M (Masterplan), 3073/P/01revB (KIG Landscape Framework), Environmental Statement, Planning Issues Report (prepared by RPS), Transport Assessment Report (prepared by The Denis Wilson Partnership), Design & Access Statement (prepared by PRC architects), Technical Rail Connectivity & Rail Need Reports (prepared by MDS Transmodal), Report on Community Consultation (prepared by Quatro Public Relations) received on 23/10/2007 and as amended by FI 1: Amended Parameter Plans 2.A, 3.A, 4.A, 6.A & 10.A, FI 2: Supplementary freight, rail and demand report (MDS Transmodal) (Sept 2008), FI 3: Tree Survey (CBA Trees (March 2008), FI 4: Agricultural Land Classification Report (RPS) (June 2008), FI 5: Further landscape and ground modelling information (FPCR and White Young Green) Sept 2008) comprising a) Supporting Landscape and Visual Information (FPCR Sept 2008) b) Theoretical Zone of Visual Influence drawing 3073/P/05 dated May 2007, c) Lighting drawings (front, back, plan), d) Existing Trees & Hedgerows Sheet 1- 3073/P/08revA (August 2008) e) Existing Trees & Hedgerows Sheet 2 - 3073/P/09revA (August 2008), f) Long Site Sections Sheet 1 3073/P/10revA, (Sept 2008) g) Long Sections Sheet 2 3073/P/10revA (Sept 2008), h) Long sections Sheet 3 3073/P/10revA (Sept 2008), i) Indicative Site Levels Sheet 1 A17074-3201-C-231-P4 (May 2008), j) Indicative Site Levels Sheet 2 A17074-3201-C-232-P3 (May 2008), k) Indicative Site Levels Sheet 3 A17074-3201-C-233-P5 (May 2008), l) Indicative Site Levels Sheet 4 A17074-3201-C-234-P3 (May 2008), m) Indicative Site Sections Sheet 1 A17074-3201-C-241-P2 (May 2008), n) Indicative Site Sections Sheet 2 A17074-3201-C-242-P2 (May 2008), o) Indicative Site Sections Sheet 3 A17074-3201-C-243-P2 (May 2008), p) Indicative Site Sections Sheet 4 A17074-3201-C-244-P2 (May 2008), q) Indicative Site Sections Sheet 5 A17074-3201-C-245-P2 (May 2008), FI 6: Supplementary Notes on Ecological Issues (WSP) (Oct 2008), FI 7: Breeding Bird Survey (WSP) (2007), FI 8: Great Crested Newt Supplementary Survey Report (WSP) (2007), FI 9: Supplementary Information on KIG Socio-Economic Impacts (HDS) (June 2008), FI 10: Health Impact Assessment (RPS) (July 2008), FI 11: Supplementary Information on Other Sites Assessment (RPS) (June 2008), FI 12:

Transport Supplementary Information and separate bound appendices (DWP) (Sept 2008), submitted under cover of letter dated 3 October 2008 from RPS received 06/10/2008, as further amended by FI 13: Outline Security Strategy (RPS) (Nov 2008), FI 14: KIG Socio-Economic Assessment Clarifications (HDS) (Nov 2008), FI 15: KIG Additional Bat Surveys (WSP) (Oct 2008), FI 16: KIG Habitat Balance Sheet (WSP) Oct 2008), FI 17: KIG Water Vole Survey (WSP) (Oct 2008) submitted under cover of letter dated 21 November 2008 from RPS received 25/11/2008, as further amended by FI 18: Final Transport Supplementary Information (DWP) (Sept 2008) (supersedes FI 12) submitted under cover of letter from Gerald Eve dated 5 January 2009 and received 07/01/2009 and as further amended by FI 19: Photomontages Viewpoints 1-8 (incl) (FPCR (Dec 2008) and FI 20: Invertebrate Report (WSP) (Dec 2008) submitted under cover of letter from Gerald Eve dated 8 January 2009 received 12/01/2009.

The recommendation for this application is being reported to Committee for decision because:

- it is a major/controversial development
- Cllr Horne has requested the application be reported to Committee as it constitutes a major departure from Structure and Local Plan policies

The applicant made an appeal (APPU2235/A/09/2096565/NWF) to the Secretary of State under s.78 of the Planning Act on 23 February 2009 and the application will now be determined by the Secretary of State following consideration of the appointed Planning Inspector's report. It is now necessary for the Council to resolve how it will respond to the appeal by 29 May 2009.

1: INTRODUCTION

This report relates to planning application MA/07/2092. The application site incorporates some 112.30ha of land bordering the M20 Motorway and stretching for some 2.5km westwards from Junction 8.

- 1.2 The applicant seeks Outline Planning Permission for the following development:

The construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new railway sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity sub station, realignment of public rights of way and watercourses, drainage works and landscaping.

- 1.3 At this stage, approval for access to the site is sought, with matters of scale, layout, design and landscaping reserved for subsequent approval.

- 1.4 The applicant has appealed against non-determination of the planning application so the following report sets out the relevant considerations relating to the application and the conclusions reached on the information submitted and representations received to-date, and identifies those

matters which the Council considers justify the recommendation on how the Council will respond to the appeal.

- 1.5 The applicant also made related representation to the LDF Core Strategy in March 2007 which is set out in Appendix A and will be the subject of a separate report.

2: SITE & SURROUNDINGS

2.1 Description

- 2.1.2 The application site is located immediately to the south of the M20 motorway between Junctions 7 and 8. It extends to some 112.30ha (285acres) in area.

- 2.1.3 The site's northern boundary is with the M20 from Junction 8 to a point just east of where Thurnham Lane passes beneath the motorway, a distance of about 2.5km overall.

- 2.1.4 The site's southern boundary is with the A20 Ashford Road between the M20 spur at Junction 8 and a point just east of Woodcut Cottages. The boundary then passes behind the scattered frontage properties returning to the A20 frontage at a point where it adjoins Roundwell, adjacent to Barty House. It then follows the northern side of the original Maidstone East to Ashford railway until about 400 metres from Bearsted station, then returning to form a very short boundary at a point on Thurnham Lane and then passing behind cottages fronting the lane to rejoin the M20 northern boundary.

- 2.1.5 The railway boundary is immediately adjacent to existing houses in Mallings Drive and Fremlins Road. Scattered properties in Thurnham Lane and Ashford Road also back onto the site and properties on Crismill Road and in the Barty Farm area also immediately adjoin it.

- 2.1.6 Dating back to the 1880s, the Maidstone East to Ashford railway line now forms a mature feature that cuts the site in two traversing the site from its western boundary, then forming the south-western boundary as previously stated then crossing the site before passing beneath the M20 and to the north of the existing Motorway Service area.

- 2.1.7 The site is crossed by a variety of roads and tracks reflecting ancient routes up/down the scarp slope of the Downs and along the foot of the Downs. Two public roads Water Lane and Crismill Lane cross the site and now give access to residential, farm and motorway/railway maintenance installations on the north side of the M20 and CTRL. Both routes pass beneath the M20 and CTRL and have to be retained as there are no alternatives available. Crismill Road also passes over the local Maidstone East to Ashford railway line which is in cutting at this point. By contrast, Water Lane passes under the rail line which is on an embankment at that point – close to houses in Mallings Drive. At the south eastern corner of the site there is a remaining short stretch of Musket Lane which originally ran on towards Hollingbourne before it was severed by the construction of the approach roads to M20 junction 8.

- 2.1.8 At the western end of the site Bridleway KM81 runs to the north east through the site from a point to the north of 'West View' in Thurnham Lane and then joins Bridleway KM82 which runs northwards from Mallings Drive, under the existing Maidstone East to Ashford railway, towards the M20. Both bridleways have been diverted in the past to pass under the M20 at its bridge over Water Lane. These routes then combine into a further Bridleway KH123 which runs northwards towards the scarp slope of the North Downs linking into a long established network of the wider footpath and bridleways. Public Footpath KH131 runs in a north easterly direction from Roundwell past the western boundary of 'Barty House', passes under the Maidstone-Ashford railway line and the M20 further to the north before again linking into the footpath network north of the motorway and the CTRL. Crismill Lane is also a designated bridleway KH134 and is connected not only to the right of way network north of the M20 and CTRL but also westwards to Roundwell by Bridleway KH135 that runs along the southern boundary of the application site. Public Footpath KH641 runs from the A20 northwards towards Woodcut Farm and Hunters Lodge but ceases at the boundary of the application site.
- 2.1.9 The site comprises in the main farmland with a varied topography and with site levels ranging 25m varying between 45m AOD to over 70m AOD. It is traversed by 3 watercourses and a number of valleys all running perpendicular to scarp slope of the North Downs. The rivers flow into the River Len on the south side of the A20. The site is clearly located at the foot of the North Downs, the scarp slope of which is clearly visible from much of the site.
- 2.1.10 At the western end of the site the land comprises open farmland that used in the past for grazing but more recently arable purposes. It falls (by approximately 20m) eastwards away from Thurnham Lane to an existing incised stream in a small valley running south from the M20 and rises again (by approximately 4m) towards Water Lane. At the same time, there is a gentle fall in the site southwards towards the railway line from the M20. East of Water Lane, the land rises towards Bridge Farm and the open fields to the north of the Maidstone-Ashford railway line. Eastwards from Bridge Farm the site encompasses another valley that runs southwards towards Roundwell and to the east of Barty Farm and Barty House, before rising again to the level of Crismill Road. Crismill Road and Woodcut Farm lie on a ridge of higher land running north towards the M20. East of Woodcut Farm the land falls away towards Musket Lane and the eastern boundary of the site which is approximately 14m lower. A further stream bisects this eastern section of the site, crossing the A20 adjacent to a detached property 'Chestnuts'.
- 2.1.11 Although the site has a more open and less wooded character towards its eastern end (Junction 8) and western end (Thurnham Lane), it does support some important concentrations of trees, particularly between Roundwell and Crismill Lane in the central portion. In addition to existing Tree Preservation Order No.18 of 1984 (Trees at Bridge Farm, Water Lane, Thurnham), the following Tree Preservation Orders were served in order to safeguard the character and amenity of the area:
- TPO No 13 of 2007 – Trees on land west of Water Lane, Bearsted
 - TPO No 14 of 2007 – Trees on land at Water Lane, Thurnham
 - TPO No 15 of 2007 – Trees at Common Wood, Thurnham and Bearsted

- TPO No 16 of 2007 - Trees on land west of Crismill Lane, Thurnham
- TPO No 17 of 2007 - Trees on land east of Crismill Lane, Thurnham and Hollingbourne.
- TPO No 18 of 2007 - Trees on land north and east of Common Wood, Thurnham
- TPO No 19 of 2007 - Trees on land at Musket Lane, Hollingbourne

- 2.1.12 These Orders have now been confirmed. The north west corner of the site lies adjacent to Honeyhills Wood (the woodland also forms part of a larger area designated as a Site of Nature Conservation Interest, also now referred to as a Local Wildlife Site), which is also subject to Tree Preservation Order No.1 of 2006. There are also a number of historically important hedgerows running across the site, some of which mark historic boundaries and north-south routes down from the Downs to the north towards the Weald to the south.
- 2.1.13 The Channel Tunnel Rail Link passes immediately north of the M20, being parallel with the motorway for the whole boundary with the KIG site.
- 2.1.14 The site is entirely outside any defined settlement boundary and is also entirely within a defined Special Landscape Area (SLA). The southern boundary of the Kent Downs Area of Outstanding Natural Beauty (AONB) is close to the site, extending to the CTRL boundary between Water Lane and the Motorway Service Area at junction 8. A Site of Nature Conservation Interest adjoins a small portion of the north-west boundary, close to Thurnham Lane. The westernmost part of the site bounded to the south by the Maidstone East-Ashford railway line and to the west by Thurnham Lane lying to the west of Water Lane lies within the Strategic Gap.
- 2.1.15 This extensive site is highly visible from a number of public vantage points, notably the North Downs Way National Trail, the M20 and CTRL and from the A20 especially at the eastern end of the site, and from the two public highways and other Public Rights of Way which cross it which cross it.
- 2.1.16 It is also prominent from existing residential areas, particularly Mallings Drive and Fremlins Road as well as from the more scattered properties along Ashford Road and Thurnham Lane. There are a number of points both along the narrow lanes and on public footpaths including the North Downs Way National Trail and bridleways which overlook the site. The site is particularly visible from Thurnham Castle a Scheduled Ancient Monument located on the edge of the scarp slope of the North Downs within the White Horse Wood Country Park some 1.8 km north of the M20/CTRL and the northern site boundary. It is also visible from the south including from within the Conservation Areas in nearby Bearsted.

3: PROPOSALS

3.1 Physical description of the proposals

- 3.1.1 The application was submitted in outline form with only access to be determined at this stage. It is described as being for a rail/road intermodal transfer facility, integrated with large scale rail-connected and

rail-served warehousing. As previously stated the application area comprises a site of 112.30 hectares (about 285 acres).

3.1.2 It comprises:

- a new rail access to the existing Maidstone East to Ashford line taking the form of a "crossover" arrangement that would enable access and egress from both Maidstone-bound and Ashford-bound directions and providing access to rail sidings and facilities on the north side of the existing line.
- An "intermodal" freight transfer and storage facility enabling standard intermodal containers to be unloaded from trains or lorry trailers, stored, stacked and reloaded onto trains or lorry trailers. The containers could be stacked 5 high to a height of approximately 15m. This includes the construction of a rail access from the existing Maidstone East to Ashford rail line, a number of rail sidings and two tracks for overhead gantry cranes for loading/unloading. The cranes are at elevations of up to 25m above the "track level". This facility is shown located in the central part of the site alongside the M20. This would be a wholly hard-surfaced area and extends to a site area of some 6.54ha. The illustrative drawings show this to be set at a level of about 56m AOD, which is about 11m higher than the lowest point on the site.
- Rail-connected warehouses R1 and R2 to the north of the existing rail line. The Illustrative Master Plan (IMP) shows two such buildings with rail sidings entering the building envelope on the south side and lorry loading bays on the north elevation. Although described as "illustrative" the dimensions and floorspace shown are precise and together as originally submitted extend to 170,500m² approximately 47% of the total warehousing floorspace shown in the IMP. By letter dated 03 October 2008, the applicants made some changes to the indicated parameters of Unit 1 to give the option of the building taking on a more rectangular shape and a smaller size through widening to the east and narrowing by drawing the northerly wall southwards. A revised Parameter Plan (10A) was submitted showing Unit 1 as newly dimensioned with the south east wall with a lateral deviation of between 2m inwards and 36m outward and the north easterly wall of 2m outward and 86m inward. The change is also shown in an alteration to paragraph 2.16 of the Development Specification appended to Chapter 2 of the ES. The floorspace for R1 becomes a range from 104,300m² to 125,934m² gross rather than a single figure of 125,932m² gross.
- "Rail served" warehouses Units 1 to 6 to the south of the existing rail line. The IMP shows 6 such buildings, two in the central part of the site between Crismill Lane the area around Glenrowan Farm and Barty House and extending to 191,900m² in total. These units do not have rail access within the buildings but could utilise the intermodal facility, with transfer to and from the warehouse being by road trailer, utilising the internal road network proposed. Alternatively they could be accessed by road-based traffic from outside the site.

- The total warehouse space provided on the site is given as 362,375m². Warehouses have been described as being no more than 12m in height to eaves and no more than 14m to ridge or roof parapet height. Warehouse units are shown as having loading areas adjoining the building. In the case of the two largest buildings close to houses in Bearsted, the loading areas are positioned on the M20 side of the buildings, i.e. away from nearby housing.
- Smaller business and industrial units are located towards the eastern end of the site and comprising a total of 11,371m² of floorspace as shown on the IMP.
- The entire site would be fenced and lit – for operational and security purposes
- A Truck Stop facility is shown on the site of White Heath north of the A20 and close to the M20 junction slip roads. A large new electricity sub-station is also shown in this area.
- Two new access points onto the A20 the easternmost being between White Heath and Chestnuts (excluded from the site) and the western access being about 150m away and almost directly opposite the access to Pine Lodge Touring (Mobile Home) Park on the south side of the A20. Site security, customs, border controls, veterinary facilities etc. would also need to be provided in this part of the site to control access and egress.

3.1.3 The proposal involves extensive site works. The intermodal facility and the warehouse units are proposed to be located on a series of “development platforms”. The large warehouses require to be on a level floor slab and the rail accesses and sidings need to be as near level as practicable in relation to the existing railway line.

3.1.4 Because of the undulating nature of the site a great deal of “cut and fill” is necessitated to meet these operational requirements and the platforms identified on the IMP are set at different levels ranging from 56 to 58m AOD for the smaller buildings at the eastern end of the site to 66m AOD for a building in the centre and back to 55m AOD for buildings closer to Thurnham Lane. An excess of excavated material has been identified.

3.1.5 The rail siding giving access to the largest warehouse at the western end of the site is proposed to be provided with an acoustic covering, which would be a roof structure enclosing the rail track and providing a degree of noise attenuation in its construction. This would be some 750m in length and for much of its length would be adjoining the site boundary closest to the houses in Mallings Drive and Fremlins Road, where the rail line level and the proposed warehouse, is already at a higher ground level.

3.1.6 The proposals would need an internal road system, separate from existing public highways for management and security purposes. This involves several new structures including the construction of two new road bridges over the Maidstone East to Ashford railway, a new road bridge over Water Lane and a new road bridge to carry Crismill Road over the new road system.

- 3.1.7 Existing watercourses would have to be diverted and/or culverted in some parts of the site – e.g. where a large building is proposed to be built over and a series of balancing ponds are also proposed to manage the increased flow of surface water which will result from the large expanses of roofs and hard surfaces proposed.
- 3.1.8 The application is supported by a Planning Statement and Environmental Statement as well as a Transport Assessment, Rail Report, Assessment of Rail Connectivity and Site Layout and Design and Access Statement
- 3.1.9 The Environmental Statement includes chapters on each of the following issues: Development Specification, Construction Method Statement, Site Selection and Alternative Application Site Configurations, Landscape and Visual Effects Assessment, Lighting, Ecology and Nature Conservation, Ground Conditions, Drainage and Flood Risk, Noise and Vibration, Air Quality and Dust, Cultural Heritage, Socio-Economic Effects and Energy.

3.2 Functional explanation of the proposals

3.2.1 The Applicant's functional description of the proposal is set out in section 3.3 below and a description of the purpose and function of Strategic Rail Freight Interchanges (SRFI) is elaborated in section 8.3. In summary, the key features of how the site would be used can be summarised thus:

- The precise function will depend on the occupiers and their activities. The applicant's expectations appear to be that the freight interchange functions on the site will typically involve:
 - 2/3 of floorspace will be used by occupiers as a National Distribution Centre
 - 1/3 will be used as a local Regional Distribution Centre
 - Rail traffic will involve up to 8.3 trains from the continent and 4.8 from elsewhere in the UK, accounting for up to 22% of all unit loads carried. (The applicant's assertions on some key factors do vary in different documents submitted over time in support of the application).
- There will be receipt of goods by HGV and train from either direction, in vast majority from continental imports via Channel Tunnel and Dover crossings.
- The majority will be received by HGV either to warehouse buildings on the site directly or if carried in intermodal containers, to intermodal area. This area of 6.5ha will be equipped with 5 gantry cranes and capable of handling up to 6000 containers stacked up to 5 high at any time
- A minority of goods will be received by rail, either direct to the rail connected buildings, R1 and R2 in conventional or specialist rail vehicles or intermodal containers on flat wagons to intermodal area, for onward dispatch using specialist loaders on site or off site to other locations.

- Intermodal containers will be stored and sorted and dispatched either off site by HGV or train to or to onsite warehouses using specialist lifting equipment
- Site will require 24/7 working with 3 shift patterns timed to miss road local traffic peaks
- Applicant calculates activity building to up to 19 trains per day. Site can load/unload up to 2 full trains (775m long) at a time. Approximately half a train at each of R1 and R2 plus two half train lengths in the intermodal area. A further two full length sidings stand ready for egress to/from the rail network.
- Parking for 109 HGV trailers on site.
- The site will need to include significant customs and security control functions that are unspecified.
- Various subsidiary activities at the eastern end of the site to serve drivers and HGV transport operations, office functions and other related activities
- Critically, the mix of occupiers and the mix of NDC/RDC functions and additional processing on the site will dictate the rate of turnover, freight trips and employment generated on the site. No occupiers are identified and the range of variation in these factors features in the independent expert advice sought by the Council and the planning considerations at section 10.

3.3 Key points stated by the applicants in support of the proposals are:

3.3.1 The applicants contend that the proposal responds to and would fulfil the need for substantial additional high quality warehousing and freight facilities in the South East region that:-

- (i) Are within a key freight corridor;
- (ii) Include dedicated high quality rail transfer facilities, to enable a major shift of freight from road to rail;
- (iii) Are located on the major traffic route in the freight corridor on a relatively uncongested section, thus giving maximum potential for road to rail transfer;
- (iv) Are on a railway line with sufficient rail freight path capacity and suitable loading gauge, i.e. the necessary physical clearance for the diverse types of rail freight; and
- (v) Of a large scale, enabling a variety of logistics services and a range of rail destinations to be provided.

- 3.3.2 The entrance zone to the site in the south east will contain a proportion of smaller business accommodation and B1 offices. The offices would be prominent from the M20/A20 junction and are envisaged to provide attractive accommodation for prestige employers and an appropriate entrance to the KIG development. In this zone, there will also be the other ancillary and service buildings, including the KIG gatehouses for securing control of entry for all visitors, rest facilities for lorry drivers and the new electricity sub-station.
- 3.3.3 It is stated that environmental matters have influenced the design. Establishing the gatehouses in effective positions is significant in terms of maintaining control of the use of the site and hence the environmental effects of that use. Similarly, the location of the sub-station minimises disruption and intrusion in respect of maintenance and inspection trips. There will be a twin road access arrangement serving the development from the A20 close to the M20 junction 8. This location will minimise the distance of vehicle movement from the motorway turn-off. The access nearer the motorway junction will be dedicated to lorry traffic and direct right turns out in the Maidstone direction would be prevented.
- 3.3.4 With regard to the new rail infrastructure and intermodal area, switches will be introduced to the existing railway to enable both eastbound and westbound trains to leave the Ashford to Maidstone East railway line northwards into the KIG rail network. Parallel reception sidings will allow 775m trains to pull-off, manoeuvre and depart. In addition, there would be the new sidings entering units 1 and 2 and serving the south side of the intermodal freight handling area. In order to reduce noise from rail movements on the sidings on the west side of the site, these would be contained in an acoustic enclosure, open-sided to the north.
- 3.3.5 The intermodal area will comprise hard-standing, with gantry cranes of up to 25 metres in height to handle freight containers. There will be container stacking on the hard surfacing, of continually changing height and lateral extent. The maximum height of stacking at any one time will be 15 m above ground level. In its proposed position, the intermodal area will be in a balanced position relative to the surrounding warehouse buildings. Also, being in the central northern part of the development, between the existing railway and the motorway and largely enclosed by the warehouse buildings, it would have a good degree of physical separation and buffering from the existing residential area. In addition, lying south of the large woodland blocks immediately on the north side of the motorway, it will benefit from the maximum level of natural visual screening from views from the higher ground to the north. The site is designed to receive around 12 trains per day, mainly carrying containers for the intermodal terminal. Containers will be stacked 5 high and it is understood that there would be 200,000 per year (i.e. 100,000 in and out).

- 3.3.6 In implementing the development, Common Wood with its adjacent grassland will be retained, this being a prominent landscape feature of the south side of the development. Also, Crismill Shaw along the east side of Crismill Road would be preserved. The Belt would be removed, but compensated-for by new tree planting on the west side of Crismill Road and adjacent to Crismill Shaw. In accordance with a comprehensive landscape framework, occupying more than a third of the whole site area, there would be extensive structural tree planting and mounding to obscure or filter views of the development. A wide landscape corridor will be maintained through the west side of the development, responding to the diagrammatic notation in the Maidstone Borough Core Strategy Preferred Options document relating to areas of search for the green-space network.
- 3.3.7 In respect of drainage, the western existing watercourse, known as The Lilk, will be diverted eastwards around unit 1, with off-line balancing ponds introduced and integrated into a wide landscape corridor designed as part of the development. The central watercourse will be retained on its existing alignment north of the railway, but will need to be culverted beneath the surface of the intermodal area. South of the railway, it will be diverted around the west side of unit F, with off-line balancing ponds introduced. The easterly watercourse will remain on its existing alignment, with a balancing pond introduced off-line. To mitigate for the potential effects of culverting the watercourse beneath the intermodal area, it is proposed to provide for more than an equivalent length of open stream, through the realignment and increased meandering of the watercourses on the site.
- 3.3.8 The KIG scheme aims to meet the objectives of the emerging Maidstone Borough Council Core Strategy Policy CS13, in reducing predicted CO₂ emissions by at least 15%, over and above building regulations requirements.
- 3.3.9 A key factor in achieving this objective will be the use of biomass boilers for heating buildings. The associated plant with would be installed within the buildings. Externally, the physical effects would be limited to a short emissions stack extending 1.5m above eaves height, which would be similar to the overall roof height.
- 3.3.10 In terms of phasing, it is estimated that the overall scheme would take some 7 years to develop, from starting on-site after the completion of the planning stages. The broad sequence of over-lapping phases of the development following initial ecological and other preparatory works is as follows, the plot references relating to the illustrative layout:-
- Creation of accesses onto A20, internal construction routes and new bridge over railway;
 - Formation of intermodal rail transfer area and new railway sidings, with cut material transferred to south of railway to provide fill for plots A-C and E-F;
 - Creation of development platforms A-D at eastern end of the site and then plots E and F;
 - Creation of rail-connected plots 1 and 2, with some cut and fill;

- Whilst it is considered most likely that the creation of plots 1-2 will follow on from E-F, it is feasible for the sequence to be reversed, without any significantly different environmental effects.

3.3.11 Finally, in relation to the likely employment creation from the finished scheme, it is estimated that up to around 3,500 jobs will be generated in all. Some 500 of these will be office jobs in the business area at the eastern end of the site. The jobs in the warehousing and intermodal areas would number around 2,500-3,000. The profile of these jobs is predicted to be as follows:-

- 65% warehouse operatives;
- 17% drivers;
- 4% clerical/secretarial;
- 4% managerial;
- 4% supervisors;
- 3% professional/technical support (especially IT);
- 3% miscellaneous, service, cleaning, security, maintenance etc.

3.3.12 Overall, therefore, there will be a good range of new types of jobs available to residents of the area, whether they be those seeking work, or currently with jobs elsewhere aspiring to work more locally. In addition, the site is located within the general area where the Borough Council will be seeking to promote employment provision in conjunction with the future growth of Maidstone.

3.3.13 A detailed list of relevant national regional and local policies for Transport as well as extant and emerging Development Plan policies are referred to as background to the submission of the application. It specifically states that the proposals are considered to comply with the requirements of policies TP13 and TP23 of the Kent & Medway Structure Plan. These policies are considered to be composed in terms which mean they can relate directly to the development control process, as indicated by the decision-orientated phraseology 'will be permitted' (Policy TP13) and 'will be supported' and 'will be permitted only where...' (Policy TP23).

3.3.14 This would take account of the special nature of facilities such as rail freight interchanges, which, on account of their very large scale and regional or national function, are not straight forward to embrace in the local planning frameworks in the absence of specific strategic locational guidance. The wording of the Structure Plan policies indicates a potential direct nexus between the strategic level and appropriate development control decisions, having regard to the relevant policy criteria.

3.3.15 The applicants state that this is, in their view, consistent with Government advice, for example in the 2005 Statement by the Secretary of State for Transport as reviewed in Section 4, that regional and local 'planning decisions' should reflect Government priorities for the sustainable movement of goods and that it is for the private sector to develop proposals and progress them through the 'necessary approvals including planning consent'.

3.3.16 Reference is also made to the draft Maidstone LDF Core Strategy and how the proposals would fit in with the stated aims in the Draft Core Strategy

- 3.3.17 'Following an early emphasis on previously developed land and urban consolidation within Maidstone itself, the Core Strategy envisages a need for significant development on greenfield land outside the existing built up area. The preferred approach is to create a new mixed use community to the south east/east of the town. To achieve sustainability objectives, this will require a 'critical mass' of development of a minimum of 5,000 dwellings, together with commensurate employment opportunities.
- 3.3.18 In this context, it is to be noted from the Key Diagram that the application site is substantially included within the areas of search for development sites, on the northern edge of the built up area and within the major growth location on the south east/east side of the town. The Key Diagram also shows the site to be well away from any of the flood-plains. Additionally, it confirms that the area relevant to the issue of separation of settlements commences on the north side of the M20, that is, not including any part of the application site. In addition, we note that Policy CS11 proposes to review the Special Landscape Area (SLA) in the context of other plan objectives. This currently includes the application site.
- 3.3.19 The Preferred Options document does not include specific proposals for major rail freight interchange facilities. It does, however, promote under Policy CS 7 'multi-modal transport infrastructure necessary for the regeneration of the Park Wood estate and the opening up of new locations developed through urban extension in the E/SE quadrant of urban Maidstone'. This encouragement for intermodal facilities specifically in the east/south east of the town where the application site lies relates to movement and accessibility for the expanding population, but in our view could equally apply to intermodal transport infrastructure related to economic activity, including freight movement.'
- 3.3.20 The applicants also consider the sustainable transport aspects of the proposals. They state that there is a need for sustainable distribution space. The relevant MDS Transmodal report accompanying the application finds that around 3.9 million sq.m of warehousing, including replacement and anticipated growth, will need to be built up to 2026 in the greater South East of England. Without changes in policy, lorry traffic is predicted to increase by 25% from 2006 up to only 2011. Lorry traffic is estimated to account for a high proportion of the oxides of nitrogen and particulate matter emitted by vehicles of all types. In addition, road freight distribution is identified as one of the fastest growing sources of CO₂ emissions in the UK. They state that plainly, a new pattern of provision is required that will enable a substantial shift in freight transport from road to more efficient modes, in particular rail or water. They also cite the fact that the Government recognises this urgency for intermodal shift at the national and regional level. It also recognises that the alternatives to lorry transport are under-exploited at present and that more freight could be moved by other modes. Thus, in the Department for Transport Ten Year Plan issued in 2000, an 80% increase in rail freight is targeted.

- 3.3.21 MDS Transmodal estimate that, realistically, a maximum of around 60% of the overall greater South East regional warehousing requirement (3.9 million sq.m) can be on rail linked sites. On this basis, MDS find that around 2.4 million sq.m can be expected on such sites up to 2021. Using 40% as an appropriate typical floorspace/land conversion factor, this points to a need in MDS view for the floorspace to be provided on 8 major rail-linked distribution park sites across the greater South East over the next 20 years, with an average site size of 75 ha. This would mean that the KIG application proposal would be able to meet around 15% of the future regional need.
- 3.3.22 Application Site Relative to SRFI Sustainable Location Requirements
- 3.3.23 The applicants state the following in relation to the locational criteria for SRFI facilities.
- (i) Freight Corridor
- 3.3.24 The Channel Tunnel and the port of Dover together handle over 3.6 million HGVs per year. The M2/M20 is the busiest freight corridor in the Country. It is also the principal point of entry into the UK, enabling haul distances by rail to be maximised if facilities are provided within the corridor to transfer to rail. For these reasons, the emerging RSS identifies Dover/Channel Tunnel to and through/around London as a priority corridor for increased rail freight movement. Similarly, the Kent Structure Plan requires provision to be made for an inland intermodal interchange in the County to serve the Channel Tunnel.
- 3.3.25 The application site is located very advantageously immediately on this key freight corridor. It is also well positioned in that it is able to fulfil effectively a national freight function, whilst also being relatively close to the key South East regional destination of London and the surrounding towns, thus keeping onward lorry distances to sustainable levels.
- (ii) Rail Access
- 3.3.26 The application site would be accessed from the Ashford to Maidstone East, North Kent Line. Trains can join this from the CTRL east of Ashford. The ability of the CTRL west of Ashford to handle freight is heavily limited by the need to accommodate both fast 'Eurostar' and domestic passenger trains during the day and to follow the strict maintenance regime at night required of a high speed line. Beyond this point towards London, the line is not available to freight to any significant extent, due to the relative slowness of freight trains and the need to provide for frequent high speed commuter services. The Maidstone line linking the application site to the Channel Tunnel routes, either at Ashford (CTRL) or Folkestone (direct from Channel Tunnel), gives connection directly to the West Coast Main Line (WCML) at Willesden in west London. The WCML has been subject to an £8 billion upgrade by the Government, to provide a key rail freight spine for the Country.
- 3.3.27 In terms of loading gauge on the relevant sections of railway, it is relevant to note the following: -

- (i) The CTRL from the coast to the point of diversion of the Maidstone line has a loading gauge of the highest European standard, which means that it can accept full sized European freight trains, including trains carrying lorry trailers, sometimes known as 'piggy-back' trains;
- (ii) The line between the CTRL exit point and the application site can be straightforwardly upgraded to provide a loading gauge capable of accommodating standard 4m high pan-European road trailers carried on internationally accepted railway wagons ('piggy-back') by raising the small number of over-line bridges between Ashford and the application site that would currently prevent that gauge. There may be a further opportunity to modify platform edges to the same standard as at Ashford International Station to allow any UIC (Union Internationale de Chemin de Fer) gauged wagons in circulation on the Continent to reach the KIG site;
- (iii) The Maidstone Tunnel, however, prevents these full scale European trains from travelling further west. The application site, therefore, is the furthest point that full scale European wagons can penetrate into the Country;
- (iv) West of the application site, including the Maidstone Tunnel, the railway line is to a standard known as loading gauge W9. This is the gauge required to allow modern 9ft 6ins containers to be carried on internationally accepted flat wagons.

3.3.28 The application site, therefore, can be regarded as uniquely favoured in terms of loading gauge for receiving freight trains from the Continent and dispatching loads by rail to the rest of the Country.

(iii) Rail Capacity

3.3.29 The line that would serve the proposed development has guaranteed capacity for 35 freight paths per day, by virtue of the Treaty of Canterbury 1986 establishing the Channel Tunnel. Only a small proportion of these are currently utilised and there is more than enough capacity for the 12-13 trains per day that are projected to serve the proposed SRFI. (N.B. In later documents up to 19 trains a day are proposed.)

(iv) Road Access

3.3.30 The application site lies adjacent to junction 8 on the M20, a road corridor which carries around 11,000 HGVs per day. The proposed development access is a short distance along the A20 from the junction. The access would be configured to ensure that all HGV traffic travels only between the site and the motorway, with no HGVs arriving or departing from/or to the Bearsted/Maidstone direction.

3.3.31 In addition, it is significant that surveys show the M20 from the coast to junction 8 to be relatively uncongested. From junction 8 towards the M25 and London it becomes significantly more congested. Accordingly, junction 8 serving the applications site is a very advantageous interception point for lorry traffic entering the Country, with a view to modal shift to rail.

(v) Size and shape of site

3.3.32 Having an area exceeding 100 hectares and an elongated shape, the application site is capable of receiving full length trains from both directions, is large enough to provide the critical mass of development necessary to ensure a viable SRFI scheme and to offer a diverse freight haul offer to occupiers and users. Its size also enables the scheme to be phased, so as to respond to the anticipated future growth in rail freight.

(vi) Neighbouring uses and 24 hour operation

3.3.33 The application site is adjacent to the main residential area of Bearsted over a relatively short length of its boundary, at which point there is an existing physical separation in the form of the railway line. The nature of the site enables a layout which focuses the more active and noisy areas away from the residential area, in the vicinity of the motorway and CTRL and where the large warehouse buildings themselves have a major buffering effect. Where new sidings are near the existing residential area, noise effects can be effectively mitigated by enclosure and mounding and fencing as part of the comprehensive landscaping scheme. Also, the directly rail-connected buildings will be served by internal sidings. Accordingly, with suitable design, the application site is capable of 24 hour operation.

(vii) Other Planning Considerations Relevant to Scale

3.3.34 The application site adjoins the built-up area of Maidstone, thus forming a logical addition to the urban area. Our opinion in this respect is supported by the inclusion of the application site in the areas of search for major growth and development sites in the Maidstone Borough LDF Core Strategy Preferred Options documents. Maidstone itself is a town identified by the draft South East Plan for significant development and as a Regional Hub in terms of being a focus for economic activity and multi-modal transport services.

3.3.35 The site location would enable the town to provide a significant proportion of the labour requirement of a SRFI. It would also allow work journeys for a significant proportion of employees to be made by public transport and other non-car modes.

3.3.36 The site is outside of any Green Belt, SSSI, or AONB and is strategically contained to the north by the M20 motorway and CTRL. As such, a SRFI would not cause any material harm in terms of coalescence of Maidstone and neighbouring towns.

3.3.37 In summary, the applicants consider the application site to be a unique opportunity to provide a viable, high quality and sustainable SRFI facility, capable of serving particularly a national function, in addition to a significant south east regional role.

3.4 Other Potential SRFI Sites

- 3.4.1 Given the extensive requirement for SRFI facilities, the applicants contend that the KIG proposal will need to act as part of a network of sites across the region and the Country. MDS Transmodal calculate that around 8 such facilities are needed in the South East region. Accordingly, they state that the application proposal should be seen as a key starting point in establishing a number of locations, which are not alternatives, but together part of a cumulative solution.
- 3.4.2 Before proceeding with the application site, the applicants state that through MDS Transmodal, they considered 120 locations across the wider South East search area, against the kind of locational criteria considered in this section. This long-list fulfilled most of the minimum requirements. Following evaluation, 33 sites were identified and included in a short-list warranting further evaluation. The process culminated in the application site being identified as the optimum site and the only one available to meet the specific need in the key Dover/Channel Tunnel to London corridor. Several of the other short-listed sites, although inferior, could be subject to further investigation to determine their suitability for subsequent rail freight interchange development, particularly for more regionally focused facilities, to assist in developing the required network. The KIG scheme in itself will only provide for a relatively small proportion of the need.
- 3.4.3 Given the strong emphasis by the government on the need to increase movement of goods by rail by 80% by 2010 compared to the year 2000 and the ever increasing need to respond to the issues surrounding climate change, it is argued that there is an urgent need for this type of facility to be provided.
- 3.4.4 The application site is considered by the applicants to be a very appropriate site for this type of facility for the following reasons.
- (i) It lies on a key UK freight corridor, giving abundant scope for potential road/rail modal shift;
 - (ii) It has immediate rail access arrangements that allow a high level of operational flexibility;
 - (iii) The railway line itself is of the required high standard of loading gauge to allow access for all kinds of UK rail freight and to enable linkages around London to the West Coast Main Line;
 - (iv) With modest adaptation along the stretch of the railway line towards Ashford, the site can also be made accessible to all kinds of European rail freight. This means that the application site will be the furthest point into the UK that all kinds of European rail freight can penetrate, as movement beyond there is prevented by the Maidstone Tunnel;
 - (v) The railway line has guaranteed capacity for the projected freight movement associated with the development, plus a margin for further future growth if required;

- (vi) The site has virtually immediate access to the principal road route through the freight corridor at a relatively uncongested point, immediately before it become significantly more congested further west. It is, therefore, an ideal point at which to effect diversion of road freight to rail;
- (vii) At this point, the site is also well positioned a relatively short distance before the M25 Orbital, to serve onward destinations in London and surrounding towns. This gives the development, not only a primary national distribution function, but also a significant role in terms of regional distribution, in conjunction with other regional distribution centres further into London;
- (viii) Being of a very substantial scale, the development can provide a diversity of freight facilities, accept full length trains from both directions, offer a good range of onward rail destinations and allow capacity for progressive development as the rail freight market further accelerates.
- (ix) It is also a major planning consideration that the identified site is just beyond the outer edge of the Green Belt, making it as close as practicable to the London area for a development of this scale. In addition, it is outside of any AONB or SSSI, is not subject to any wildlife designation and is comprised of relatively low grade agricultural land. Accordingly, unlike the other rail freight interchange schemes that have been proposed in and around London, none of which have yet gained planning permission, such as Howbury Park, Radlett and Colnbrook, the KIG proposal does not infringe any major restrictive national planning designations.
- (x) Satisfactory access can be provided to the scheme off the A20 main road, close to the M20, thus keeping traffic associated with the development away from existing housing and other built-up areas. Any improvements anticipated to be necessary to the motorway junction and the A20/Willington Street junction as a result of the scheme, will need to be undertaken by the Highways Agency in any event, in view of projected usage by 2016, regardless of whether the KIG development is in place.
- (xi) As demonstrated by the comprehensive assessment of other potential rail freight interchange sites in the South East included in the MDS Transmodal rail report, the application site is the best candidate site for the proposed use in the region. As it also lies within the busiest freight corridor, this underlines that its development should be a clear priority. This should not, however, preclude the development of other less preferred potential sites, if deemed acceptable on further consideration, in building the network of rail freight interchanges required to achieve the Government's sustainable freight objectives.

- (xii) A further planning merit of the development is its sustainability. Clearly, the key factor is that it enables a significant amount of freight to shift from road to rail, giving substantial benefit to the local and wider environment, through the reduction in greenhouse gases emitted from lorries and other emissions that are harmful to human health. It is estimated that the development would ultimately enable 60 million HGV kilometres to be saved per year.
- (xiii) In terms of sustainability at the site specific level, the application is still in outline and so the detailed design of the proposed buildings cannot be precisely known at this stage. Nevertheless, the applicant is prepared to commit to achieving a BREEAM 'very good' rating in the final buildings and to a reduction in predicted CO₂ emissions from the buildings of at least 15%, through on-site renewable energy production and energy efficiency measures.
- (xiv) In relation to sustainability associated with employee accessibility, PPG 4 recognises that extensive distribution parks are best located away from urban areas, to avoid associated traffic congestion. In the case of KIG, the site is indeed beyond the existing built-up area boundary thus avoiding harmful urban congestion, but the development is a logical and sustainable urban extension. This means that the development can benefit from a degree of walking and cycling access and public transport in the form of the nearby railway station and the existing and potentially improved public transport along the A20. It therefore manages to score satisfactorily in terms of both congestion avoidance and accessibility.
- (xv) Also, the site is within the LDF areas of search for major urban development east and south east of Maidstone. Accordingly, there will be a growing pool of immediately available labour supply on the doorstep of the site, as well as a developing network of new public transport infrastructure available to KIG employees.
- (xvi) In summary, whilst the nature of large scale distribution, with working hours commonly shift-based, works against high levels of public transport usage, public transport facilities and other non-car access modes are feasible in the case of the proposed development and the applicant is prepared to commit resources to further enhancement. With the realisation of the emerging LDF town development proposals, the immediate labour supply and available public transport opportunities will substantially increase.'

3.4.5 The applicants have made the following comments in relation to the visual impact of the development:

'Although large, the site can generally only be viewed from the surrounding area in a compartmentalised way. This includes from the more elevated AONB. This is due to the elongated shape of the site, the variations in topography and the strong visual barriers around its fringes, such as Common Wood on the south side and a large woodland blocks just north of the motorway.

- 3.4.6 Views of the development will be significantly reduced by a combination of factors inherent to the development. These include the way that the topography has been used to set the large buildings into the landscape. Also, there would be a comprehensive landscaping framework, involving strong structural tree planting and mounding in key areas, integrating with several key retained woodland belts, in particular Common Wood and Crismill Shaw. The framework in addition incorporates a wide greenspace corridor on the west side of the site between the two large rail-linked buildings, which responds to the proposal in the emerging Core Strategy Preferred Options. This would provide a valuable amenity feature and further contribute to the compartmentalised way in which the development would be viewed.
- 3.4.7 The landscape framework would be complemented by the careful design of the roofing for the main warehouse buildings, involving non-reflective membrane material of subdued colour, rather than metal sheeting. This would be a significant factor, particularly in relation to views from the north. Combined with the strong physical separation of the site from the AONB by the motorway and CTRL corridor and the site being viewed in the context of the Maidstone urban area, the foreground of the AONB would not be adversely affected.
- 3.4.8 In terms of local views from the immediately surrounding area, the nature of the topography and the incidence of peripheral wooded areas and existing railway embankments mean that clear sight over significant parts of the development would be confined to the footpaths and bridleways across the site, a limited number of residential properties such as on Thurnham Lane and filtered views for travellers on the motorway. Significantly, views from the Conservation Area at Bearsted focused on The Green are little affected, thus preserving its setting.
- 3.4.9 Numerically, easily the largest numbers of people viewing the site are motorists passing along the motorway, although the development would be screened and set down significantly below motorway level. Whilst this is a relevant factor, the weight to be attached is reduced by the fleeting nature of the view, the observers' attention generally being focused on driving and, again, the discontinuous way in which the development would be seen given its compartmentalised character.
- 3.4.10 The most intrusive potential aspect of the motorway view would be of the intermodal area immediately south of the road, where freight containers may be stored up to 5 high (14.5m). Recognising this, the applicants would install screen fencing along this stretch of the boundary. This would remove views of stored containers, leaving only short glimpses of the cranes above, lattice structures with far less visual impact.
- 3.4.11 Where motorists would be more likely to take in the character and quality of their surroundings is at the eastern end of the development, on leaving the motorway and turning onto the A20. Here, the smaller scale and more visually varied nature of the proposed built development and the potential for high quality landscaping provide considerable opportunity for creating an attractive gateway to the town.

- 3.4.12 An additional relevant factor is that, regardless of the KIG proposal, the application site is considered by the Borough Council as a candidate for major future major urban development through the LDF. The issue of significant change to countryside character is not, therefore, confined to the KIG proposal.
- 3.4.13 In summary, the countryside character of the application site itself would without doubt change fundamentally as the result of the development. Great care would, however, be taken in the design and landscaping of the scheme to limit the effects of the change. Also, given the physical containment of the site and the design of the development, the wider countryside character would not be significantly adversely affected and neither would the AONB or its foreground.'
- 3.4.14 In terms of noise and other forms of pollution, the applicants provide the following commentary.
- 3.4.15 'A key consideration is the manner in which the scheme has been laid out, so as to keep the noisier external activities well away from residential property. Thus, the service yards and vehicle manoeuvring areas are turned away northwards from residential properties towards the motorway, so that distance is maximised and the buildings themselves act as a noise shield. The same principle applies to the intermodal area, where there will be considerable activity in the open. This is surrounding by buildings to the west, south and east and its north side faces the motorway. The arrangement of buildings equally assists in keeping the main lit areas away from existing housing.
- 3.4.16 An aspect that has been subject to particular design attention is the new railway sidings arrangement at the western, Bearsted, end of the scheme, where dwellings are relatively close. It is relevant to note that, whilst work patterns could gradually change as rail freight grows, during the latter part of Saturdays and on Sundays, rail activity associated with the proposal is likely to be at its lowest and these are the times when residents most expect and appreciate greater quietness.
- 3.4.17 Even so, in order to safeguard residential amenity, the rail-connected warehouses would have their dedicated sidings running physically into the interior of the southern end of the buildings, thus effectively containing noise from loading and unloading activity. Also, to avoid disturbance from additional rail movement and shunting, the applicant proposes to enclose the new sidings south of units 01 and 02 within an elongated building only open on the north side.
- 3.4.18 With regard to the environmental impact of traffic movement, it is fundamental that the access points for cars and lorries are at the eastern end of the site, as far as practicable from Bearsted and other residential areas. The likelihood of noise or other significant environmental effects, therefore, is minimal.
- 3.4.19 Overall, therefore, we consider the proposed development is consistent with the most directly relevant and up to date policies and associated criteria within the development plan, that is those deriving from the Kent Structure Plan. Planning permission can appropriately flow from the development control framework that they set.'

3.4.20 Following the receipt of initial advice and consultation responses from statutory and neighbourhood consultees, additional advice was sought (by letter dated 21 December 2007 and subsequent letters dated 7 March 2008, 21 May 2008 and 17 June 2008) in relation to the following matters:

3.5 Landscape, Agricultural and Visual matters

3.5.1 Further details of the extent of ground modelling, assessment of the effect of the loss of Best and Most Versatile Agricultural Land, more detailed illustrations of the extent of visual intrusion.

3.6 Ecology

3.6.1 Additional habitat surveys, assessment of impacts and proposed mitigation measures.

3.7 Health Impact

3.7.1 Applicant's response to Health Impact Assessment received from the West Kent Primary Care Trust (PCT)

3.8 Air and Water Quality

3.8.1 Survey to assess effect on groundwater quality and on watercourses affected by the development. Air Quality assessment needed to address outcome of increased numbers of vehicles and diesel powered trains.

3.9 Employment and the Local Economy

3.9.1 Justification of assumptions about employment levels anticipated, more detailed assessment of sources of workforce and sustainable means of attaining travel to work. More detailed explanation of how the proposal relates to the local economy.

3.10 Security

3.10.1 Explanation of any changes to layout, design, site conditions etc, arising from the adoption of a security strategy for the site.

3.11 Transport and Rail Freight issues.

3.11.1 Clearer assessment of the market (i.e. the "business case") for this proposal and clarification of the likely extent and times of freight movements.

3.12 Site selection process and possible Alternative sites

3.12.1 Needs a clearer matrix explaining how alternatives were selected and examined and how the benefits of the KIG site have been weighed against economic and environmental factors.

3.12.2 The applicants have now provided a significant amount but not all of the requested additional information in response to the Council's requests for

further information on the Environmental Statement. The additional information can be split into a number of subject areas.

- a) Landscape and visual impact:
Information has been received showing Amended Parameter plans, Indicative long site sections, Indicative site levels, Theoretical Zone of Visual Influence, Indicative site sections, Lighting drawings and supporting Landscape and Visual information, various photomontage images: *This information has provided more detailed information to enable the potential impact of the development in its context and the wider area to be more accurately assessed.*
- b) Tree survey and Existing trees and Hedgerows Sheets 1 and 2: *This provides a full tree survey of the site carried out in accordance with BS5837:2005 'Trees in relation to Construction-Recommendations' and indicates existing trees and hedgerows within the site that would be retained or lost to the development.*
- c) Ecological and biodiversity impact:
Supplementary notes on Ecological Issues, A Breeding Bird Survey (2007), Great Crested Newt Supplementary Report (2007), Additional Bat Surveys, Habitat Balance Sheet, Water Vole Survey, Invertebrate report, Agricultural Land Classification Report: *This information updates the surveys on protected and other vulnerable species within the site and also the habitat within the site, and assessment has also been undertaken of the extent and grade of the agricultural land that would be lost to the development.*
- d) Socio-Economic Impact, Business Case and Alternative sites
Supplementary freight rail and demand report (Sept 2008), Supplementary Information on other sites assessments (June 2008):
Supplementary information on KIG Socio-Economic impacts (June & November 2008) *These reports seek to clarify elements of the applicants' business case and why they consider the application site is the most appropriate as well as setting out in more detail expected employment numbers and where workers are likely to be sourced from.*
- e) Transport Assessment
Further supplementary information on the transport aspects of the development including estimated trip generation vehicle numbers and information relating to travel to work patterns and possible changes/mitigation measures on the local and strategic road network that may be necessary has been submitted. This is short on any committed s106 contributions and no Travel Plan has yet been submitted.
- f) Other items submitted are a Health Impact Assessment (July 2008) and an Outline Security Strategy (November 2008).

3.12.3 A full list of all the supporting documents including the most recently submitted information submitted with the application is set out at Appendix B.

4: PLANNING HISTORY

4.1 The site covers an extensive area including individual properties and land that have been subject to numerous previous applications. However, in the context of the consideration of this application the only relevant previous planning history is as follows;

4.2 MA/07/0682: Scoping opinion sought in respect of an environmental assessment to be submitted in relation to a proposed rail freight interchange with associated development. OPINION ISSUED 03/05/2007

Land to West side of Water Lane

4.3 MA/95/0606: Outline Application for sports club house with parking area and formation of vehicular access. REFUSED

Permission was refused on the grounds that a building in the absence of permission for a playing field would represent an unjustified form of built development in the open countryside and the fact that the introduction of a building onto this open and currently undeveloped site located in a Special Landscape Area would be detrimental to the character and appearance of the area.

4.4 MA/95/0607: Change of use from agriculture to playing fields for sports club with parking area and formation of vehicular access. REFUSED 24/11/1995

Permission was refused for this development on three grounds. The unsustainable location of the development due to:

- it not being able to be served by public transport and the resultant reliance on the use of the private car to access the site;
- the unsuitable nature of Water Lane due to its width alignment and visibility to accommodate the increased vehicular and pedestrian traffic; and
- the permanent changes to the topography of the site necessary to accommodate the development affecting the character and appearance of the Special Landscape Area and surrounding countryside.

Land at 'Woodcut Farm' Ashford Road Hollingbourne

4.5 MA/91/0908: Outline Application for erection of buildings for Multi-screen Cinema, Tennis Centre, Function Suite/Disco, Ten-Pin Bowling, Cattle Market, Restaurants, 60-Bedroom Hotel, Service Station, Railway Station, Sports Stadium, Athletics Track, All Weather Pitch with ancillary car and coach parking.

4.6 This application was refused on the 12th November 1991 for the reasons set out below. The subsequent appeal was withdrawn.

Reasons for Refusal MA/91/0908:

- 1: The site for the proposed sports and leisure park stands outside the urban boundary of Maidstone and within a Special Landscape Area.

The proposal is therefore contrary to Policy S6 of the Kent Structure Plan which states that there is a general presumption against the taking of fresh land in the countryside and a strong presumption against development in areas protected by the Plan's Countryside policies unless there is a clear justification for the use requiring a rural location which does not exist in this instance.

- 2: The site of the proposed sports and leisure park lies outside the urban boundary of Maidstone and is contrary to Policy RS6 of the Kent Structure Plan and Policy C1 of the Maidstone Borough Local Plan : Deposit Draft which states that development will not normally be permitted in rural Kent and that the existing uses will remain undisturbed. The proposal does not fall within any of the categories of development put forward as being acceptable and does not require a rural location.
- 3: The proposal due to its location, extent and the scale of the buildings proposed will appear as an alien feature in the countryside and Special Landscape Area in conflict with Policies S6 and CC7 of the Kent Structure Plan and would constitute further peripheral growth of Maidstone adversely affecting its rural setting and failing to maintain the separation and individual identity of the urban area and nearby villages.
- 4: The proposal is contrary to Policy RS1 of the Kent Structure Plan and Policy R7 of the Maidstone Borough Local Plan : Deposit Draft as the proposal is not appropriate in location, scale and appearance to its surroundings, does not have regard to countryside conservation considerations and does not enhance the character, amenity and functioning of the countryside.
- 5: Due to the extent of the site, and uses, and scale of the buildings the proposal is contrary to Policy TR11 of the Kent Structure Plan which states that facilities for indoor or primarily indoor recreation will not be permitted in the open countryside unless small in scale, ancillary to an existing use or appropriately grouped with other buildings.
- 6: The site of the proposed sports and leisure park lies within a Special Landscape Area and adjacent to an Area of Outstanding Natural Beauty as identified in Policy CC7 of the Kent Structure Plan and in which Policy CC7 of the Kent Structure Plan, KCP2 of the Kent Countryside Local Plan and Policy C5 of the Maidstone Borough Local Plan : Deposit Draft state that planning authorities will normally give priority to the landscape over other planning considerations.
- 7: The proposal is contrary to Policy CC6 of the Kent Structure Plan as it causes the loss of part of an identified landscape area and material visual damage to it, due to the extent and scale of the proposed uses and buildings.
- 8: The proposal is for a sports and leisure park in the countryside and is contrary to Policy S5 of the Kent Structure Plan and The Town Centre Objectives of the Maidstone Borough Local Plan : Deposit Draft as its development as proposed would not enhance the Town

Centre's role as the recreational and cultural focus of the Borough and therefore would be detrimental to its amenity and functioning.

- 9: The development with the extent of leisure facilities proposed is contrary to Policy BE2 of the Kent Structure Plan in that it would adversely effect the improvement of poor or deteriorating built environment within the Town Centre as envisaged in the Maidstone Borough Local Plan: Deposit Draft Policy E1.
- 10: The proposal is contrary to Policy RT16 of the Maidstone Borough Local Plan: Deposit Draft as it is incompatible with the countryside, landscape, and sport provision policies as well as the Town Centre Objectives of the Local Plan.
- 11: The introduction of the large extent of the development proposed in this rural area in close proximity to the residential properties of White Heath and Chestnuts will adversely affect the amenity of these properties through disturbance from the hours of use, noise, lighting and general activity and is therefore contrary to Policy ENV1 of the Maidstone Borough Local Plan: Deposit Draft.

5: EXTERNAL CONSULTATIONS

- 5.1 This section summarises the responses received to consultation with organisations external to the Council. The section is organised with adjoining local authorities first, then Parish Councils and finally Statutory Consultees. Each organisation is referred to individually, and their views are set out chronologically with the most recent comments last.

Local Authorities

5.2 Kent County Council (27/11/2007)

- 5.2.1 OBJECT to the development for the reasons summarised below. The summary includes responses from KCC's Ecology, Heritage Conservation, Public Rights of Way and Strategy and Planning Divisions.
- 5.2.2 (i) KMSP Policy requires that the provision of an inland intermodal interchange to serve the Channel Tunnel will be permitted only where:
- Strong evidence is provided that the proposals is necessary and viable
 - There are no significant adverse effects on the local economy, countryside character or the environment including the Kent Downs Area of Outstanding Natural Beauty
- 5.2.3 The KIG fails to meet these criteria. A maximum of only 18.7% of all freight loads would be by rail, and no evidence is provided of market demand and commercial viability. KCC objects to the application as contrary to KMSP Policies TP13 and TP23.
- 5.2.4 The location of KIG at M20 junction 8 does not meet the criteria indicated by the former Strategic Rail Authority (SRA) and the Panel

Report into the South East Plan that suitable sites for strategic rail freight interchanges are likely to be located closer to London.

5.2.5 Policy EP1 sets out the criteria for the location of employment provision to:

'sustain full employment and reduce the need to travel' Policy EP2 provides for 129,000m² additional business floor space in Maidstone between 2001 and 2021 with no new major employment sites proposed in Maidstone. KIG proposes 374,000m² at Maidstone, which is disproportionate to the quantity of development provided by the Structure Plan. The Environmental Statement does not provide a proper assessment of the labour market implications of KIG. Structure Plan and South East Plan policy is to concentrate economic development principally in the Growth Areas and areas of regeneration at the Kent coast. KIG represents a disproportionate concentration of primarily road to road warehouse activity at Maidstone for which there is no economic or employment justification.

5.2.6 KCC therefore objects to the application as contrary to employment policy.

5.2.7 (ii) The proposal intrudes into the North Downs Strategic Gap and is contrary to policies for the protection, conservation and enhancement of the countryside, notably EN1 and EN3. No justification for the development has been demonstrated to outweigh these considerations and the scale and form of the development is such that no adequate mitigation or compensation can be envisaged.

5.2.8 Development proposals outside the Kent Downs AONB should be considered for any effect that they might have on the designated area. The full extent of the visual intrusion of KIG has yet to be demonstrated by the applicant, but the development would be clearly visible from the AONB and have a major detrimental effect upon its setting. The site is within the North Downs SLA and the massive scale of the proposal is contrary to policy EN5 which seeks to protect, conserve and enhance the quality of this landscape. KIG is also contrary to policy EN13 which seeks to enhance landscape along primary road and rail routes.

5.2.9 KCC therefore objects to the application because of its major impact on the landscape.

5.2.10 (iii) KCC objects to the very serious adverse impact that this proposal would have on the existing communities, affected residential properties and the fact that its uncompromising scale and form offer no realistic scope to respond positively to its surroundings in an acceptable manner. KCC therefore objects to the application on grounds of its impact on existing communities contrary to Structure Plan policies QL1 and QL4.

5.2.11 (iv) Further assessment and evaluation work on archaeology are required in accordance with the requirements of the specification previously

issued by the County Archaeologist. In their absence an objection to the proposal under policy QL7 is warranted.

- 5.2.12 (v) KCC objects to the adverse effect on wildlife habitats that the proposal would have contrary to policy EN8. The applicant has not provided justification for the development that outweighs the requirement to conserve the countryside and protect the landscape.
- 5.2.13 (vi) Five Public Rights of Way are affected by this application and the development as a whole would have a detrimental effect on all surrounding Public Rights of Way (PROW) including the North Downs Way National Trail.
- 5.2.14 (vii) MDS Transmodal have, on behalf of the applicants, assessed alternative sites that in their view would be suitable for a Strategic Rail Freight Interchange (SRFI) within the wider South East. KCC does not accept the consultants' assessment of alternative sites as justification for the KIG proposal. There is no clear documentation showing how the shortlist was selected, nor an adequate explanation of why KIG is considered to be the best of the potentially suitable sites. The site does not appear to meet some of the consultants' own criteria, notably a location away from incompatible neighbours and level topography.
- 5.2.15 (viii) Is there a need to safeguard the site for rail freight? There is no specific requirement in national, regional or strategic planning guidance to safeguard sites for major new warehousing as part of a SRFI. There is also no clear national, or regional guidance on the number location and function of rail freight uses that area required. In many respects, the site is unsuitable for an SRFI. For these reasons KCC believes that there is no obligation in policy upon Maidstone Borough Council to safeguard the KIG site or any part of it for rail freight use.
- 5.2.16 (ix) KCC would see planning conditions on any consent in order to achieve a high standard of sustainable construction to at least the 'VERY GOOD' BREEAM standard for commercial buildings.
- 5.2.17 (x) KCC would seek planning conditions and legal agreements on any consent in order to provide such infrastructure as further investigation shows to be necessary as a result of the development and to determine the means by which it will be delivered.
- 5.2.18 In conclusion it is stated that KCC has strong strategic planning objections to the application for Kent International Gateway for the above reasons.
- 5.2.19 **A further response from KCC to the additional information was dated 05/02/2009.** This confirms the County Council's strong strategic planning objections to the proposals. The County Council's views are summarised as follows;
- 5.2.20 **Business case and rail transport need**
Although the applicant has provided further information about the forecasts and business assumptions for KIG, it does not demonstrate that

the proposals will satisfy Policies TP13 and TP23 of the K&MSP 2006 and Policy T13 of the South East Plan.

- The applicant has not demonstrated that the proposal will achieve significant modal shift to rail
- The termination of Channel Tunnel freight trains at KIG would have the effect of removing freight from rail and placing it on road, whereas the objective should be to encourage through rail traffic to the ultimate freight destinations
- The applicant has not substantiated that the proposal for National distribution functions at KIG would provide viable onward rail services

5.2.21 **Need for an SRFI at this location**

Further information on the site selection process has been provided but in KCC's view this gives undue weight to the provision of an SRFI in the Dover-London corridor and to commercial criteria.

- The proposal does not satisfy the location criteria of Policy TP23 of the K&MSP 2006 and Policy T13 of the South East Plan
- The landscape impact and local environmental damage constitute strong objections to the KIG proposal and should result in the elimination of KIG in a regional site selection process
- The proposal does not offer a unique advantage for rail gauge

5.2.22 **The labour market implications of KIG, and the need for major business development in Maidstone.**

The applicant has clarified the basis of the employment estimates for the KIG proposal and the labour catchment envisaged. However, KCC maintains its objections to the proposal on the grounds that :

- Structure Plan and South East Plan policy is to concentrate economic development principally in the Growth Areas and areas of regeneration at the Kent coast. Policy AOSR7 of the South East Plan envisages an emphasis on higher quality jobs at Maidstone, and the proposal is contrary to this strategy. The KIG proposal represents a disproportionate concentration of primarily road to road warehouse activity at Maidstone, for which there is no economic or employment justification.
- The applicant's assessment of the labour market impact of the proposal does not consider the employment at the site that would result from a higher proportion of RDC activity, assuming there were demand, or higher employment densities. It does not consider growth in the local economy, including the impact of other developments, or the change in the workforce as a whole. KIG would represent a significant new element in the Maidstone economy, creating a demand for labour in addition to the existing service and business sectors.

5.2.23 KCC therefore objects to the planning application as contrary to Structure Plan and South East Plan employment policy.

5.2.24 **The protection of the countryside and the management of urban growth**

KCC maintains its objections to the proposal on the grounds it is contrary to policies for the protection, conservation and enhancement of the countryside in the Structure Plan, notably KMSP Policies EN1 and EN3. No justification for the development had been demonstrated by the applicant that outweighs these considerations, and the scale and form of development is such that no adequate mitigation or compensation can be envisaged.

5.2.25 **The scale of the proposal and its impact on the surrounding landscape and the North Downs AONB**

The additional site levels and photomontages provided by the applicant confirm the major detrimental impact of the proposed development on the landscape, and the inability to successfully mitigate the impact of a development of such a large scale and prominence. KCC therefore maintains its objection on the grounds:

- The development would be clearly visible from the AONB, and have a major detrimental effect upon its setting, contrary to Structure Plan Policy EN4, and South East Plan Policy C3.
- The site is within the North Downs Special Landscape Area (SLA), and the massive scale of the proposal is contrary to Policy EN5, which seeks to protect, conserve and enhance the quality of this landscape, and to South East Plan Policy C4.
- The proposal is contrary to Structure Plan Policy EN13, which seeks to enhance landscape along primary road and rail routes.

5.2.26 **The impact on local communities and the character of settlements, including consideration of the quality of the urban fringe and historic character**

5.2.27 KCC will wish to confirm the estimated severity of noise, air quality and other impacts in consultation with the Borough Council. However, on the basis of the additional information provided it is clear that there will be noise and visual impacts, and increased local accident numbers.

- KCC objects to the very serious adverse impact that the proposal would have on the existing communities. Development of the scale and form proposed, with its heavy goods vehicle and rail traffic, will inevitably have a serious adverse impact on the existing community through noise, visual intrusion and a local increase in accidents.
- The uncompromising scale and form of the proposal offer no realistic scope to respond positively to its surroundings in an acceptable manner or to mitigate its impact. The proposal is contrary to Structure Plan Policies QL1 and QL4, and to Policy CC6 of the South East Plan.

5.2.28 **The protection of archaeological sites**

KCC maintains its view that the site should be subject to further assessment and field evaluation in advance of the determination of any planning application, and in their absence an objection to the proposal is warranted.

5.2.29 **The impacts on biodiversity and necessary mitigation**

The development is likely to have an adverse effect on habitats and species for which sufficient mitigation has not been proposed. KCC objects to the proposal as contrary to Structure Plan Policy EN8, and Policy NRM5 of the South East Plan.

5.2.30 In addition, in November 2007 the County Council made the observations on the following matters which are unchanged:

- Public Rights of Way
- Sustainable construction and the conservation and prudent use of resources
- Meeting the costs of community and other infrastructure needs generated by new development
- Whether there is a need to safeguard the site for rail freight

5.3 **Ashford BC**

No response received.

5.4 **Medway Council (20/02/2008)**

Raise Objections (i) the application should have a robust model to show how the factors affecting workforce growth have been taken into account in the proposals as there is a doubt about Medway having sufficient labour to export to the Kent International Gateway development, (ii) the development should be accompanied by a robust travel plan containing substantial measures to deliver a sustainable development.

5.4.1 Medway Council confirmed on **9 February 2009** that the above comments still stand.

5.5 **Swale BC (04/12/2007)**

Concerned with impact on AONB and with deflection of employment away from areas that need it more – e.g. Thames Gateway; proposal could conflict with schemes coming forward for similar development at Kemsley Marshes nr. Sittingbourne in competing for warehousing space; no clarity about “market” for rail freight and how the facility would operate; TIA should be extended to include M2 junctions 5-7; questions how much modal shift will be achieved in reality.

5.6 **Tonbridge & Malling BC (16/01/2008)**

MBC is invited to consider the factors set out below in reaching its decision on this case and unless these matters can be satisfactorily resolved T&M BC RAISE OBJECTIONS to the proposed development:

- How the proposal should be assessed in relation to the SE Plan Panel’s recommendations and whether the application is premature in advance of clearer national and regional policy on such major proposals of this nature,
- How it can be satisfied that the impact of additional freight trains on the existing railway has been assessed and, if appropriate, mitigated,
- How it can be satisfied that the estimated levels of transport impact of Heavy Goods vehicles on the M20/A20 corridor is correct and can be accommodated without additional pressure,

- How it can be satisfied that the impacts of traffic on noise and air quality on M20 in the vicinity of junctions 4 and 5 have been adequately assessed and that appropriate mitigation is provided.'

5.6.1 On **24/04/2009**, Tonbridge & Malling Borough Council submitted further comments on the application:

"Maidstone Borough Council **BE INVITED TO CONSIDER** the factors set out below in reaching its decision on this case and unless these matters can be satisfactorily resolved the Council **RAISE OBJECTIONS** to the proposed development:

1. How the proposal should be assessed in relation to the SE Plan Panel's recommendations and whether the application is premature in advance of clearer national and regional policy on such major proposals of this nature,
2. How it can be satisfied that the impact of additional freight trains on the existing railway has been assessed and, if appropriate, mitigated,
3. How it can be satisfied that the estimated levels of transport impact of Heavy Goods vehicles on the M 20/A 20 corridor is correct and can be accommodated without additional pressure,
4. How it can be satisfied that the impacts of traffic on noise and air quality on M20 principally in the vicinity of junctions 4 and 5 have been adequately assessed and that appropriate mitigation is provided.

With regard to matter 1 above, you will be aware that as a result of the lodging of the appeals in respect of KIG an alternative site has been put forward in the Borough at Platt /Borough Green. We have had some initial briefing from the promoters of this site but the level of detail remains limited and much work is still needed before it is possible to assess the proposal in detail. We understand the promoters intend to take part in the KIG Inquiry promoting this site as a viable alternative to KIG. It is clear that the site lies within the Metropolitan Green Belt (MGB) and partly within the AoNB. In light of its location within the MGB there is a presumption, generally expressed in PPG2 – Green Belts, against the development of the site and its role as a potential alternative site to KIG must be viewed in that light. To our knowledge the promoters have carried out no alternative sites study in relation to the site – either in respect of sites within or beyond the Green Belt. It is our view that **any alternative site proposed for the Green Belt** suffers from the primary presumption against development, as in PPG 2, which can be set aside only by a case of "very special circumstances" that would need to prove, beyond doubt, that no better alternative site exists beyond the Green belt before then making comparative assessment of specific within the Green Belt. We note that the site is not identified as a potential alternative in the MDS Transmodal Report (May 2008) produced on behalf of KIG and we understand was not included in the initial work commissioned by your Council in connection with alternative locations.

You have kindly shared with us work on alternative locations, including those focussed on the M 20 corridor, and a comparative analysis with the

KIG proposal. From our initial assessment of this it seems that the sites on the M 20 corridor in Kent including the Borough Green site, the location near Offham and the KIG proposal itself are all unacceptable in planning policy terms. There may well be differences between them in terms of accessibility and technical merit but in planning terms they all show a very significant degree of conflict with national, regional and local planning policy. The sites identified in Tonbridge and Malling in particular carry the specific constraint of Green Belt policy and should not be regarded as in any way worthy of further consideration unless very special circumstances can be sustained **and** more suitable alternative locations cannot be found that address policy and locational parameters of the various planning policies that apply.

We remain of the view that the information that we have been able to review does not allow a full assessment of matters 2, 3 and 4. The Borough Council's officers are continuing to liaise with your Council's specialist staff to establish parameters to test these issues but unless and until further comprehensive data is supplied through the appeal process I must reserve the Council's position on these matters. The receipt of further such data would allow Tonbridge and Malling Borough Council to make a more meaningful assessment of the potential impacts on this Borough."

5.7 **Tunbridge Wells BC (19/11/2007)**

No objections

Parish Councils

5.8 **Barming (29/01/2009)**

Strongly object. Devastating impact on local landscape and AONB and will impact on air quality, wildlife and ecology and will also have a significant impact on traffic in the immediate area as well as further away from the site

5.9 **Bearsted (26/11/2007)**

STRONGLY OBJECT to the application.

- (i) the proposals are contrary to the approved development plan,
- (ii) the proposals are contrary to the provisions of the emerging South East Plan,
- (iii) The proposals would irrevocably pre-empt and severely prejudice the preparation of the Maidstone Local Development Framework (LDF),
- (iv) the development would seriously prejudice Maidstone's Growth Point status by making use of scarce and valuable land that will be necessary to accommodate anticipated growth,
- (v) The Core Strategy identifies some of the land as an area which has potential for further development. The development of this area (likely to be for residential) should be determined through the LDF with appropriate ample landscaping and open space as befits a site adjoining open countryside,
- (vi) the introduction of massive warehousing and industrial development on the scale proposed will devastate the character and setting of the village of Bearsted and be detrimental to the AONB and Special Landscape Areas,
- (vii) it will unbalance and prejudice the economic and employment needs of Maidstone through the type of jobs likely to be generated of

- which there is a shortage in the area which means that workers will need to travel in from outside,
- (viii) the development will inevitably increase congestion on local roads which are unsuitable for the scale of development proposed,
 - (ix) if there is a need for a facility of this type it should be located on a brownfield site close to or within a designated major growth area,
 - (x) the largest warehouse is close to dwellings and the site will be visible from the Bearsted and Holy Cross conservation areas destroying their character,
 - (xi) unacceptable noise and fumes from the 24 hour operations,
 - (xii) No sound business case has been put forward,
 - (xiii) changes to water courses, land levels, public footpaths and the destruction of fields and hedges will have a detrimental effect on wildlife,
 - (xiv) light pollution from the 24 hour site,
 - (xv) Reference is made to Transport 2010 where the Government aims for a market share of 20% for freight by rail but KIG will not be completed until 2012,
 - (xvi) PPS1 seeks to ensure effective protection of the environment, the proposals do not meet this aim.

5.9.1 Further comments were made on **02/02/2009**. They recognise that some changes had been made to the application with the claimed intention of reducing noise pollution and improving landscaping. However they still object to the application on the following grounds:

- Contrary to the provisions of the Development Plan (MBWLP 2000 and K&MSP 2006) neither of which allocate or make provision for a development of this type on the site.
- Contrary to the provisions of the emerging South East Plan which also does not allocate the site
- The application has prejudiced the preparation of the Council's LDF
- The massive industrial and warehouse development will devastate the character and setting of Bearsted village, which current policies are designed to protect
- The development will prejudice and unbalance the economic development of Maidstone. Employees will be drawn in from surrounding areas adding to congestion on local roads and causing gridlock when 'Operation Stack' is in place
- If there is a need for a further interchange in Kent following the approval at Slade Green it should be located on a brownfield site within or in close proximity to either the Ashford or Thames Gateway growth areas.
- The largest warehouse is very close to the village and would be visible from and destroy the character of the Bearsted Green and Church Lane Conservation Areas
- Noise and fumes from the 24 hour operation will be a disturbance to local residents
- There is no evidence in the application for a sound business case for the road/rail facility
- The changes to the landscape and the destruction of the fields and hedges will have a detrimental effect on wildlife
- Light pollution from the 24 hour operation will pollute the sky for local residents

- The development is within an SLA, close to the AONB and two conservation areas and contrary to K&MSP policies QL1 QL6 and HP2(b)
- The development is contrary to the aim of PPS1 that seeks 'effective protection of the environment.'

5.10 **Boxley (4/12/2007)**

STRONG OBJECTION to the development: They had previously identified the following areas of concern

- (i) impact on Area of Outstanding Natural Beauty,
- (ii) inappropriate numbers of additional traffic movements on local road especially if there are crashes/problems on the M20. Potential widespread impact on other road networks, especially the M2 and communities due to increased traffic,
- (iii) additional noise pollution,
- (iv) additional air pollution,
- (v) inappropriate light pollution,
- (vi) unacceptable impact on the existing communities. It was agreed that the reasons for objection were clearly identified in the response from the KIG Joint Parishes group and the parish council fully supports the reasons in this response and asks that this be taken as its reason for objection.

5.11 **Broomfield and Kingswood (21/11/2007)**

Wish to see the application REFUSED.

- (i) Traffic. The development would add considerably to existing capacity and congestion problems, particularly as a result of the large number of HGVs and employees travelling to the site as well as the removal of spoil from the site,
- (ii) Environment. Unacceptable impact on nearby residential properties in Bearsted and Thurnham and loss of quality of life, pollution both noise and light, massive detrimental visual impact on the surrounding countryside especially from the North Downs and Pilgrims Way, loss of habitat and unacceptable impact on ecology, loss of or permanent closure of watercourses, public rights of way and roads, no provision for the necessary additional social infrastructure that will be needed,
- (iii) Security and risk. Threat of terrorist attack, high risk of fire, chemical leakage, explosions etc., general crime and security issues, provision of Customs & Excise on site, inability of emergency services to cope with a major accident or incident,
- (iv) Other. No business case has been made; the need for the development has not been proven.

5.12 **Chart Sutton (27/11/2007)**

Wish to see the application REFUSED.

- (i) The proposals has a serious environmental impact on the immediate and surrounding area in terms of air quality, noise, lighting, pollution and ecology,
- (ii) The area is of Special Landscape Interest bordering on an AONB that is enjoyed by many people and this proposal would demand the removal of a significant number of trees and landscape features,
- (iii) Maidstone and the surrounding villages already suffer from traffic congestion with gridlock at certain times of the day and would not

be able to cope with the increase in road traffic that will be generated by this proposal.

5.12.1 **30/01/2009:** Re-iterated the above comments and additionally stated that subsequent hearings on similar plans have indicated that this is a worn place for such an interchange depot.

5.13 **Detling (22/11/2007)**

They state that their response does not imply any disagreement with the response of the Joint Parishes Group.

5.13.1 They STRONGLY OBJECT to the proposal as a massive industrial development in open countryside which will profoundly affect local residents over a wide area.

5.13.2 It will have a gravely deleterious effect on the visual attractiveness of the area ruining the views from a large proportion of the North Downs AONB the North Downs Way and Pilgrims Way from Detling to Hollingbourne and beyond. There will be widespread noise and light pollution from 24 hour, 7 days per week working. The environment of the transport corridor (M20, CTRL and Ashford – Maidstone rail) will be damaged.

5.13.3 They believe that, contrary to the stated business plan, the effect on congestion on our road transport network (M20, junction 8, A20, A249, M2, A2, M26 and M25) will be large and that the traffic implications for the village of Detling, both for the A249 and for The Street/Hockers Lane will be severe.

5.13.4 They make specific comments on the stated business plan which 'makes no sense'.

(i) the location of the site is partly governed by the fact that European wagons cannot pass through tunnels at Maidstone. There are currently no freight trains running through the Channel Tunnel,

(ii) the site is not accessible from the CTRL track,

(iii) The business plan anticipates that 65% of freight arriving at the site will be on lorries and the plan does not expect that freight leaving by rail will not exceed 17.5%. Therefore the majority of movements from the site will be by lorry thus not achieving the stated aim of reducing lorry traffic westwards from the site,

(iv) National policy supports lorry to rail transfers, this proposal is likely to be the reverse.

5.13.5 They also comment on the impact on the local highway network, (i) The amount of HGV movements and traffic generated by site employees will have an unacceptable impact on the M20 and junction 8 and surrounding roads particularly the roundabout near the Ramada 'Great Danes Hotel' and give rise to periods of severe congestion. There is the great likelihood of local roads thus being used as 'rat-runs' to avoid the main routes.

5.13.6 They are concerned about the impact on water usage and proposals for waste water disposal are not sustainable.

5.13.7 They are concerned that noise and light pollution the additional traffic through the village and the physical effect of the changes to the

appearance of the site and area will adversely affect many Detling residents.

5.13.8 Further comments were made on **31/01/2009**. In summary, they maintain their strong objections to the proposals as a massive industrial development in open countryside will profoundly affect local residents over a wide area. It will have a gravely deleterious effect on the visual attractiveness of the area, ruining the views from a large portion of the North Downs AONB, the North Downs Way and Pilgrims Way from Detling to Hollingbourne and beyond. There will be widespread noise and light pollution from 24 hour, 7 days per week working. The environment of the transport corridor (M20, CTRL and Ashford-Maidstone rail) will be damaged. The Parish Council believes that contrary to the stated business plan the effect on our road transport network (M20 J8, A20, A249, A229, A2, M2, M26 and M25) will be large and that the traffic implications for the village of Detling, both for the A249 and for The Street/Hockers Lane will be severe.

5.14 **Ditton (23/01/2008)** (Tonbridge & Malling BC area)
Concerns about the effect that the freight interchange would have on air and noise pollution in the areas bordering the M20 and as a result of increased use by freight of the Ashford-London railway.

5.15 **Downswood (04/02/2009)**
Wish to see the application refused due to the:

- Unsuitable access for road vehicles
- Blight to the edge of the AONB
- Noise and light pollution to surrounding area
- Road system unsuitable to cope with additional traffic
- Poorly thought out distribution system-not utilising rail options fully

5.16 **East Malling & Larkfield (14/01/2008)** (Tonbridge & Malling BC area)
Concerns about the effect that the freight interchange would have on air and noise pollution in the areas bordering the M20 and as a result of increased use by freight of the Ashford-London railway.

5.17 **Hollingbourne (22/11/2007)**
Submitted a joint response with the Hollingbourne Society. They express extreme concerns regarding the proposals and state that in their view the development would result in the complete destruction of the rural environment in the vicinity of the village.

- (i) the ground works to provide the development platforms for the extremely large buildings will irreparably damage the existing attractive undulating countryside and the new ground formation will be completely alien to the area.
- (ii) the scheme does propose some landscaping but they consider these would be overwhelmed by the scale of the earthworks and the sheer size of the buildings and is only a token attempt at visual amelioration,
- (iii) approximately 75% of warehouse building 'D' and the whole of warehouse buildings 'A', 'B' & 'C' together with the proposed business park and offices at the eastern end of the site lie within Hollingbourne Parish. The floor level of building 'D' would require an

enormous amount of cut-and-fill and buildings A & B would be extremely close to the slip-road from the A20 to the M20 and thus very prominent and intrusive in the Special Landscape Area,

- (iv) the 'business park' buildings are also likely to be tall and also have a detrimental visual impact and as large foreground features dominate views into the AONB to the north,
- (v) the establishment of the 'business park' at this site would be detrimental to the viability and convenience of the established commercial centre of Maidstone, to which existing policies direct development,
- (vi) it is noted that the intermodal element would be in 24 hour operation, the claims of the transport assessment within the environmental statement are treated lightly as it is considered that the whole area not just the Willington Street junction would see a vast increase in traffic adding to existing problems,
- (vii) the site is not in a location that encourages easy accessibility by public transport,
- (viii) Junction 8 of the M20 is an important access to Maidstone, provides a scenic route to the town centre for tourists and a pleasant and appropriate approach to visitors to Leeds Castle. This would be lost if the development was allowed to proceed and the rural environment destroyed by the buildings and the amount of HGV traffic that would be in the area, thus destroying Maidstone's image as an important contributor to Kent as the garden of England.

5.17.1 Further comments were made on **04/02/2009** reaffirming the Parish Council's strong objections to the development on the following (summarised) grounds:

- The development is contrary to the provisions of policy MA1 of the Kent & Medway Structure Plan 2006 in relation to its impact on the designated landscape within and adjoining the site.
- Adverse traffic impact on the road network, no consideration of Growth Point status and the impact of the 11,000 houses that the Council has committed to.
- Adverse impact on light pollution, noise pollution and air quality
- Concerns relating to crime, environmental spillages and accidents which could affect the underlying aquifer
- The application proposals by virtue of the sheer size and scale together with the nature of the operations would introduce an alien form of development to a rural setting completely destroying its character and social function

5.18 **Hunton (16/01/2009)**

The application will have a devastating effect on the local landscape including the setting of the North Downs AONB and will impact on air quality, wildlife and ecology and will also have a significant impact on the traffic, not only in the immediate area but also in Hunton and surrounding areas.

5.19 **Langley (05/02/2009)**

Confirms a strong objection to the development. They consider there to be weaknesses in the business model, e.g. there is no economic benefit for freight to rail transfers of less than 400 miles (maybe even larger distances). Since the proposals are unsustainable they predict that if

permission was granted the site would evolve into a mixed industrial development by default and not by structured planning. The recently published Langley Parish Plan categorically shows that the rural setting and surrounding landscape are the features most valued by its inhabitants. This development would place significant pressure onto the local area and will inevitably increase traffic especially HGVs across a network already stretched beyond capacity.

5.20 **Leeds (27/11/2007)**

Leeds is a member of the Joint Parishes group and aligns itself with the group's response. They OBJECT to the development. However a number of points and serious concerns are raised on behalf of the parishioners of Leeds.

- (i) The number of lorry movements would add to already heavily congested and unsuitable roads,
- (ii) there would be a further increase through the employees based at the site,
- (iii) significant delays on local routes particularly at peak periods,
- (iv) any problems on the motorway which already causes problems on local roads will be exacerbated,
- (v) removal of the significant amounts of spoil from the site will cause further problems on local roads,
- (vi) no plans to improve M20 junction 8,
- (vii) Pollution (air quality, noise, light, water quality),
- (viii) massive visual impact especially north of the village from Caring/Forge Lane and on the surrounding countryside in general,
- (ix) impact on ecology,
- (x) closure/diversion of public rights of way, roads and watercourses,
- (xi) risk of terrorist attack, fire, pollution from what is brought to and stored and moved within the site,
- (xii) general crime and safety and security issues,
- (xiii) increase in Council tax for the Parish to pay for the extra demands on the services.

5.20.1 Confirmed **(03/02/2009)** that the above views have not changed as a result of the additional information.

5.21 **Linton (28/01/2009)**

They seriously question its need given the Howbury Park approval and the environmental impact of the development. Also strong concerns relating to the additional HGV and other traffic that will be using the B2163 and the A229 through Linton village particularly by traffic accessing the site from the south and west.

5.22 **Otham (12/11/2007)**

'Wish to see the application REFUSED

- (i) adverse impact on the adjacent conservation area,
- (ii) insufficient parking for the amount of people to be employed,
- (iii) Increase in traffic volume (the Assessment was carried out some 3½ years ago. Conditions have since changed) Roads such as Derringwood Drive and Spot Lane will be used as 'rat-runs' by larger volumes of traffic,

- (iv) Kent County Council appear not to be considering improvements to the Willington Street/A20 junction. This would be essential if this application was to go through,
- (v) light pollution. This was one of the reasons the football ground got refused).'

5.23 **Sutton Valence (04/02/2009)**

Object to the development on the following (summarised) grounds:

- Excessive environmental damage to this important area of countryside.
- The proposal is contrary to Government guidance which directs that such road-rail interchanges must have a strategic role in the national transport network which means that they should be built close to the M25 or to the north of London.
- Recently approved developments at Howbury Park, Shellhaven and elsewhere make this development unnecessary.
- The plans for the site are far from clear and there is a big danger that the site will become merely a local road-freight depot.
- In any event the development will result in a major increase in traffic on the M20, where in particular the sections between junctions 5 & 7 are some of the busiest in Europe.
- The submitted transport information has produced totally unrealistic figures for the effects of the scheme in the local roads and the A20/M20 interchange and the A20 east and west of junction 8 of the M20 is already heavily loaded. The B2163 is totally unsuited to any additional increase in traffic and the increase in the use of the A229 and especially the A274 through the village would have an unacceptable impact on safety and the lives of the villagers.
- If approved KIG would be an enormous development in the wrong place, serving no strategic purpose and would ruin an area of Kent countryside and add unacceptably to traffic congestion.

5.24 **Thurnham (26/11/2007)**

STRONGLY OBJECT to the application. Their objections are set out in the letter of objection from the KIG Joint Parish Group of which Thurnham PC is a member. They therefore wish the points raised in the letter from that Group to form their objections to the application.

- 5.24.1 Confirmed **(03/02/2009)** that their views have not changed as a result of the additional information.

5.25 **Ulcombe (26/11/2007)**

'They OPPOSE the application and support the arguments put forward by the Joint Parishes group. The parish council's opposition to the KIG application is quite simple. It is completely in the wrong place and will not only destroy the environment for local residents, but will impact on all transport routes through the surrounding villages, including Ulcombe. It will gridlock Junction 8 and the M20 adding billions in cost to the country given that the M20 is the country's main artery to the Channel crossings.'

- 5.25.1 They state that despite the applicant's statement that M20 junction 8 is congested in the morning rush-hour and is regularly at a standstill between junctions 6 and 4, in the evening the same happens between

junctions 3 and 5. The number of additional lorry movements will add to the congestion and cause tail-backs on the link roads to junction 8. The roads to the Weald from junction 8 have weight restriction because they are narrow roads through villages which cannot accommodate heavy traffic. This is not the infrastructure to support a massive hub. KIG should be sited on the north side of the Thames Estuary to allow better links with the Midlands and the North avoiding the Dartford Tunnel, and served by better ferry links at Tilbury or a dedicated freight line from Folkestone to the north side of the Thames. The need is for freight connections that will serve the country for a long time and maximise transport efficiency, KIG will maximise environmental and transport chaos.

5.25.2 Confirmed (**30/01/2009**) that their original response has not changed

5.26 **KIG Joint Parishes Group (26/11/2007)**

Bloomfields Ltd. have submitted representations on behalf of 14 Parish Councils. These are: Bearsted, Boxley, Broomfield and Kingswood, Chart Sutton, Detling, Downswood, Harrietsham, Hollingbourne, Langley, Lenham, Leeds, Otham, Sutton Valence & Thurnham.

5.26.1 In summary the objections put forward to the proposals are as follows:

- (i) Contrary to key KMSP policy SP1.
- (ii) Adverse effect means it cannot comply with TP13.
- (iii) Site not identified in TP23 which identifies 6 main locations for rail freight facilities.
- (iv) Also fails to meet TP22 as the case for KIG is not strong.
- (v) Premature in advance of studies being undertaken by the Regional Assemblies,
- (vi) Contrary to all the countryside policies in the MBWLP,
- (vii) LDF Core Strategy Preferred Options does not give strong support to applicants as it is a draft submission – much of the site is not within Area of Search in any event. Core Strategy is also silent on rail freight issues.
- (viii) Clear from the information provided that most movements will be by road.
- (ix) Weak business case
- (x) No clear sustainability benefits
- (xi) Modal split is hopeful in terms of proportion of employees said not to come to site by car
- (xii) Fully operational site likely to generate about 9000 vehicle movements per day
- (xiii) Proposals do not address the issue of local existing congestion
- (xiv) Limited local pool of labour to take up jobs
- (xv) Adverse effect on daily lives of many local people
- (xvi) Proposal offers no benefits to locality
- (xvii) Site will pose security problems
- (xviii) Strains on local community infrastructure – fire, medical services,
- (xix) Alien development as far as landscape character is concerned and an adverse effect on the AONB.
- (xx) Adverse effects on heritage due to scale of development

5.26.2 Confirmed (**03/02/2009**) that the above views have not changed as a result of the additional information.

Statutory Consultees

- 5.27 Direct consultation was undertaken with the following organisations in addition to the adjoining local authorities, the County Council and parish councils and this section sets out the responses received as a result of that consultation exercise. Not all organisations have responded to consultation.
- 5.28 **GOSE (24/10/2007):** Does not wish to comment at the consultation stage as this would prejudice the Secretary of State's decision if the application were formally referred to her for consideration at some time in the future.
- 5.29 **SEERA (20/12/2007):** MBC should only seek to grant planning permission if it is satisfied that:
- The proposal will secure increased rail freight movements and reduce modal share of road freight movements, in compliance with policies T15 and T16 of the regional Transport Strategy and policies T11 and T13 of the draft South East Plan.
 - The site is the most appropriate and provides the greatest operational value, particularly by way of proximity to the CTRL, the M25, London and where it is proven to assist access to proposed markets. (Policies T15 & T16 of the RTS and policies T11 & T13 of the draft South East Plan).
 - Release of this greenfield site will contribute to meeting current and future requirements of the local economy and workforce in compliance with policies RE2 and CC8c of the draft South East Plan.
 - Appropriate mitigation measures can be agreed in respect of the setting of this part of the Kent Downs AONB in accordance with policy E1 of RPG9 and policy C2 of the draft South East Plan
 - No significant adverse impact on the landscape and integrity and purpose of the North Downs Strategic Gap pursuant to policies C3 & CC10b of the draft South East Plan.
 - Appropriate measures including an agreed Travel Plan can be secured to encourage walking, cycling and the use of public transport as an alternative to the car in accordance with policies T1, T10 & T13 of RPG9 (as altered) and policies T1, T5 & T8 of the draft South East Plan.
- 5.29.1 Further comments were received on **10/02/2009** as follows:-
'When the application was originally submitted, the Assembly and SEEDA were looking to commission a joint study with the East of England and Greater London and to work in partnership with Government and Network Rail to update the evidence base that underpinned the Strategic Rail Freight Interchange policy. However, progressing this work has been delayed in order to ensure that the regional review of logistics is consistent with the Government's review of national transport policy through the 'Delivering a Sustainable Transport System' (DaSTS) process.
- 5.29.2 In this regard, it is important that any decision on KIG gives consideration to potential impacts that may affect the current and future use of the nearby national networks. The DaSTS consultation document identifies the London to Kent Ports as a strategic national corridor, for all

modes and for both passenger and freight use. Similarly, an alternative route from Dover to London (via Tonbridge and Redhill) is also identified as a route of strategic importance to freight. The alternative site assessment undertaken by the applicant has discounted sites further west along the Dover – London Corridor (including the route via Redhill) as they currently do not offer the necessary technical operability. The DaSTS process, however, could potentially lead to future investment along these corridors, which may make such sites viable. As such, while the KIG site is deemed the most appropriate by the applicant at present for a strategic rail freight interchange, this may change once the DaSTS process is complete – in particular the specific work being undertaken to identify logistic ‘hotspots’ (paragraph 28 of DaSTS – The Logistics Perspective: DfT December 2008).

- 5.29.3 Furthermore, it should also be borne in mind that the Planning Act 2008 would consider the KIG proposal ‘Nationally Significant Infrastructure’ (Part 3 section 26). The new consent regime enabled by the Act will not come into force until the relevant National Planning Statement has been adopted – in terms of freight this would be the ‘National Networks’ NPS, expected in late 2009. In this respect, the KIG application could prejudice the emerging NPS and is premature.
- 5.29.4 It is also important that the market that KIG proposes to serve is clearly identified and that the proposal is clearly suited to serve this identified market.
- 5.29.5 In addition to the above comments, we also have the following observations to make in relation to the application:
- 5.29.6 The borough council should only grant planning permission if it is satisfied that:
- The proposal will deliver increased rail freight movements and reduce the modal share of road freight movements to be consistent with the objectives of Policies T15 and T16 of the RTS and Policies T12 and T13 of the Proposed Changes to the draft South East Plan;
 - This site is the most appropriate location for such a proposal and provides the greatest operational value, particularly by way of proximity to the CTRL, the M25, London, and where it is proven to assist access to the proposed markets to be consistent with the objectives of Policies T15 and T16 of the RTS and Policies T12 and T13 of the Proposed Changes to the draft South East Plan;
 - The Local Highway Authority, Network Rail and the Highways Agency consider the proposal would benefit the sustainable movement of freight to be consistent with Policy T13 (and supporting text 8.37) of the Proposed Changes to the draft South East Plan;
 - The applicant has clearly identified a market that the proposal would serve to be consistent with Policy T16 of the RTS and Policy T13 of the Proposed Changes to the draft South East Plan;
 - That the release of this greenfield site for the proposed development will contribute to meeting the current and future requirements of the

local economy and workforce in accordance with Policies RE3 and AOSR7 of the Proposed Changes to the draft South East Plan;

- Appropriate measures can be secured to mitigate any detrimental impact on the setting of this part of the Kent Downs AONB in accordance with Policy E1 of RPG9 and Policy C3 of the Proposed Changes to the draft South East Plan;
- There is no significant adverse impact on the landscape and integrity and purpose of the gap preventing the coalescence of the Medway Towns urban area and north Maidstone in accordance with the objectives of Policies C4 and KTG1 of the Proposed Changes to the draft South East Plan;
- Appropriate measures, including an agreed travel plan, can be secured to promote alternatives to the car and encourage walking, cycling and the use of public transport in accordance with Policies T1, T10 and T13 of RPG9 (as altered) and Policies T1, T2 and T5 of the Proposed Changes to the draft South East Plan.

5.29.7 If the borough council is minded to grant permission, it should address the following, through appropriately worded conditions and/or legal agreements to secure:

- The phasing and delivery of new or improved infrastructure to meet the needs of the development in accordance with Policy CC7 of the Proposed Changes to the draft South East Plan;
- An appropriate level of car and cycle parking to comply with Policy T12 of RPG9 (as altered) and Policy T4 of the Proposed Changes to the draft South East Plan;
- The incorporation of water and energy efficiency measures and the promotion of renewable energy and sustainable construction in accordance with Policies INF2 and INF4 of RPG9 (as altered) and Policies CC2, CC3, CC4, NRM11, NRM12, W2 and M1 of the Proposed Changes to the draft South East Plan;
- Mitigation measures in relation to flood risk, air quality, noise and impacts on groundwater and archaeological remains and measures to protect and enhance the biodiversity assets of the site in accordance with Policies E1, E2, E7, INF1 and INF2 of RPG9 and Policies NRM1, NRM2, NRM4, NRM5, NRM9, NRM10 and BE6 of the Proposed Changes to the draft South East Plan.'

5.30 **SEEDA (03/12/2007):** Supports principle of a shift from road to rail freight and advises that Strategic Multi-modal freight interchanges are a key way of achieving this modal shift. They will help to meet the transport target in the Regional Economic Strategy (Target 9) and particularly the aim expressed in the target to facilitate modal shifts.

5.30.1 Multi-modal freight interchanges need large sites (40-400ha according to the Strategic Rail Authority (SRA) and excellent road and rail access. Such sites are scarce and as a result potentially suitable sites need serious consideration. This site is one such potential site.

5.30.2 It is acknowledged that there is limited planning guidance about where such strategic interchanges should go in the South East. The SRA freight interchange policy advocates 3-4 such interchanges in the Greater South East at points where the main road and rail routes intersect with the M25. Policy T13 in the draft South East Plan and TP23 of the Kent & Medway Structure Plan both set out criteria for the assessment of sites and projects. However, more information is required in this instance to enable SEEDA to offer definitive advice:

- Is it necessary (TP23) and in the right location (T13) to secure modal shift? The further the location from the M25 the more extra lorry miles will result, leading to congestions carbon emissions and cost to the industry.
- Is the site too far from the M25 to reduce lorry movements enough? Does KIG aim to meet the SRA criteria? The applicants argue that the main function will be intercepting rail freight from the continent via the CTRL corridor and argue that gauge limitations prevent a location closer to the M25. This leads to the question of what expectations the applicants have about the onward transportation of the freight once 'intercepted.' Is it the SRA model of regional road distribution, in which case it is necessary for the applicants to state in operational terms what the implications of this departure from the SRA preferred location is for operational viability and sustainability? If it is a different model, then a full explanation of what is anticipated is needed. The current information supplied in support of the application does not answer these questions sufficiently.
- Why is a site much larger than the 50 ha used for the alternative site search being put forward? The applicants need to state why they consider that a higher minimum size is now required as this could clearly reduce the available alternative sites.
- Needs clearer assessment of where the workforce will come from as the existing submission is not a robust economic impact. There needs to be a proper analysis of multiplier effects and substitution for example and a proper assessment of where employees would be expected to come from. In principle SEEDA is very supportive of proposals which create sustainable job opportunities, but need to see a proper Economic Impact Assessment which verifies the likely impacts.

5.30.3 Further (summarised) comments were received on **13/02/2009**

5.30.4 Whilst the additional submitted information refers to further sources of information such as the Great Britain Freight Model and the Rail Assignment Model there is still an absence of a definitive business model identifying a particular type of goods or supplier or a known supply chain that will lend itself readily to the offer of facilities at KIG. There is also no identified rail freight operator marked as a potential partner.

5.30.5 The applicant's core argument remains that KIG will be an aggregation point that has the capability to attract business from UK to Channel corridor with the M20 being the busiest freight corridor. This is clearly a different business model than that envisaged by the Strategic Rail Authority and addressed in Policy T13 of the South East Plan proposed changes. However it has the clear potential to deliver significant modal shift and economic growth in the region.

5.30.6 The lack of an established market is effectively recognised in the Transport Assessment. This assumes that only around 20% of freight will move into and out of the site by rail. SEEDA consider that as an emerging market this assumption is subject to considerable uncertainty. It could be significantly higher or lower depending on the success of the business model. (Officer comment – the rail share that can be accommodated by this site is limited by the capacity of the intermodal terminal.)

5.30.7 Therefore a decision on the planning application cannot be straightforward, SEEDA are of the view however that due to the inevitable uncertainties a decision on this application should be made on the basis of the suitability of the location and the potential of the development to achieve modal shift.

5.30.8 In this regard they state that the locational advantages are clear as the site is close to the CTRL and domestic railway lines.

(Officer Comment: SEEDA state erroneously that the nearby CTRL line provides access for continental rail freight traffic to the site. This is NOT the case)

5.30.9 SEEDA also state that there is spare capacity for rail freight traffic via the Channel Tunnel and North via the West Coast Main Line. The application will also take advantage of the predicted growth in international rail traffic. Deutsche Bahn's recent acquisition of EWS confirms their intention to increase services through the tunnel. Open access for freight in 2011 should increase this further. The site is also close to a motorway junction on a relatively uncongested part of the network. They note that the proposals have the full support of the Rail Freight Group and support in principle from Network Rail. They recognise it is not in the Green Belt and state that while it is adjacent to the Kent Downs AONB they note the site is already under consideration for development in the Maidstone LDF Core Strategy.

(Officer Comment: No response has been received from Network Rail it is not therefore clear whether they support the development in principle).

5.30.10 SEEDA is satisfied that the business model requires a site of this size and that legitimately that when considering alternative sites a site of this size should be used as the basis for site selection. They are satisfied that the KIG site is the most suitable.

5.30.11 SEEDA are now satisfied that the applicant's figure of 2,297 additional direct jobs with a further 690 indirect jobs has been generated in a robust way. They also note that around 1000 jobs are expected to be skilled positions. The socio-economic assessment provides robust forecasts of where the employees may travel from and they consider they are realistic and appropriate in the context of existing travel to work patterns and forecast future housing growth.

5.30.12 SEEDA refer to the DfT publication delivering a Sustainable Transport System (DASTS: The logistics perspective (December 2008) which refers to a high level goal of delivering reliable and efficient transport networks.

Encouraging modal shift from road to rail by development such as KIG will help to achieve this.

- 5.30.13 In conclusion SEEDA advises the Council that if successful the development will have significant benefits in additional employment and economic growth. The impact on modal shift is dependent on establishing a market but could be significant. They also conclude that the applicants have submitted strong evidence this is the most suitable location for their business model as no other site has the combination of sufficient size and suitable road and rail connections. The development therefore has very significant potential to help deliver Target 8 of the Regional Economic Strategy and through this to contribute to the wider sustainable economic growth of the region. They therefore SUPPORT the application.
- 5.30.14 SEEDA however recognises that the Council also has to assess highways, environmental and landscape impact issues, and that it will be for the Council to weigh these issues against the value of the development in Sustainable Economic Development terms.
- 5.30.15 A further letter dated **24/04/2009** has been received from SEEDA which states:-

"Thank you for sending SEEDA an advance copy of two reports you have commissioned to inform your Council's decision on the Kent International Gateway planning application. My interim comments are as follows.

The report from Jacobs on the Logistics Rationale for KIG clearly reaches a very different set of conclusions from that produced by MDS Transmodal for the applicants. SEEDA's previous advice to you on 13 February 2009 was given without having seen this information. SEEDA will need to review the findings of the Jacobs report thoroughly prior to appearing as a third party at the forthcoming public inquiry.

The Economic Assessment carried out by NLP generally covers similar ground to that submitted by Hunt Dobson Stringer on behalf of the applicant. However a clear difference between the two is the conclusion drawn about the future balance of supply and demand for labour in the catchment area. This is an area where forecasts are currently volatile, reflecting uncertainty over the future prospects for the economy. Again SEEDA will need to review the findings thoroughly prior to appearing at the forthcoming public inquiry."

- 5.31 **Kent Invicta Chamber of Commerce (27/11/2007):** Reserves position at this stage but consider that the proposal is premature in advance of the Local Development Framework process being completed, particularly as they have serious concerns about the possible adverse economic, environmental and infrastructure impact of the KIG application as an isolated planning proposal. In particular, there is no apparent co-ordination between the KIG proposal and emerging proposals for South-east Maidstone. They are sceptical that KIG could fill all of the job vacancies locally. If the planning application is allowed in isolation of consideration of other major development requirements for Maidstone as a whole, this could prejudice the ability of Maidstone to expand further to meet its designated Growth Status.

- 5.32 **Health & Safety Executive (18 March 2009):** The assessment based on the use by the Council of the HSE's PADHI+ planning advice software tool indicates that the risk of harm to people at the proposed development is such that the HSE does not advise on safety grounds against the granting of planning permission in this case.
- 5.33 **Southern Gas Networks (19/03/2009):** Southern Gas Networks do not object to any proposed development adjacent to any of its gas plant, subject to the developer complying with the safety parameters appertaining to the plant in question. In this case the building proximity distance would be 9 meters and any on surface changes would be subject to the terms of the in-place easement deed.
- 5.33.1 'If the application is for a general approval of the development then SGN would not object in principle - however if it is for approval of a detailed design - then the applicant needs to talk to SGN before submission as there will be severe restriction on what can and cannot be done within the easement, any diversions to this type of pipeline are extremely expensive and have very long lead in times'.
- 5.34 **English Heritage (18/12/2007):** Whilst they applaud an initiative to switch from road to rail they have serious concerns about the impact of a facility of this size and question whether this is the correct location for it. They do not consider that sufficient work has been carried out on the archaeological potential of the site to be able to make an informed judgement as to the likely impact of the proposals or to be able to design a suitable mitigation strategy to allow in-situ preservation of any significant archaeological deposits. They also have concerns about the visual impacts of the proposals on the wider landscape setting particularly on the scheduled monument of Thurnham Castle and the Bearsted Conservation Area and consider that more work is required in order to fully appreciate the likely impacts of these proposals.
- 5.34.1 Further comments were made on **02/02/2009**. In summary they consider there is no analysis or consideration of how the proposed development will impact on the historic character of the area or on the specific features identified previously. The additional information also fails to address their concerns over the impact of the proposals on the buried archaeological potential of the area. The additional work identified by KCC Heritage Conservation still has not been commissioned, this is not in line with the advice in PPG16 which advises that further assessment and field evaluation should take place in advance of any planning application.
- 5.34.2 They conclude that there is still insufficient information to assess the impacts of these proposals on the historic environment and that the application should not be determined until these have been addressed.
- 5.35 **KCC Heritage Conservation (15/11/2007 & 19/01/2009):** Confirmed that they have previously provided a detailed specification for desk based assessment and survey works which are needed to be able to reach an informed planning decision. Work should be undertaken in accordance with the advice in PPG16 prior to the determination of the application.

5.35.1 The submitted extra information does not include a revised archaeological assessment addressing the requirements of the specification and the applicant does not appear to have undertaken the further study required. They remain of the view that the applicant's existing archaeological assessment is not sufficiently thorough and that further archaeological work is necessary. It is noted that the details of the ground modelling plans and cross sections should prove helpful in helping the applicant's archaeological consultants produce the topographic archaeological analysis of the site detailed in the application. The zones of visual interference may also assist in assessing the impact of the proposals on the setting of designated historic monuments nearby.

5.36 **Environment Agency (03/12/2007):** They OBJECT to the proposal on the following (summarised) grounds;

5.36.1 DEVELOPMENT AND FLOOD RISK

- The Flood Risk Assessment has quite correctly focussed on the issue of surface water drainage as the site lies outside any identified fluvial flood risk area.

5.36.2 Whilst the method used by the consultants to estimate run-off from the three watercourses is accepted, the run-off rate used (100 year storm) as the controlling discharge rate to determine the size of the attenuation ponds is not acceptable. The objective for an attenuation scheme is to try and mimic the greenfield situation for all storms. If this cannot be achieved, the discharge rate should be limited to that of the 2 year event. This will greatly reduce the discharge rate and require the ponds to be potentially considerably larger than designed.

5.36.3 In addition the calculations have only been based on run-off from impermeable areas within the site and do not take into account remaining greenfield areas which could also result in the need for larger ponds.

- The Development Control team object to the introduction of the long culvert into the scheme. It is beneficial for watercourses to remain open wherever possible for both flood defence and environmental purposes. The use of culverts can exacerbate the risk of flooding and increase the maintenance requirements for a watercourse. It also destroys wildlife habitats, damages a natural amenity and interrupts the continuity of the linear habitat of a watercourse. Access roads can cross watercourses but open span bridges rather than culverts should be used.

5.36.4 The three watercourses are classified as ordinary watercourses and any works that impact on them would require land drainage consent from the Agency before works can commence.

- The Agency is not satisfied based on the analysis within the Flood Risk Assessment that the design has properly taken into account the storage volume that will be required to ensure the pre and post-development situation of run-off will be the same.

5.36.5 GROUNDWATER AND CONTAMINATED LAND

- The submitted desk study recommends further testing including borehole and trial pits particularly in relation to the land in the south east corner of the site. The Agency were thus surprised that the borehole/trial pit coverage within the site investigation was highly limited and not focused to the identified areas and that no soil testing was undertaken. Although the site has not had a particularly developed history, the Agency still requests that a degree of soil sampling is undertaken. This should focus on the area of the former petrol station site in the south east corner and also provide a representative view of the site to establish for example, whether the ground has been contaminated by the use of pesticides in the agricultural areas within the site

If deemed to be uncontaminated, the materials should be treated as cut and fill in line with the Environment Agency Licensing and Enforcement Policy.

5.36.6 DRAINAGE

- The Agency has no objection to the use of infiltration SUDS at the site, provided that only clean uncontaminated surface water is allowed to discharge to them.

The use of permeable paving in the container storage area is concerning however, if this was to be a lined system and no to discharge to the ground at any stage this would be acceptable from a groundwater protection perspective. The proposed underground storage system for the intermodal area should be fully lined and impermeable to be acceptable. In relation to the fuel areas whilst the pollution prevention measures are agreed, all filling points and gauges must also be within the bunded area. The area used for filling must also be impermeable and bunded and must not be allowed to discharge to the surface water drainage system.

5.36.7 WATER QUALITY

- Have no objections to the permanent development being served by a connection to the foul sewer.

They also state that the applicant is aware that the second option of discharge of treated sewage effluent from an on site wastewater treatment works into a tributary of, or directly into, the River Len raises serious water quality concerns and may not be granted approval (Consent to Discharge) if it were pursued.

- During construction a temporary full retention system, cesspool is proposed. The Agency have no objections to the off site disposal of sewage effluent during this phase.

5.36.8 SITE DRAINAGE

- The Agency highlight the fact that there is concern whether the proposed SUDS techniques, oil separators, and trapped gullies are appropriate to prevent pollution from all potential sources that may be introduced by container to the permanent site. More specific

techniques for pollution prevention maybe required for locations storing higher risk containers. These areas may need to be served by positive drainage to cesspool containment. Penstock valves to enable the containment of spillages in other areas may also be appropriate

5.36.9 WATER RESOURCES

- There is a lack of detail in the Hydrogeological Impact Assessment when it comes to assessing the potential risk the development poses to nearby Mid Kent Water (now South East Water) public water supply sources. No modelling/conceptualisation has been proposed in the Hydrogeological Impact Assessment as to how the development will impact on groundwater quality. The importance of the Hydrogeological Impact Assessment cannot be overemphasised

5.36.10 WASTE REGULATION

- Encourage the applicant to consider the Waste Hierarchy of reduction, reuse and recovery of waste as priorities over off-site incineration and disposal to landfill during and post-construction.

5.36.11 BIODIVERSITY

- Notwithstanding the concerns raised regarding the proposed drainage scheme the Agency's Biodiversity team have no objections to the proposal subject to a number of conditions.
 - They wish to receive the results of ecological surveys of the watercourses to be used as the basis to inform the design and enhancement of watercourses on the site
 - Details of the design of new watercourses to be submitted to and agreed in consultation with the Agency. Such details to include a sinuous channel with natural banks and substrate and with the watercourse length to be not less than the extent lost by culverting works.
 - The drainage scheme shall include wetland habitats comprising inter-alia, wet grassland, reed-bed and open water.
 - All planting to use native species of local provenance
 - A programme of annual monitoring for three years for all watercourses

5.36.12 Further comments were made in a letter dated **04/09/2008** directly to the applicant following an initial review of flood risk and recommendations for further analysis. The letter confirmed that the Agency still objects to the principle of large scale culverting on the site for the following reasons.

- There will always be a risk of blockage at the culvert entrance, which will result in increased flood risk
- It will potentially make future maintenance more difficult
- Section 5.4 of the PPS25 Practice guide refers to the Water Framework Directive This recommends a sustainable approach to drainage not only to reduce flood risk but also to improve water quality and local amenity. Provision of compensatory ditches may improve local amenity but would not be able to compensate for the increased flood risk and potential deterioration of water quality

- It is difficult to foresee how large scale culverting can contribute to a sustainable drainage strategy for the site as it will prevent water following natural drainage flow routes into the existing channels
- The existing channels have attenuating properties culverts will be likely to increase the velocity of the flow. This would have a consequential impact on flood risk downstream.
- Large scale culverting is considered contrary to the section 5 of PPS25's sustainable drainage objectives as well as being contrary to the supplement to PPS1 Panning & Climate change.

5.36.13 Additional comments were made by letter dated **06/02/2009**. The letter confirms the Agency maintain their objections to the application as there is no further information relating to surface water drainage.

5.36.14 They have provided additional comments in relation to Contamination, Foul Drainage and Water Quality.

5.36.15 Contamination

The groundwater environment in the underlying Folkestone Beds principal aquifer must be protected. The Agency state therefore that prior to the commencement of the development they will require the following components of a scheme to deal with the risks associated with the contamination of the site.

- 1) A preliminary risk assessment which has identified
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
- 2) A site investigation scheme based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

5.36.16 Foul Drainage

The proposal to route foul drainage from the site to Aylesford water treatment works via three new pumping stations is in accordance with previous discussions and remains the Agency's preferred option.

5.36.17 Water Quality

The impacts on water quality both surface and groundwater during the construction phase and then when the development is completed are key concerns. previous comments are re-iterated.

5.37 **Natural England (28/11/0007):** OBJECTS to the proposal pending submission of the following information:

- The results of further bat surveys and revised mitigation proposals
- The results of further great crested newt surveys and revised mitigation proposals
- The results of breeding bird survey and detailed mitigation proposals
- The result of the invertebrate survey and details of the mitigation proposed
- Further details of the overall habitat mitigation and compensation package

5.37.1 Natural England is content with the Dormice survey which found no evidence of the species on the site and the Badger survey, subject to a mitigation strategy being submitted, approved and subsequently implemented.

5.37.2 They also note that the development will result in the loss of habitat for the Brown Hare and is disappointed that no mitigation is provided. Whilst there may not be sufficient habitat left on the application site for the species off-site compensatory measures could be provided.

5.37.3 Natural England express their disappointment that the proposals within the environmental statement concentrate primarily on mitigation rather than mitigation and enhancement as recommended in PPS9. If the Council is minded to grant planning permission, measures to enhance the biodiversity of the site should be secured from the applicants. Where habitats are created as mitigation or enhancement for a development they should be subject to long term management and monitoring to ensure that the levels of affected species are conserved and wherever possible enhanced. A management plan and monitoring programme for all affected species should be secured by way of a condition and appropriate funding for the implementation of the management plan in perpetuity should be secured through an appropriate s106 agreement.

5.37.4 In addition, the organisation has **SERIOUS CONCERNS** regarding the immediate setting of the Kent Downs AONB and that a development of this nature is wholly inappropriate in this location.

- The site of the development is plainly visible from the scarp slope of the Kent Downs. Natural England considers the settings of designated landscapes to play an important role and are sensitive to change. Consequently, particular regard should be had to quality and character of the countryside in these areas and potentially damaging development should be avoided. The importance of setting is also recognised in draft South East Plan policy C2.
- Do not accept the Zone of Visual Influence (ZVI) description of the viewpoints located within the AONB as 'slight adverse' given the national importance of the AONB.
- The increased traffic would through the additional noise and pollution have an adverse impact on the enjoyment of the AONB.

- The increase in light pollution would lead to further intrusive urbanisation into the surrounding countryside and such large scale development should be resisted from compromising the quality of the AONB.

5.37.5 Further views were given in a letter dated 06/02/2009. The objection to the development is maintained as they consider that insufficient information has been provided to fully understand the impacts of the proposal on protected species

1. Protected Species

5.37.6 Bats

Whilst Natural England welcomes the surveys of the buildings omitted from the initial report, further activity surveys of The Belt Woodland were not undertaken during 2008 and the activity survey of Chrismill Shaw was conducted late in the season (and did not follow the good practice guidelines¹). The additional survey of The Belt was recommended in section 4.2.3 of the bat survey report submitted with the original application, and was reiterated within section 8.6.57 of the environmental statement. In addition, the 2008 survey highlights the need to undertake hibernation surveys for Glenrowan House and End Cottage which do not appear to have been undertaken. In the absence of this additional information recommended within the environmental statement and supporting surveys, Natural England does not consider that a robust assessment of the potential impacts of this proposal upon local bat populations has been provided and **maintains its objection to this proposal**.

5.37.7 Natural England is also disappointed that despite our earlier comments, no compensatory measures have been provided for the residual impacts upon local bat populations resulting from this proposal. The environmental statement reported that the development would have a 'probable negative local significance' residual impact upon bats. Where impacts cannot be fully mitigated, compensatory measures should be provided to ensure there is no net loss in the biodiversity of the area.

5.37.8 Dormice

Natural England has no further comments to make in relation to this species at present.

5.37.9 **Great crested newts** No further information to address the concerns raised in respect of great crested newts within our earlier response dated 27 November 2007 has been provided. Consequently, Natural England considers the impacts of this proposal upon great crested newts cannot be fully ascertained and we therefore **maintain our objection** for the reasons detailed in our earlier letter.

5.37.10 Widespread reptiles

As with the great crested newt, it is disappointing that no further survey information has been provided following our earlier comments. The surveys were undertaken more than three years ago, under sub-optimal conditions so the number of animals on the application site may be significantly higher and more widespread than reported in the reptile report. Whilst we welcome the commitment to a further reptile survey being conducted post granting of planning permission, ODPM Circular

06/2005² clearly states that *'It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision'* (Paragraph 99). Consequently, Natural England considers that the survey effort in respect of reptiles is inadequate for the reasons detailed in our earlier letter.

5.37.11 Breeding birds

We welcome the submission of the breeding bird survey which was not included with the original consultation. The 2007 breeding bird survey reports that the site supports breeding territories for a number of red and amber species of conservation concern in addition to many species of widespread breeding birds. Whilst the indicative mitigation contained within the *Supplementary notes on ecological issues* dated October 2008 appears appropriate for most of the species present on the site, the mitigation for sparrow, spotted flycatcher, linnet, bullfinch and skylark is less likely to be successful. Indeed, a residual impact of significance at the local level is expected. Consequently, as mentioned in our earlier letter, compensatory measures should be provided for any residual impacts after mitigation. Indeed, such measures were proposed in the Section 4.2.22 of the 2007 breeding bird survey in which it was stated that *'However, an alternative would be to buy, or fund management of, some nearby farmland to benefit skylark and perhaps other BAP species such as linnet and turtle dove and this is recommended'*. Consequently, Natural England recommends that further clarification is sought from the applicant on measures which are proposed to resolve such residual impacts before determination of this application.

5.37.12 Otters, water voles and white clawed crayfish The Environment Agency takes the lead on otter, water vole and white clawed crayfish conservation and we recommend they are consulted on the additional information submitted in relation to these species. They can be contacted at Orchard House, Endeavour Park, London Road, Addington, West Malling ME19 5SH.

5.37.13 Badgers Natural England has no further comments to make in relation to badgers at present, subject to those made in our earlier letter dated 27 November 2007 being fully considered when determining this application.

2. Other species of conservation interest

5.37.14 Brown hare

As detailed in the environmental statement and our earlier letter, habitat supporting the brown hare will be lost to this development proposal. However, mitigation and compensation measures for this species have not been included within the revised information. Consequently, Natural England reiterates its earlier recommendations that, since measures to accommodate this species are not possible within the development footprint, off-site compensation should be provided.

5.37.15 Invertebrates

Natural England welcomes the submission of the detailed invertebrate survey report. A number of invertebrate species were recorded across the site with several of the habitats assessed as being of high local

importance for invertebrate species. However, the indicative mitigation strategy contained within the invertebrate survey report appears appropriate to mitigate the potential impacts of this proposal on local invertebrate populations. Therefore, should the Council be minded to grant permission for this application, we recommend that a condition to secure the invertebrate mitigation is appended to the consent? An example condition is provided below.

5.37.16 Prior to the commencement of any works which may affect invertebrates, or their habitat, a detailed mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy, with any amendments agreed in writing.

5.37.17 Such a condition is necessary to ensure mitigate the impacts of this proposal upon local invertebrate populations.

5.37.18 **Biodiversity enhancements**

It is disappointing, that despite our earlier letter detailing the emphasis within the environmental statement on mitigation rather than mitigation *and* enhancement (as recommended in Planning Policy Statement 9), no further information has been provided. Consequently, Natural England recommends that further information is obtained from the applicant on measures which will be implemented to enhance the biodiversity of the area as a result of this proposal.

5.37.19 **Landscape and visual effects**

Natural England has no additional comments to make at present in relation to the landscape and visual effects of this proposal at present, subject to those contained in our earlier letter being fully considered when determining this application.

5.38 **Kent Downs AONB Unit (6/12/2007):** National and local planning policies are very clear that highest priority should be given to the conservation and enhancement of AONBs. Government has confirmed that AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status, PPS7 confirms this. Whilst the proposed development is not within the Kent Downs AONB it lies in the foreground and an assessment of its impact on the AONB is therefore essential.

5.38.1 They note that the Environmental Statement (ES) submitted with the application acknowledges that there will be an adverse impact on the Kent Downs. AONBs are landscapes of national importance. Major development which adversely affects the qualities of the AONB should demonstrate both national need, lack of alternative sites as well as minimising environmental harm.

5.38.2 They OBJECT to the impact of the development on the setting and the quality of the AONB in both the short and long term. Four key issues are identified:

- Detrimental impact of a major development such as this on views to and from the Downs including extensive views from the scarp.

- Detrimental impact on landscape character given the high sensitivity of the Downs.
- Adverse cumulative impact of increased lighting and loss of dark skies.
- Increased noise and further loss of important components of tranquillity which would have a detrimental impact upon the quality of the protected landscape and quality of life.

5.38.3 Their initial impression is that the Landscape Visual Affects section of the ES accompanying the application is being used almost as a justification for the proposal, i.e. past assessment of the area is at least in part adverse so a new development doesn't matter. This is an inappropriate approach. There are significant opportunities to conserve, create and restore the landscape character of the Mid Kent Downs/Hollingbourne Vale as set out in such documents as the Kent Landscape Character Assessment (2004). Other indications of the quality of the high landscape hereabouts are the presence of several Sites of Special Scientific Interest (SSSIs), a substantial area in Countryside Stewardship scheme, a Special Area of Conservation and extensive Ancient Woodlands. A coordinated approach to conserving and restoring this landscape has been ongoing in excess of a decade and has led to substantial landscape improvements within the Mid Kent Downs/Hollingbourne Vale landscape character area.

5.38.4 They question why this scheme is being promoted via a planning application rather than through the planning policy framework process. The draft South East Plan Panel Report indicates that the preferred locations for this type of development are still being considered and as yet has not been completed. The Kent & Medway Structure Plan makes it quite clear that the provision of an inland intermodal interchange should not have a significant impact on the Kent Downs, which is clearly not the case with this proposal, which if allowed would set a precedent for major development along the transport corridors which adjoining the AONB. Development could well lead to significant net road based traffic generation during construction and operation leading to pressure for a freight buffer zone at Dover Docks and built solutions for 'Operation Stack' and impacts on other local roads such as the A249. The development itself may well also lead to pressure for other development in the vicinity to service this large site.

5.38.5 Further comments were made on **10 February 2009**. The organisation's objections still stand. They set out a summary of key issues and concerns regarding adverse impact of development upon the Kent Downs AONB

- Detrimental impact of a major development such as this on views to and from the Downs including extensive views from the scarp and the North Downs Way.
- Detrimental impact on landscape character given the high sensitivity of the Downs
- Adverse cumulative impact of increased lighting and loss of dark skies
- Increased noise, and further loss of important components of tranquillity which would have a detrimental impact upon the quality of the protected landscape and quality of life.

- The lack of clarity on the implications of increased traffic on rural lanes

5.38.6 Visual impact on enjoyment of AONB

'The starting point for this assessment is an appreciation of the current landscape experience of the AONB in this area. Between the Detling and Hollingbourne areas (to the north west and to the east of the development site respectively), the most striking feature of the landscape from all elevations, looking broadly southwards, is of unspoilt rural farming countryside. The very large urban area of Maidstone, to the south-west, is largely obscured by landform, but parts of northern Maidstone and of the village of Bearsted are just visible from higher elevations on the North Downs. However, built development is not intrusive in the view due to its distance at an oblique angle and the extent of hedgerows and woodland on rising ground through and behind the developed area.

5.38.7 Hedgerows, trees and woodlands are of considerable importance in shaping the appreciation of this landscape. In particular, Snarkhurst Wood, to the west of Hollingbourne, sits on a large hillock of land which already hides a motorway service station and J8. This landform ensures that views into the far eastern end of the application site from the AONB are constrained from the Thurnham direction and only just visible from the Broad Street direction. Further west, Longham Wood also eliminates low-level views to the ground of the application site from the foot of the scarp to the north. (However, from higher parts of the AONB the existing ground can be seen over the top of Longham Wood.) Other smaller copses and a large number of mature hedgerows, both on the application site and north of it, convey an impression of quintessential rural England.

5.38.8 Apart from a few distant polytunnels, the main discordant note is the pair of major communications routes – the M20 and CTRL – at the foot of the Downs. These follow cuttings and embankments through the lightly undulating landscape. Because they sit low, with rising ground behind, and woods & hedgerows also on higher ground on either side of them, they are visible but for the most part not prominent: they obviously have a great visual impact nearby, but a quickly declining impact with distance to the north. Their greater impact, in our view, is from the noise of their use, which upsets in varying degrees the tranquillity of the pastoral scene. The Ashford-Maidstone East railway is barely visible at all from the AONB in this area. Of considerable significance is the absence of any other notable industrial development to spoil the view in a large vista east and west. Rather, the landscape is dotted with farmhouses, small settlements and the trappings of rural activities. **Given the major urban development and communication routes in this part of Kent, the overwhelming impression is of just how fortunate the county is to have retained such remarkable rural quality in this area.'**

5.38.9 Views of the application site from nearby within the AONB

'Two lanes (one, Crismill Road being barely passable) and numerous footpaths cross the foot of the Downs scarp, in the kilometre or so to the north of the M20/CTRL. The road and the byway pass under the M20 and CTRL. As a result, they (and most of the other rights of way) are set low when they are in the vicinity of the application site. The proposal includes bunding on parts of the northern boundary of the site, typically steep-

sided and up to 3 metres above existing ground levels. Additionally and significantly, the largest building, on the western end of the site, would be lowered by up to 8 metres into the existing ground levels. These measures would further moderate close views of the structures, apart from Unit D which is closest to the M20 and has a high base at 66 metres AOD (compared with the western-most Unit 1 at 55m). As the land rises towards the Downs, views over the M20 and CTRL become more extensive, the more so with distance, and greater amounts of built structure would potentially come into view. However, existing woodlands and hedgerows would often have some mitigating impact with this extra distance. **The enormous scale of the proposed development could not avoid affecting the views south from these rights of way, though mostly parts of the sidewalls of the units would be the visible features rather than necessarily the adjacent ground and its use.**

- 5.38.10 Views from the AONB would be affected by the five very large overhead gantries, 25m high, to be installed for moving containers in the Inter-Modal Areas. These would be particularly alien and prominent features in the landscape. With the main Inter-Modal Area being immediately south of the M20 (north of Units E and F), the considerable height of the gantries would be clear from the AONB and incapable of any meaningful screening. Even though the gantries would be partially located behind Longham Wood, they would be visible from many places, near and far. Views from the North Downs Way already see the ground over this wood, so any screening benefits would be limited to lower vantage points, contrary to the claim in the application. Their metallic structures would also be reflective and catch the light, making for visual intrusions disproportionate to their mass.
- 5.38.11 In addition to the structures and gantries, the proposals include stacking of containers up to 15m high in the Inter-Modal area immediately south of the M20. In response to this, the application proposes to "install screen fencing along this stretch of the boundary. This would remove views of stored containers, leaving only short glimpses of the cranes above, lattice structures with far less visual impact" (*Planning Issues Report*, paragraph 7.36). This understates the overall visual impact. A lengthy screen up to 15m high would itself have a significant detrimental visual impact from many places within the AONB to the north, amplified by the fact that over part of its length the ground level of the M20 at this point is on a raised embankment. This is the section of the site most clearly visible from the Pilgrims Way near Thurnham.'
- 5.38.12 Views of the application site from the Pilgrims Way
The Pilgrims Way broadly follows the contour of the chalk NW-SE near the foot of the Downs scarp at about 100-110 metres AOD. At its closest point to the application site, at Thurnham village on the western side, it is about 1 km from the proposal. Further east, at Broad Street, the Pilgrims Way is about 1.5km from the site. This minor metalled road is an important route between the villages and of considerable historic and recreational importance, offering often fine views over the ground falling away to the south. It also provides the first real opportunity, because of its alignment, to consider the generality of the views into the application site from a sufficient elevation where a large number of people might be affected.

- 5.38.13 In practice, the only part of the application site where the ground is clearly visible is from between Thurnham and Cobham Manor Farm and limited to the western-most end of the application site, west of Longham Wood. This is the proposed site for the largest industrial unit of all, though somewhat lowered into the existing landscape. It is possible that other industrial units may also be glimpsed from here, either through hedgerows or to their upper sidewalls where the ground is not visible. Even though the main visible unit would rise to 14m, its impact would be mitigated by the M20 and CTRL on embankments immediately in front, by the moderating effect of distance, and by the higher backdrop behind of rural landform and the hedges and woods upon it. In the context of the grand view sweeping south off the Downs, the daytime visual impact of the industrial units need not be excessive, (at least in relation to the size of the overall scheme). Sympathetic colouring and anti-glare in the surface treatment of the development would be of considerable benefit: this is offered in the *Planning Issues Report* (September 2007) at paragraph 7.33.
- 5.38.14 Views of the application site from the North Downs Way
Numerous roads and rights of way rise from the Pilgrims Way up the scarp of the Downs. The roads are generally sunken lanes shrouded by trees and tend not to have significant views over the application site. The most important route at higher elevation is the North Downs Way, which like the Pilgrims Way runs roughly parallel to the line of the development. This is a national trail and is heavily used for recreation by both local people and visitors. Above Broad Street, this follows the contour just below the top of the scarp, while further west, to Thurnham, it takes a more strenuous course changing height up and down between this and the mid-scarp level.
- 5.38.15 Wherever views open out from the North Downs Way, the application site is more visible than it is from lower levels (such as the Pilgrims Way). The most important feature of this visibility is over the top of Longham Wood and in varying degrees over the tops of other smaller woods. As a result, virtually the entire area of the application site at ground level comes into view in whole or part from points along the North Downs Way (particularly the parts of the site north of the railway). The impact of the proposals is made impressively clear by the photomontages (existing, year 0 and year 10) from viewpoint 5, from above Broad Street. These show that most of the proposed structures would be clearly visible from the North Downs Way (and the scarp). Although largest, Unit 1 to the north west would have less impact (because of its elevation) than the prominent Unit 4 beside Woodcut Farm (immediately south of the point where the M20 crosses the Ashford-Maidstone East railway). Also from this angle, the more concentrated structures in the far eastern corner of the site would be clearly visible. Unit E (275,000sq ft) would be the only major shed not visible, hidden behind Snarkhurst Wood.
- 5.38.16 Views of the proposed structures from the North Downs Way are more prominent from the Thurnham end because they are closer (by about 0.5km) but more extensive from above Broad Street. By looking down on the application site from higher positions, the development would be more intrusive than from the Pilgrims Way despite the intervening distance being slightly greater. The Environmental Statement includes a

series of viewpoints of the application site. View T, from directly above Broad Street, is the only one from the North Downs Way. Had a position 100m to the west been taken, all the intervening foreground trees would be absent, and the views over the site correspondingly have more impact. The ES also includes in Figure 6.5 a Zone of Visual Influence, showing apparently limited opportunities to view the application site from the Downs. **In our view, the Figure understates the true scope for viewing the site from the North Downs Way, as indicated above.** The Theoretical Zone of Visual Influence drawing accompanying the application is more realistic in showing the potential for views to the site, and properly includes a greater section of the North Downs Way.

5.38.17 **The impact of such large structures would be entirely clear in the views from the North Downs Way, introducing alien intrusions into an otherwise little-tainted landscape.** Significant in the view would be not only the enormity of these structures but also their context. They would introduce starkly level lines in otherwise undulating ground, and be accompanied in places by severe ground modelling and bunding to effect their level bases and to reduce their visual impact from local positions.

5.38.18 **Overall, we consider that the perception of the landscape from the AONB –its setting – would be damaged by the proposed development.** We challenge the conclusion in the ES (paragraph 6.8.47) that “The proposed development would not be seen or perceived as a whole from within the AONB” as this is clearly not the case from the North Downs Way above Broad Street (see Photomontage from viewpoint 5). Paragraph 6.8.48 properly accepts that “The visual effect of the proposed development on the setting of the AONB would be adverse”. We challenge the degree to which the proposed development would be visible from higher elevations (see above), and do not agree with the conclusions which follow from the errors in the ES in this respect (notably the Zone of Visual Influence diagram). It is on this basis in, paragraph 6.9.6, that the ES wrongly argues “The effects on the North Dows and AONB to the north of the motorway would be slight adverse. Although this landscape receptor is of an inherent high sensitivity, the influence of the proposed development on it would be minimised by the largely restricted visual relationship between the site and the landscape to the north. That conclusion also reflects a disappointing emphasis in the assessment in the ES on the visibility of the existing site area more than the visibility of the components of the proposed development. Partly as a result of this, **we do not consider that the impacts on the AONB would be mitigated to the extent that the ES believes, and do not accept that the “more distant settlement and development areas” detract in any real way from the appreciation of this landscape. We therefore consider that the visual effect upon the setting of the AONB would be worse than the “moderate/slight adverse at the outset” claimed (paragraph 6.8.48).**

5.38.19 Views to the AONB from the vicinity of the application site
The experience of the AONB from the Bearsted area would be transformed. Instead of gaining access from the edge of the village to open countryside and the chalk scarp, passage would have to be made first through an enormous industrial development. The experience of even the lanes which would remain would be transformed, especially for

Water Lane, which would take its course through an engineered landscape with large industrial units closely adjacent especially to the east.

- 5.38.20 Impacts on Landscape character
Chapter 6 of the Environmental Statement on 'Landscape and Visual Effects' identifies the application site from the County Council's 'Landscape Assessment of Kent' (2004) analysis as lying within two character areas: the Hollingbourne Vales West and the Leeds-Lenham Farmland Character Areas. As can happen at the boundary of character areas, or when examined in local detail, the character assessment may not be sufficiently detailed. This in our view is the case here.
- 5.38.21 Neither description properly reflects the entire quality of the part of the character area which would be affected by the proposed development. Industrial and suburban development does not detract to any great extent from the part of the site within the Hollingbourne Vales West area, and the hedgerows are usually better than can be found elsewhere. Similarly, the Leeds-Lenham Farmland area has neither mineral extraction nor large scale visual detractors, and is by no means in a 'very poor' condition. The M20 and CTRL, of course, do have a significant adverse impact.
- 5.38.22 In our view, the landscape assessment carried out on the application site has attempted to mould its findings to the conclusions reached for the wider character areas. This has tended to result in the quality of the site being understated. Despite this approach, we agree that "the site landscape does include some specific areas and features of value and relatively greater sensitivity. These are the mature woodlands, trees and associated pasture within the central part of the site" (ES paragraph 6.3.39). Furthermore, the significance of the character of the application site is greater in the context of the AONB, providing a more heavily tree-covered area at the foot of the Downs contrasting with the exposed sweep of the very large fields on the chalk scarp. Undulating land with good tree cover can sometimes absorb development reasonably well, but the sheer scale of this proposed development would inevitably swamp the character of this site.
- 5.38.23 The ES concludes that "The potential landscape effects upon the County and Borough based landscape character areas would... be slight or slight-moderate adverse. This would reflect a relatively greater influence of the proposed development on these character areas, but a lower existing landscape sensitivity and a poor landscape condition" (paragraph 6.9. 6). The impact of the development on the character of this location would of course be largely to eliminate it, while on the other hand **we strongly disagree that the existing character is as weak as portrayed.** We therefore consider that the adverse effect would be distinctly greater than 'slight or slight-moderate adverse'. In both visual and character terms, the considerable contribution which the application site makes to the visual enjoyment of the AONB and to landscape character, plus the limited impacts on the AONB of other existing developments and intrusions, would result in the proposed development appearing distinctly intrusive in the wider scene, albeit more especially when seen from the distance of the scarp of the Downs. The planning application in our view merits an objection for these reasons.

- 5.38.24 **Traffic and Access**
All the lanes within the AONB are wholly unsuited to an increase in traffic flows arising from the proposed development. The kinds of freight vehicles associated with the development would not be using those lanes in any event, but the layout of the scheme has been arranged around rapid access to the M20 and so will avoid any direct impact on Thurnham Lane and Water Lane.
- 5.38.25 There is, however, some likelihood of an increase in pressure on these lanes arising from the major employment generated at the site (around 3,500 in all, including 500 in office jobs in the business area at the eastern end of the site). Employees and businesses servicing the Kent International Gateway could also be expected to increase the volume of use of roads through nearby villages such as Hollingbourne in the AONB.
- 5.38.26 The applicants argue that there is ample spare capacity on the M20, at Junction 8, and on the links to it (other than at one local roundabout, which was over-capacity in 2007 in any event). Nonetheless, increased use of the main local roads is inevitable, as a proportion of the trips generated would be of a subregional nature and not using the M20, and because many staff would arrive on non-motorway routes. The scheme could therefore be expected to generate additional traffic through the AONB, though the scale of this is not clear.
- 5.38.27 The impact of the noise of the proposed development on the AONB.
The noise impacts of the proposed development on the AONB should not be overlooked. The facility would expect to accommodate 12 trains per day, and has considerable loading, unloading and transfer capacity to absorb this. There will be sidings sufficient to allow 775m trains to be handled, with all the associated shunting and movements. Furthermore, although there would be an acoustic enclosure to the sidings adjacent to Units 1 and 2 (north west corner), this would be open to the north, inevitably transmitting noise towards the AONB. The facility would operate 24 hours per day seven days per week. The application records that 'a key consideration' has been to lay out the scheme so as to keep noisier activities away from residential areas; the effect of this has been to concentrate on parts of the site which will have greatest detrimental effect on the enjoyment of the AONB. Paragraph 7.41 of the Planning Issues Report (September 2007) states: "the service yards and vehicle manoeuvring areas are turned northwards from the residential properties towards the motorway, so that distance is maximised and the buildings themselves act as a noise shield. The same principle applies to the intermodal area, where here is considerable activity in the open". The combined effect of these activities would be to add significantly to the noise levels in the AONB, projected towards it on the prevailing wind, in addition to the noise from the M20 and CTRL.
- 5.38.28 The impact of lighting of the proposed development on the AONB.
The applicants' Planning Issues Report (September 2007) comments briefly on the handling of lighting the 24-hour activities on the application site. As a result of the efforts to keep noisy activities away from residential properties and therefore towards the AONB, the clear implication is that a similar consequence will arise from lighting: "The arrangement of buildings equally assists in keeping the main lit areas

away from existing housing” (paragraph 7.41). In essence, exterior lighting is needed for the noisy activities in open air.

- 5.38.29 A chapter in the Environmental Statement from June 2007 addresses Lighting. This describes the proposals which include 517 high pressure sodium lamps. 30 of these lamps will be mounted 30 metres above the ground on the 5 gantry cranes in the Inter-Modal area (Table 7.6). It is these gantry lights which will have easily the worst impact, having the highest average luminance level, averaging 69.7 lux and a maximum of 171 lux (Table 7.7): these are substantially greater than the lighting levels in the car parks, loading areas and along the major roads.
- 5.38.30 Attention has been given to a Lighting Strategy, but unfortunately this appears to have neglected the AONB until the last moment, judging first by the ‘track-changes’ in the final text, and second by the fact that none of the Night-time Viewpoints for baseline comparative purposes is from within the AONB. This is despite the importance of the Institute of Lighting Engineers’ *Standards for Limiting Obtrusive Light* (2005) being acknowledged as classing AONBs in the most stringent of four Environmental Zones for the purposes of assessing lighting impacts (ES paragraph 7.2.8). The baseline assessment (Table 7.4) nevertheless noted in passing that from the Thurnham Lane area (to the west of the site) “the AONB to the north was noted to be very dark with no light sources visible”. Likewise, from Water Lane in the centre-west of the site, “The AONB to the north was also noted to be very dark”. Even from Junction 8 on the M20, “The AONB to the north was noted to be very dark.” As a result, the ES accepts that “the North Downs AONB [sic] was noted to be an intrinsically dark landscape indicative of an E1 Environmental Zone with very few visible light sources observed” (paragraph 7.4.5). The area to the south east was also noted to be exceptionally dark with few sources of artificial light noted. These findings indicate one important difference between the noise and lighting impacts of the existing M20/CTRL: those major arteries are noisy but they are not lit at night, so the lighting damage arising from the proposed development cannot be held to be in any way reduced by existing problems.
- 5.38.31 So far as the effect of lighting is concerned, the ES distinguishes sky glow, light spill, glare and light trespass. Light spill and light trespass affect neighbours more than distant views, so the main concerns in the AONB are impacts on sky glow and glare. These can to some extent be ameliorated by careful design, and the ES explains the proposals. The impact of glare is considered only in respect of residential receptors in close proximity to the site, neglecting the AONB. Sky glow is accepted to increase and to affect the setting of the AONB (paragraph 7.5.33). Despite the proposed mitigation measures, the ES concludes on sky glow that “Although a stringent lighting design is proposed to minimise the effects of installed lighting, given the current unlit nature of the application site, it will not be possible to prevent a residual increase in fugitive upward light loss contributing to sky glow (which will be most noticeable during low cloud conditions and will be evident when viewed from the AONB at night) and it is considered that there will be a residual effect of **minor to moderate negative** significance, considering that the site is currently unlit and classified in large areas as an E1/E2 Environmental Zone” (paragraph 7.7.26, emphasis in original). This level

of impact is defined in the ES (inter alia) as “resulting in a noticeable effect on baseline conditions moderately in excess of the recommended ILE guidance levels” (Table 7.3).

5.38.32 The ES in effect accepts the inevitability of adverse effects of this major development on the perception of the area from the AONB at night. Unfortunately, apart from its limited attention to AONB interests, the ES hints at a somewhat cavalier approach to lighting, arguing that “there are certain exemptions from artificial light nuisance, including light emitted from light sources which are used for transport purposes and other premises where high levels of light are required for safety and security reasons. Lighting from the operational use of the railway elements of the site will fall within the ‘railway premises’ exemption, but other areas of the application site (e.g. warehousing and car parking areas) will not” (paragraph 7.5.10). It is probably not coincidental that the attention to the operational aspects of the development concentrate heavily on the non-railway aspects of the scheme, even though extensive open parts of the site are railway land and the Inter-Modal areas have easily the most intrusive lighting impacts.

5.38.33 In the additional information recently supplied, the applicants have furnished visual impressions of the distribution of lighting requirements around the site. These confirm the concentration of lighting impacts from the Inter-Modal area alongside the M20, particularly behind and either side of Longham Wood (when viewed from northerly directions). However, there has been no further work to remedy the impacts played-down in the original ES (e.g. to assess the impact of sodium lamps at 30m rather than 12m above the ground, or to tilt the lighting back into the site from the top of the proposed noise screens alongside the M20).

5.38.34 **The lighting assessment work is disappointing so far as the AONB is concerned: the most intrusive lighting is adjacent to the AONB, yet this contribution has been subject to less assessment than have other impacts, and the AONB’s interest has been treated as an after-thought.** In the context of an extensive area unlit at night, the night-time light intrusion would be entirely contrary to the character of the AONB and the rural experience it currently offers. The applicant accepts that the AONB would be damaged and that the proposals will not satisfy ILE guidelines. This is a ground for objection to the proposals.’

5.39 **Kent Wildlife Trust (30/11/2007):**
OBJECT to the development on the following grounds;

- Disturbance to notable populations of important species
- Loss of valuable breeding and foraging habitats
- Denying the opportunity to create semi-natural habitats in a key Living Landscape corridor

5.39.1 The proposals represent a significant threat to wildlife interests in this part of the Borough despite the fact that the development site does not incorporate any designated wildlife habitats. It is nevertheless notable for the presence of,

- Semi-natural woodland habitat of Borough significance,

- Parkland habitat of (potentially Biodiversity Action Plan quality (National significance)
- Hare population of county significance
- Bat population of county significance (particularly Serotine bats)
- Close proximity of Honeyhills wood, pasture and golf course SNCI (county significance)
- Breeding and foraging bird population of Borough significance
- Potentially an invertebrate population of Borough significance
- High quality of the River Len system including three watercourses that pass through the site and the presence of two SNCIs in the River Len system to the south of the application site.
- Land with potential for the creation of habitats of national importance in an identified part of the proposed ecological network for the SE region.

5.39.2 The Trust consider that the application does not satisfy the terms of PPS9, the emerging South East Plan and Maidstone Core Strategy and is especially concerned that it is not yet possible to determine whether or not the proposal incorporates suitable and adequate mitigation and/or compensation for negative ecological impacts.

5.39.3 Further comments made on **05/02/2009**. They welcome the completion of the protected species bird and invertebrate surveys, although it is noted that a fuller invertebrate survey needs to be done in a dryer summer than that experienced in 2008. This information is needed to complete the scheme impact assessment and to provide accurate baseline information for the design of habitat management plans and further subsequent evaluation of the effectiveness of management initiatives.

5.39.4 The proposals to establish woodland and acid/neutral grassland habitat on land outside the application boundary is a welcome albeit partial response to the loss of valued habitat on the development site. However, the translocation of 2.1ha of woodland and creation of 4.5ha of acid/neutral grassland even coupled with on site provision of new wildlife habitat (36.8ha) does not compensate for the permanent destruction of 109.9ha of established habitat. In addition this new habitat will not be available for many years after the destruction of the existing habitat. The temporary loss will therefore be much more substantial than that implied in the Habitat Balance Sheet.

5.39.5 These facts demonstrate that the KIG scheme still fails to deliver the biodiversity enhancement required by PPS9, the SE Plan and the Borough Council's emerging Core Strategy. Furthermore, the Core Strategy Preferred Options focus on the importance of a green space network (to be provided/protected if development comes forward) both to compensate for the major expansion of Maidstone's urban area and to better integrate the enlarged town with its landscape setting. Whilst the masterplan for KIG pays some regard to the Core Strategy's key Diagram 'area of search for green space network' it stops short proposals for the enhancement of the remainder of the Lilt corridor between the application site and the A20. The Trust is concerned that this proposal will not be realised unless it is funded as part of the development of its related major growth area.

- 5.39.6 The ES submitted when the application was registered in 2007 suggested that a full cumulative impact assessment was being prepared. Its findings will inform the wider evaluation of this major development proposal but to the Trust's knowledge this essential piece of work has not been reported
- 5.39.7 In earlier representations the Trust advocated the use of 'living roofs' on some of the buildings as a further opportunity to provide valuable habitat on the site. There doesn't appear to have been any evaluation of this suggestion.
- 5.39.8 The Trust therefore maintains its HOLDING OBJECTION pending the availability of the following:
- A repeat survey of streams and terrestrial habitats in drier summer weather more representative of the prevailing conditions at the site (as recommended by Colin Plant Associates Ltd on behalf of WSP Environmental)
 - An evaluation of the opportunity for the installation of 'living roofs' on the smaller warehouse buildings in addition to the commercial buildings in the south-east corner of the scheme
 - A full cumulative impact assessment
 - Proposals to provide and protect a green space network in the River Lilt corridor to the west of the application site south of the Ashford-Maidstone railway line.

5.40 **Southern Water (26/11/2007):**

Confirmed that there is currently inadequate capacity in the local network to provide foul sewage disposal to the service the proposed development. Additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. In relation to surface water drainage they comment that the relevant authority for land drainage consent (The Environment Agency) should comment on the proposed discharge to the local watercourse. They recommend that conditions are imposed requiring details of both foul and surface water drainage to be submitted and agreed and a further condition requiring the development not to be occupied until there is sufficient infrastructure capacity in the system to service the development.

5.41 **Mid Kent Water (now South East Water) (15/11/2007):**

The company have abstraction sources close to the proposed development and has a duty to supply clean safe drinking water at all times to its customers. Therefore they must ensure that this planned development does not adversely impact on the underlying aquifer. The catchment study mentioned at section 5.1.2 of the Hydrogeological Impact Assessment will therefore be important. It is currently unclear what the impacts on groundwater quality and quantity will be. They wish to be involved in the ongoing discussion between the applicants and the Environment Agency in relation to Groundwater Protection guidelines being adhered to and to be provided with a copy of the catchment study when it is available.

5.42 **EDF Energy (06/11/2007) & (19/01/2009):**

No objections provided that their rights regarding access and maintenance of any of the cables within the area are maintained at all times.

5.43 **Union Railways (CTRL) (16/11/2007):**

Do not wish to comment on the proposal.

5.44 **South Eastern Trains (18/12/2007):**

Support the principle of an increase in rail freight use and they are not opposed to the KIG proposals as long as they do not adversely affect Southeastern's franchise commitments. They would particularly be seeking further information about the effect that the additional traffic would have on the capacity of the lines into London (for example West London Line, South London Line, Nunhead and Lewisham) taking into consideration the relevant Network Rail route utilisation strategies, future Transport for London Plans and the proposed freight depot at Howbury Park.

5.44.1 Further comments raising a series of questions regarding the impact of the development on their services and which they require clarification on before full comments are made were made in a letter dated **06/02/2009**.

5.45 **Highways Agency (14/01/2008 & 11/07/2008):** A Direction under Article 14 of the Town and Country Planning (General Development Procedure) Order 1995 directing the Council not to grant planning permission was issued on 14 January 2008. The Direction, which was due to expire on 13 July 2008, was renewed until 12 December 2008 on 11 July 2008. The reason for issuing the Direction is that;

5.45.1 'There is insufficient information presently available to the Secretary of State to determine whether the proposed development would generate traffic to an extent that would be incompatible with the use of the M20 trunk road as part of the Strategic Road Network in accordance with s10 (2) of the Highways Act 1980 and with the safety of traffic on it.'

5.45.2 The letter accompanying both directions sets out the areas of Highways Agency (HA) concern and where they feel further supporting information is required to enable them to form a view on the impact of the development on the adjacent trunk road part of the Strategic Road Network (SRN). In essence this required information is as follows;

- The Transport Assessment (TA) has not been prepared in accordance with Circular 02/07 and the Guide to Transport Assessments (GTA). The assessment does not take into account the forthcoming LDF and does not contain a clear and robust impact assessment of the likely impact of the proposals on the safe and efficient operation of M20 junction 8 and the surrounding SRN
- A comprehensive Travel Plan is required to accompany the planning application for the site. This needs to follow Government guidance on achieving as sustainable development as possible. The Travel Plan needs to identify and make a commitment to measures that will achieve this, including the setting of targets, measures, a monitoring regime and sanctions to implement should the targets not be being met.

- The main case supporting this development of this rail freight interchange would be its ability to reduce the number of heavy goods vehicles carrying freight by road. The TA does not provide this. It should identify how the operation of the site would achieve this benefit and with what degree of certainty could the benefit be guaranteed into the future.

5.45.3 Further information was requested in May 2008 in addition to the above that has not yet been supplied.

- A comprehensive construction traffic management plan needs to be provided to clear understanding of how the impact of the construction traffic will be minimised and managed.
- A wider impact assessment of how the proposal will impact on the M20 corridor in terms of staff and HGVs using the site.
- An understanding of how this proposal will be affected by the recently granted London Gateway and Howbury Park Rail Freight Interchange (RFI) applications.
- An understanding of how this proposal fits in with the Government's agenda for delivery of rail freight interchanges and how the applicant sees the proposal working in practice.

5.45.4 The HA go on to state that despite all the correspondence between them KCC and the applicants over the last 6 months that they do not consider a TA has been completed inline with their reasonable requirements. A vast amount of information has still to be provided by the applicants to allow the HA to fully understand the impact of the proposal on the SRN. They consider the applicant should produce a new TA taking into account the concerns of the HA and others and stress that they are keen to liaise with the applicant to review the information as and when it is provided.

5.45.5 The Agency reconfirmed their Article 14 Direction in a letter dated **12 December 2008** until 12 June 2009. The letter confirms that the additional information supplied by the applicant's Transport Consultants represented a significant step forward but that they are still concerned by the lack of information on the following areas.

- Inadequate future year assessments of the proposals, which do not take into account the new growth point status of Maidstone on the local road network and the planned growth of other local centres, Ashford, Dover etc. and their impact on the mainline M20 flows
- Further discussion on the issue of M20 junction 8 and possibly junction 7
- A robust Travel Plan
- Construction Management Plan
- Information on why this is the best/preferred location for a SRFI
- Information on how this site fits in with the Government's agenda for SRFIs

5.45.6 The HA confirmed their assessment that significant and costly mitigation measures on the M20 will be required to overcome their concerns. They feel that these will not be out of scale with the development and that there is a good prospect of agreement being reached with the applicant.

- 5.45.7 Following a meeting with the applicant's advisors, the Agency, Kent Highway Services and the Council on 23 January 2009 a further letter dated **4 February 2009** was received from the Agency.
- 5.45.8 The letter set out further comments following the response from the Faber Maunsell (FM) Freight team, the HA's consultants who had been asked to review several aspects of the Transport Report.
- In January 2008 planning permission was granted for the Howbury Park freight interchange with associated warehouse development. The HA suggest that Howbury Park's proximity to the KIG site (approx. 31miles or 40mins by lorry) may mean it significantly dilutes the potential demand for KIG. It is imperative for rail freight terminals to have sufficient critical mass to be able to run economic train loads and it is therefore suggested by the HA that the developer needs to be confident of being able to win new rail trade.
 - Information supplied by MDS (the applicant's freight consultants) shows the track near Ashford station currently at 90% capacity and the HA therefore consider that this could make it difficult for KIG to gain additional train paths, particularly on lines from the ports towards London, whilst additionally there are thought to be no train paths available from Felixstowe for deep-sea container traffic that might want to come to KIG. Compounding this further, train paths through the Channel Tunnel have been allocated to the former national freight operators EWS and SNCF. EWS retains the majority of train paths and it is considered that they may well be reluctant to give these up to competitors running to KIG. The HA advise therefore that a review of train path allocation in the light of increasing competition on the rail network and government targets to increase rail freight's market share should be undertaken.
 - Table 2 of the MDS document dated May 2008 (Appendix L) provides an assessment of inbound and outbound traffic forecasts for KIG. The HA question the number of movements per day due to the fact that this is based on the assumption that the NDC element will be turning over every 4 weeks and the RDC element every 2 weeks. An RDC is thought to be more likely to turn over more quickly than two weeks often between 48hrs and 1 week, which if correct for KIG is likely to result in more transport movements for the site.
 - More fundamentally the HA consider that forecast split between NDC and RDC is most unlikely due to its geographical position and high land values in the Kent area. Kent may not be ideally placed for an NDC. They also consider that an NDC accepting and distributing goods across northern Europe as suggested may be better located in northern France as land values are comparatively cheaper and the locations are better placed for serving the continent allowing loads to be consolidated prior to going to the UK by rail through the Channel Tunnel. The HA recommend that the NDC/RDC split is reviewed. They also remind the applicant that assessments should be carried out on a worst case basis whereby the development is assumed to be entirely RDC.

- The HA refer to Table 9.1 of the Chapter 9 in the Transport Supplementary Report, which attempts to forecast reductions in HGV movements as a result of KIG. They state it is unclear how the figures have been calculated and therefore request a detailed breakdown of the figures, e.g. They HA cannot establish where the 2507 daily HGV movements between M20 junctions 7-8 come from.
- The HA finally refer again to their letter of 12 December 2008 raising other issues and assume that the applicants are currently in the process of addressing their concerns.

5.45.9 Highways Agency (21/04/2009)

A further comment has been received by the Highways Agency on the 21st April 2009 which states that:

"The Highways Agency's interest relates to the Strategic Road Network (SRN) that we manage on the Secretary of State's behalf. In this case, it relates to the M20 in the vicinity of Junction 8, In spatial planning and development control terms, we have a duty to safeguard the operation and safety of the trunk motorway in accordance with the Government's policy as laid down in DFT Circular 02/2007 'Planning and the Strategic Road Network' and PPG13. The transport assessment must be conducted with due regard to Circular 02/2007 and DCLG/DFT 'Guidance on Transport Assessment' (March 2007).

Paragraph 27 of Circular 02/2007 states that the Highways Agency will work with relevant stakeholders and developers in order to promote development.

Paragraph 45 of PPG13 encourages location of developments generating substantial freight movements so as to ensure adequate access to trunk roads.

The Highways Agency has been concerned that the transport assessment submitted with the application fell far below the standard expected by Circular 02/2007 and the Guidance on Transport Assessment. Further information provided subsequently by the appellant has considerably improved the quality of the Transport Assessment, but major gaps remain, notably the absence of detailed proposals to mitigate the impact of the proposed development on the M20 Motorway.

The Highway's Agency's own calculations indicate that traffic from the development will or may result in a shortfall of capacity at certain locations within Junction 8 of the M20. We do not believe that there will be capacity issues on the M20 upstream or downstream of Junction 8, even after likely Core Strategy scenarios are factored in. However better information on these issues is becoming available as a result of Kent County Council's Maidstone model.

The Highways Agency's current assessment is that it appears likely that the appellant can offer appropriate and affordable mitigation measures sufficient to mitigate the impact of the proposed development on the M20 Motorway. Together with an appropriate Travel Plan and Construction Management Plan such mitigation measures could provide the basis for

the appellant to overcome the adverse impact so the development on the SRN.

The Highways Agency therefore wishes to continue working with your council, the developer, Kent County Council and other relevant stakeholders. We would hope to be able to reach common ground on the planning obligations required in order to make the development acceptable to the SRN interest. However we do have concerns that the submission of the planning appeal has left insufficient time to resolve these matters before the end of the Inquiry."

5.46 **Kent Highway Services (21/11/2007 & 28/02/2008):**

The transport impact assessment makes no acknowledgement of the LDF Core Strategy Preferred Option. It is not possible therefore to assess the proposal within this framework. In response to the EIA Scoping Opinion sought in April 2007, Kent Highway Services (KHS) identified both the LDF and the M20 Corridor Study being carried out on behalf of the HA as the base for assessment. The submitted TA indicates that the applicant is aware of the LDF but has chosen to disregard it. OBJECTIONS are therefore raised on the basis that the supporting information on traffic and transport is inadequate. A number of detailed areas of shortfall have been identified.

- The TA submitted does not satisfy the key objectives outlined in the Guide to Transport Assessment namely, accessibility, environment, road safety, economy and integration
- Growth factors have been applied with no reference to the emerging LDF and HA study. No indication that the traffic flows quoted have been harmonised to a neutral month and day, no reference is made to future capacity assessment work being undertaken by Parson Brinkerhoff on behalf of the HA or to data gathered by them.
- The ARCADY assessment of the B2163 Penfold Hill junction has used incorrect geometry and significantly overestimates junction capacity.
- The LINSIG assessment of the A20/Willington Street junction also uses incorrect geometry and overestimates junction capacity. The junction is shown to be at overcapacity on the year of opening and no proposals to mitigate the impact of the development have been indicated.
- Injury crash data is some years out of date
- No estimate of the potential benefit of the reduction of HGVs on the SRN. This would be expected to be a fundamental benefit of the application but is not evaluated. The assumption is that HGVs would return directly to the port of entry, however, they would be free to seek business elsewhere in Kent or the rest of the UK.
- No commitment to a Travel Plan or to working with Arriva or Stagecoach to improve public transport services.
- No absolute guarantee that the shift pattern of employees will be set and remain outside the peak hours.
- No assessment of the impact of KIG on rail passenger services on the Maidstone East –Ashford railway. These may have to increase in frequency to cater for demand. Conversely the SRA final proposals for the Kent integrated franchise suggest a reduction in services in Bearsted in 2009. All rail issues need further detailed assessment.
- Previous references to the desire to explore Park and Ride possibilities at the site need to be explored.

- The HGV and car accesses to the site have not been accompanied by capacity calculations to show that they area adequate to prevent blocking of the A20.
- There is an assumption of traffic calming in Roundwell but no indication of the measures or a commitment to providing them.
- Walking routes from Bearsted Station to the site are tortuous and unwelcoming at night. Further emphasis on the need for a shuttle bus service to the site is needed. His also applies to cycle movements to the site along this route (narrow unlit Thurnham Lane). All approaches along Crismill Lane, Water Lane, and Thurnham Lane need to be considered in terms of adequate pedestrian and cycle facilities.
- The assumed distribution of employee trips suggests that 50% of the workforce would come from outside Kent, which seems very unlikely. Data assumptions for trip generation and distribution of trips assessments should be based on existing facilities wherever possible (e.g. DIRFT at Daventry).
- More attention needs to be given to the impacts of construction traffic on the local and strategic highway network in the required new TA. A section on construction traffic should be prepared to include a bespoke Travel Plan for this part of the scheme.

5.46.1 Ideally, the testing of the KIG application would take place using the VISUM multi-modal modal being developed by Jacobs Babtie. This will allow a thorough evaluation of the application set in the context of the Local Development Framework.

5.46.2 A further detailed set of comments in relation to the further transport assessment was submitted on **19/01/2009**.

5.46.3 Paragraph 1.1.5 of the Transport Supplementary Information (TSI) proposes that it is issued as a working document for discussion and dialogue with the highway authorities (Kent County Council and the Highways Agency) which would lead to a new and revised Transport Assessment Report. The following comments, combined with those received from the HA, will continue this process.

5.46.4 In principle, KHS would assess the application against a number of criteria.

- a) What is the transport impact of the application in terms of the safety and capacity of the local road network? Does the applicant's Transport Assessment reasonably reflect the likely effect of the site operation on this network?
- b) Has the applicant identified and made a commitment to appropriate mitigation measures?
- c) Does the application meet its sustainable transport obligations under national planning policies (particularly PPG 13), regional, and structure plan policies?
- d) Does the application have a strategic benefit in term of its effect on the road network? Would the application be successful in reducing the number of heavy goods vehicles that would otherwise be using the roads?

- e) Does the application prejudice the ability of the road and transport networks to cope with growth that is required to fulfil Maidstone's status as a New Growth Point, and other provisions to be made through the Local Development Framework? Would it deter or prevent the delivery of government targets?

Discussion

- 5.46.5 The original Transport Assessment was deficient in a number of its assumptions and calculations (as detailed in the KHS (David Bond) letter of 21st November 2007). The applicant's Transport Consultants DWP, acting for KIG, has now produced the TSI, formally submitted in October 2008, which has addressed some of the initial concerns but does not resolve all of them. My views on the latest submission are:-
- 5.46.6 In principle, the application does not address the highway authority's need to consider the Local Development Framework, which is the means by which Maidstone Borough Council as the planning authority is obliged to deliver the South East Plan housing targets (potentially raised by a further 1,000 dwellings by Government recommendation for 11,080 dwellings by 2026). The LDF Core Strategy has to be supported by an achievable Transport Strategy. It is vital that the KIG application does not prejudice this, as it would then cast doubt on the housing delivery. Paragraph 3.2.1 of the TSI rightly assumes that the LDF Core Strategy will propose allocations for both strategic development areas and the infrastructure required to support it. It would be expected that the funding for this infrastructure would come primarily from the development, either directly through a Section 106 Agreement or other achievable mechanism such as a tariff or Community Infrastructure Levy. The nature of the funding mechanism is the subject of discussion between the Borough Council and the new Homes and Community Agency.
- 5.46.7 However, if the combined impact of the Core Strategy and the KIG application required infrastructure beyond the reasonable expectation of funding, the Growth Point/South East Plan housing targets could be prejudiced, and that the requirements of PPS12 could not be met. If there were to be a high risk of this situation occurring, KHS would wish to object to the application.

Detailed Points Raised in Previous Correspondence

- a) The TSI now includes proper reference to the key objectives outlined in the "Guide to Transport Assessment", and to a NATA type assessment. Detailed points on the issues are discussed in the appropriate paragraphs below.
- b) Growth factors have been applied using a combination of TEMPRO and NRTF. The Highways Agency has requested that DWP follow the most recent WebTAG guidance regarding the use of NTEM with TEMPRO. KHS needs to consider the application with respect to the pattern of development identified in the LDF Core Strategy.
- c) The ARCADY assessment of the B2163 Penfold Hill junction now uses the appropriate geometry. There is a suggestion that the transport assessment has been carried out on the expectation that

the South East Maidstone Strategic Link runs into the B2163 rather than the line shown in the Core Strategy. This would invalidate the assessment of both this junction and the A20/M20 Link Road junction. Although the SEMSL is not yet a formally "approved" highway scheme, it will replace the former Leeds Langley Bypass, which has been an approved scheme since 1997. The original scheme was for a bypass of the B2163 between the A274 and the A20. It has evolved into a strategic link that would facilitate the development of the proposed south east urban extension and open up the Parkwood Industrial Estate to regeneration opportunities. The scheme will form part of the Maidstone Hub Package that addresses both existing congestion problems in the town centre and forms a Transport Strategy that supports the Growth Point development obligations. The Outline Design is currently being prepared for consultation with local residents, landowners, Parish Councils and all other interested parties as part of the next stage of the overall Core Strategy consultation. This is expected in summer 2009. The strategic nature of the route indicates the need to link it direct from the A274 to the A20 at the end of the link road from Junction 8 of the M20, rather than to the constrained A20/B2163 junction. This alignment is shown in schematic form in the LDF Core Strategy Preferred Option plan (illustrated in Appendix 9 of the LDF Background Document 2 – a copy of the plan is attached).

All capacity calculations should be taken in the context of the existing situation at the junctions along the A20. There is often a capacity problem in the morning peak, with a queue of westbound traffic stretching back from M20 Junction 8 through the A20 roundabouts, and reaching several hundred metres east of the B2163 junction towards the Park Gate Inn. In these circumstances, the calculation of queues and delays by ARCADY will not necessarily show the full impact of additional traffic.

- d) The LINSIG assessment of the A20/Willington Street junction has now been amended, and shows that the junction comes under increasing pressure as traffic grows. Current delays in the morning and evening peak often extend along the A20 approach from the west to its junction with New Cut Road. The proposed junction redesign is unlikely to deliver the improved capacity that is claimed in the TSI. In particular, the two right turn lanes from Ashford Road into Willington Street are unlikely to fulfil their theoretical capacity, as the turning paths of vehicles would overlap on such a tight radius. There is a need to consider this junction carefully to try to identify any achievable improvements. Further discussion of network capacity issues are included in the summary at the end of this letter, as the Willington Street route currently acts as an informal eastern bypass of the town centre and would benefit from the construction of the SEMSL.
- e) Injury crash data has always been readily available from Jacobs, who manage the database on behalf of Kent Highway Services, for KIG and all other major applications that require a Transport Assessment. The figures show that, as would be expected, there is a concentration of crashes around the junctions. The TSI comments on the observed reduction in crashes on the A20 following the

recent remedial work, but makes no comment on whether the other junctions exhibit a higher crash rate than would be expected for junctions of this type carrying this level of flow, and make no further assessment of whether the proposed junction modifications would act as remedial measures or would make the safety record worse, particularly as the KIG proposal adds a considerable amount of traffic to all the junctions in the vicinity. I would wish to see a comparison of the crash record for the A20 link road and M20 junction with the expected COBA rate for the appropriate category of junction. The main carriageway of the M20 is also of particular concern, given the radical proposal for a lane drop on the main carriageway through the junction. The issue specifically referred to in the response from the Highways Agency (in Technical Note No. 6)

- f) The TSI now shows an estimate of the potential reduction in the number of heavy goods vehicles. The analysis assesses that the alternative provision to KIG, if an SRFI were not built in this location, would be a Regional Distribution Centre in Sittingbourne and a National Distribution Centre at Milton Keynes. This scenario is highly speculative, particularly the assertion that an equivalent NDC would be built without a rail connection. Advice has been sought by KCC and MBC as to the likelihood that KIG would operate in the manner that the applicant has put forward. A request was made to DWP in November 2008, seeking information that clearly identifies the HGV movements from KIG and the alternative scenario on both the local and strategic road network. The request was forwarded to MDS Transmodal and we await a response.

5.46.8 The local authorities wish to establish if the Highways Agency is investigating this matter, and the applicant's claim that an element of HGV traffic would be diverted to rail. The proposal involves a daily average of 8.5 trains stopping at the development rather than continuing to a rail terminal further inland, and this would logically increase traffic on the M20 and beyond.

5.46.9 The volume of HGV traffic generated is dependant on a combination of factors, including the nature of the goods being handled, their origin and ultimate destination, and their mode of arrival at the site (i.e. lorry or train). A National Distribution Centre (NDC) will receive goods from many different sources, both within the U.K. and abroad, for onward delivery to various Regional Distribution Centres (RDC) and elsewhere. An RDC will receive a variety of goods direct from source or from an NDC, and distribute them to regional retail outlets (such as supermarkets).

5.46.10 At the moment, no actual users of the various units on the KIG site has been identified, so a clear analysis of the origins and destinations of the goods to be handled is not possible. The basic assumption that DWP/MDS have made in the TSI is that some 66% of the floorspace will operate as NDC and 34% as RDC, whereas information provided by consultants acting for MBC and KCC suggest that the current operation of distribution floorspace in the south east is in the order of 25% NDC and 75 % RDC. This split for existing floorspace is also identified by MDS Transmodal in their September 2007 Rail Report.

- 5.46.11 This has implications for the scale of the development needed, but for the purposes of traffic impact analysis, changes to the proportions of RDC and NDC occupying the proposed development would be reflected in both the numbers of HGVs serving the site, and in the number of employees needed to run it.
- 5.46.12 RDCs tend to store goods for a shorter length of time than NDCs, being associated with regular “just-in-time” deliveries to retail destinations. Most supermarkets and other multiple retailers now open 7 days a week, and require deliveries on a frequent basis to keep shelves permanently stocked. Deliveries from an RDC to a retail outlet will all be by lorry, and the rapid turnover of goods requires more employees to handle them. An NDC would retain goods for longer, needing less handling per unit of floorspace, and **Overall Principle**
- 5.46.13 In principle, the expectation is that the site would generate a considerable volume of traffic onto both the local road network and Junction 8 of the M20. Congestion at busy times will be inevitable. The main issue is one of safety, in that we must be confident that the combination of KIG and the likely effect of the LDF Core Strategy proposals can be accommodated safely on the network – either in its current condition or with improvements for which funding can be guaranteed.
- 5.46.14 The status of the Core Strategy is as follows. The Borough Council has produced a Preferred Option that reflects a balance between initial development of urban and brownfield sites, followed by a need to look for greenfield development to meet the South East Plan targets and fulfil its Growth Point status. This need has led to the proposal for an urban extension of some 5-6,000 homes to the south-east of the town along the A274 Sutton Road. The new homes would be linked to the town centre by bus services using a major extension to the existing inbound bus lane south of the Wheatsheaf (A229/A274) junction, and by the South East Maidstone Strategic Link to the strategic road network at Junction 8 of the M20. This is the only motorway junction serving Maidstone that has the capacity to accept a major rise in traffic flows.
- 5.46.15 The principle of dealing with the Core Strategy will follow national policy guidelines, in that every effort will be made to reduce the trip generation, both in terms of managing the demand and encouraging the use of sustainable transport. The residual traffic must then be accommodated safely on the road network. This is also the principle when dealing with every individual major planning application, hence the importance of sustainable transport measures identified in the Transport Assessment and promoted through the Travel Plan.
- 5.46.16 The LDF housing targets are mandatory. Strategic land allocations are expected to be identified in the Core Strategy. They need to be supported by a transport strategy that can be demonstrated to be achievable. KHS is therefore obliged to identify the necessary infrastructure and the mechanism by which it can be delivered. This delivery will be funded by all developments that contribute to its need, and would include KIG should it proceed. The Core Strategy will be submitted to GOSE in due course, and then subject to Examination in Public. The transport strategy

must also be acceptable to the Highways Agency, in its role as manager of the strategic road network.

- 5.46.17 KHS is currently undertaking a review on the route of the SEMSL, bringing it up to a suitable design standard to be included in the next stage of consultation on the Core Strategy. This review will provide the evidence that promotion of the route would not raise insurmountable objections, and local consultation with landowners, residents, Parish Councils, and other interested parties will refine the scheme in terms of accommodation works and local access requirements. The scheme will take the place of the former Leeds Langley Bypass proposal. One of the main issues that will be raised through local consultation will be the protection from through traffic of the existing B2163 through the villages and the rural lanes around them, while still retaining a reasonable level of access to farmland and isolated houses.

Model Testing

- 5.46.18 The Transport Strategy being produced in support of the LDF Core Strategy will gather evidence on current traffic conditions, and will use a VISUM multi modal transport model to assess the potential impact of development up to 2026. The model will test various development and infrastructure scenarios.
- 5.46.19 The model has also been used to look at the impact of the KIG proposal to the horizon of 2017, the timescale indicated in the HA's Guide to Transport Assessment, being 10 years after registration of the application. This gives a much more locally focused evaluation of the growth of traffic and its impact on the network.
- 5.46.20 Three tests have been carried out. The first looks at the impact of KIG using the DWP assumptions on its operation, the two subsequent tests use figures that have emerged from discussions over the nature of the logistics industry:-
- a) Trip generation according to the DWP TSI
 - b) Trip generation based on the current regional pattern of distribution sites (i.e. 75% being used for Regional Distribution, and 25% for National Distribution)
 - c) A "worst case" scenario in which all the floor space reverts to road based Regional Distribution (i.e. the highest potential HGV flow and employment level that would result if the site were entirely road to road regional distribution with no use of rail.
- 5.46.21 The model has initially been run to look at the operation of the network in 2017, with the LDF development trajectory added to the existing situation. It assumes that a start has been made on the south east urban extension, and that the South East Maidstone Strategic Link has been constructed, linking the A274 to the A20 at Junction 8.
- 5.46.22 The outcome of the initial set of tests, as would be expected, shows very heavy congestion on the town's road network. Delays in the town centre lead to the model predicting that considerable volumes of traffic will try to avoid the central area, seeking lengthy but less congested alternatives.

- 5.46.23 The presence of the SEMSL provides an alternative to the east of the town, and concentrates more traffic on the area around M20 Junction 8. Without KIG, the SEMSL would join the existing network at an enlarged junction at the A20 link road roundabout. This shows signs of overloading in 2017, with predicted delays of 4-5 minutes on the SEMSL and A20 (east) approaches in the morning peak. The addition of KIG inevitably causes the delays to increase, and introduces delay on the A20 western approach. Traffic from KIG struggles to exit the site and join the motorway. Signal control has been applied to the enlarged roundabout to balance out the queues, but the junction remains heavily congested.
- 5.46.24 With results of this nature being predicted with 2017 flows, the situation with the full loading of the LDF Core Strategy development in 2026 would be extremely congested.
- 5.46.25 From a pure highway capacity view, the only way of coping with the impact of a combination of KIG and the Growth Point requirements would be to grade separate the SEMSL/A20 junction, using the high bank on the southern side of the junction to carry the SEMSL over the A20 to join Junction 8, and constructing a short length of link south of the A20 to connect its traffic to the SEMSL.
- 5.46.26 In practical terms, this would be extremely expensive, and would raise the question as to whether the combined development contributions from KIG and the LDF growth could fund it. It would also be a return to the "predict and provide" approach to dealing with increasing traffic flows. While grade separation would be a specific solution to an individual junction problem, it does not solve the underlying network problem. A capacity improvement at the A20 junction would just ensure that traffic reached the next bottleneck more quickly. In this case, if the throughput of the A20 junction is increased, the model is likely to predict that Junction 8 will suffer severe congestion.
- 5.46.27 The effects become increasingly severe as traffic flows that would be associated with the different assumptions on the KIG site operation are added.
- Overall, the first stage of model tests indicate that the best possible means of reaching a positive conclusion would be to explore a combination of a commitment from KIG to a strongly positive approach to sustainable transport proposals to reduce the site trip generation as far as possible, and improvements at the A20 and M20 junctions to establish what might be achieved within reasonable limits (i.e. within physical and funding restraints). Commitment to the promotion of sustainable transport is also an important element of assessing the effect of the required housing growth.
 - My suggestion is that this should be undertaken as a joint exercise between the planning authority, K.H.S., the Highways Agency, and DWP acting for the scheme promoter.
 - A major concern from the KHS perspective is that the issue should be dealt with in a coordinated manner between the strategic and local networks. The most vulnerable area, with the highest potential

for serious crashes, would be where traffic speeds are the highest. That area would be the main carriageway of the M20. The Highways Agency has concerns that the lane drop arrangement proposed in the TSI will have severe safety implications for the manoeuvres of heavy goods vehicles. Whatever lane arrangements are adopted on the M20, if queues stretch back from the Junction 8 roundabout onto the main line, there would be potential for vehicles travelling at 70 mph or higher to meet the back of a stationary queue. The initial need is therefore to ensure that the roundabout is managed in such a way as to prevent this.

- The most effective means would be by traffic signal control of all the entries on to the roundabout, with queue detectors or MOVA loops on the two M20 off-slips to grant extended green times to the appropriate stages to clear lengthy queues from these slips. The Highways Agency has already indicated that it would wish to see signal control at this roundabout to cope with the Core Strategy growth. Kent Highway Services would then wish to ensure that management of the motorway junction, including the main line carriageway, would not irrevocably overload the A20 / M20 Link Road junction and other links/junctions with no opportunity for mitigation, and hence prejudice the delivery of the LDF Core Strategy.
- The current roundabout would be modified by the construction of the South East Maidstone Strategic Link, adding a fourth arm to the junction. This is expected to be built to support the development of the proposed south-east urban extension of some 5-6,000 homes around the A274 on the edge of the town. The timing will depend on the rate of progress on the development. The original expectation was for completion of the SEMSL by 2015-2016. This would coincide with the proposed completion of the KIG site. The full development scenario for the LDF horizon of 2026 suggests that full signal control of this junction would be needed as well, probably by adding signals to the roundabout entries rather than reconstructing the entire junction. It would be inappropriate to build a "crossroads" type signal junction, as this type of junction in a rural area with fast approaches (particularly from the SEMSL) would be likely to create safety problems. This scenario would therefore manage the two main junctions and allow queues to build up on the two A20 arms and the SEMSL, thus reducing the risk on interference with through traffic on the M20. A small linked signal network (possibly run by SCOOT) may be the most effective form of control, probably taking in the KIG access junctions as well.
- If this form of management is adopted, it would seem appropriate to leave the two roundabouts on the A20 east of the M20 (i.e. at Hollingbourne/Ramada Hotel and B2163 Penfold Hill) in their existing configuration. They currently experience congestion in the morning from a queue stretching back from the M20 junction, but would run relatively comfortably at other times. It would also be a potential safety problem to introduce signal control on the fast A20 approach from the east.

- Whatever development scenario that will exist in 2017, either solely the LDF Core Strategy or the LDF plus KIG, the A20 link road roundabout will have to be enlarged. If KIG were to be permitted, it is likely that signal control will be needed, and connected with signal control on the M20 Junction 8. The three arm signal junction suggested in the TSI is inappropriate. My recommendation would be that all parties work together to establish whether there is a practical design for an ultimate preferred scheme that covers both junctions. This should not be a design exercise that results in proposals for junction and link improvements so extensive that they exceed the planning system's ability to deliver them.
- There is also an issue as to when the work would be funded. If KIG were to proceed, and started to generate traffic before construction of the SEMSL, it would load traffic onto the existing roundabout. The parties involved will have to look at this situation to establish whether there is an interim improvement that would deal with the early years of KIG generation and could be constructed as a first stage towards the final scheme.

Aim of Further Assessment

- 5.46.28 The aim of KHS in any further assessment would be to ensure that the applicant is fully committed to reducing the volume of traffic predicted to be generated by the site as far as practicable. It is also vital from the highway authority's position that the outcome of investigation does not result in a course of action that would prejudice the delivery of the LDF Core Strategy. It is difficult to set a limit on "acceptable" levels of congestion above which the local highway authority would recommend refusal of the application, but in reasonable terms the M20 and A20 junctions must be demonstrated to be capable of dealing with the traffic load safely without the threat of gridlock – for both the public highway and the KIG access. In particular, we must avoid the situation whereby traffic that we would expect to use the SEMSL is deterred by severe congestion and diverts in large numbers down very minor country lanes or tries to turn back into the town, and thus adding to congestion in the town centre or seeks "rat runs" through vulnerable residential roads. This would run the risk of the Core Strategy becoming unsound, and prejudice the delivery of the Growth Point requirements. Such a situation would not be acceptable to the Highway Authority.

Conclusion

- 5.46.29 The Transport Supplementary Information has resolved a number of serious concerns that were raised by the initial Impact Assessment. However, progress on various strands of the Core Strategy indicates that there is a need to coordinate the assessment of the long term transport issues in the area of the application, particularly the treatment of the A20 Link Road roundabout and M20 Junction 8.
- 5.46.30 There is a short set of evaluation work described above that would integrate the assessment of KIG with the preparation of the Local Development Framework Transport Strategy. I would wish to see this concluded before making a final recommendation on the application. If there emerges a high risk to the delivery of the LDF targets, Kent

Highway Services would have to recommend that the application be refused.'

5.46.31 A further letter dated **23/04/2009** has been received from Kent Highway Services, stating:-

"Further to my letter of 19th January 2009, I would like to clarify my views on the KIG application.

- 1) I have concern that the application would contravene two aspects of national planning policy for planning and transportation issues, and that there is a serious operational problem associated with the security of the access.
- 2) The first concern is that the application would prejudice the ability of the highway and planning authorities to work together to deliver the draft South East plan Regional Spatial Strategy targets for Maidstone Borough. There is a fundamental concern about the capacity of the highway network to accommodate the impact of KIG on top of the Growth Point targets.
- 3) The spatial planning process is guided by the Planning Act, PPS1, and PPS12, and requires that highway and planning authorities should collaborate and coordinate local transport plans and development plans (PPS1 para 32(iii)) . The Department for Transport "Full guidance on Local Transport Plans: Second Edition" stresses the need for transport strategies to acknowledge all aspects of the vision for the area, including housing and commercial targets (para 25). To that end KCC and MBC have been working together to deliver the Growth Point target of 11,080 additional homes by 2026 through the Local Development Framework.
- 4) The information supplied by the applicant in the form of the Transport Assessment and the Transport Supplementary Information does not take sufficient account of the MBC Draft Core Strategy Preferred Option in respect of the need to accommodate the housing target, or the planning and transport strategy to achieve this. The Borough's Preferred Option complies with the RSS strategy for the new development to be concentrated in and around Maidstone, with greenfield development indicated to the east and south-east of the town.
- 5) Jacobs have carried out an assessment of the KIG proposal using a VISUM multi-modal transport model that has been developed for the town to provide the evidence base for the LDF Transport Strategy, an approach that complies with RSS policies T1 and CC7. The work has been carried out on the principle that Kent County Council must fulfil its obligation as a highway authority to manage and invest to support the LDF to meet RSS targets. It has been funded partly by KCC, and partly by the Department of Communities and Local Government Growth Point grant to MBC. This emphasises the cooperative work between the highway and planning authorities to meet their RSS obligations.

- 6) The fundamental outcome of the modelling work is that, if the RSS targets are to be met, the town's highway and transport networks will be very heavily congested in 2026. The expectation through the RSS is that 90% of the future housing growth should be accommodated in and around the town itself, with 10% across the rest of the Borough. The town centre roads cannot deal with this level of growth at peak times, and drivers will be seeking alternative routes to avoid the congestion. Of the four M20 junctions that serve Maidstone (Junctions 5-8) , only Junction 8 has the capacity to accept more peak time traffic. This is the situation that will exist whatever the distribution of development sites that come forward through the LDF. The presence of KIG, with 3,500 employees (the DWP estimate) and a minimum of 3,800 daily heavy goods vehicle movements, close to Junction 8 will take up much of this capacity, threatening delivery of the LDF and RSS. Furthermore, the authorities consider the level of employment and HGV movement would be likely to be higher still.
- 7) The Preferred Option that has emerged from the planning process for the LDF Core Strategy proposes potential greenfield development to the east and south-east of the town. The final distribution will depend on further consultation and masterplanning, but the model has assumed an urban extension based on the A274 to the south and east of the town. This requires the delivery of the South East Maidstone Strategic Link, including the coordination of the A20 junction at its northern end with the M20 Junction 8 roundabout to prevent the possibility of queuing back onto the main motorway carriageway. The capacity and safety of the M20, in particular junction 8, is also of great concern to the Highways Agency, as demonstrated by their issue of an Article 14 Notice on the application.
- 8) The assessment indicates that a large roundabout is needed at the junction with the SEMSL. The volume of traffic and the proximity of Junction 8 indicate that the roundabout will require traffic signal control to manage the queues. An indicative layout is shown on the attached plan (Drawing No. B0734500/S/1.
- 9) This design offers the most appropriate layout, and tries to balance the overall size and cost of its construction with the capacity required for various turning movements. The critical dimensions are those between the entry arms, as this controls the overall capacity of the junction. When vehicles are stopped by a red signal on the circulating section, the resulting queue can quickly block the preceding exit. This constraint means that there is little scope to increase capacity by increasing the overall size of the roundabout beyond that shown, as there would be very little extra lane gained on the circulating section. There may be scope to lengthen the approach or exit lanes to separate the turning movements on the SEMSL into additional lanes, but the constraint at the junction itself will remain.
- 10) The attached reports by Jacobs show the modelled traffic flows for 2017 and 2026.
- 11) Capacity tests carried out at 2017 show an increasing level of congestion, from the situation without KIG up through the traffic flow increases that represent the varying assumptions about the site's

traffic generation. The figures from DWP assume a 66% share for National Distribution and 34% for Regional. The two further sensitivity tests have been carried out using trip generation figures estimated from alternative assumptions about the potential operation of the site. The first test considers the implication of KIG operating with 75% of its floorspace taken up by Regional Distribution and 25% by National Distribution, a ratio that accords with the current market balance of warehouse floorspace in the region. The second test looks at the possibility of all the floorspace being devoted to Regional Distribution. This is a worst case, but illustrates clearly the site's potential impact.

- 12) The guiding line is the need to avoid long queues back up the link road from the A20 to the M20. This forces the creation of queues on the other approaches, particularly the SEMSL. While there is a considerable length of carriageway on the SEMSL to accommodate long queues, there are two detrimental effects that would follow. Firstly, the higher level of delay at the northern end of the SEMSL, the higher would be the expectation that traffic would seek to avoid it by using rural and residential routes, or by heading for Junction 7 instead of Junction 8.
- 13) The model is already indicating that this is the case, showing increasing flows through Otham village to Spot Lane, the Landway, and Bearsted Green, and also on Willington Street, Ashford Road, and New Cut Road. The impact on the minor rural roads around Otham, Downswood, and Bearsted would be particularly unwelcome, as would additional traffic flows through the residential northern areas of Bearsted (the Landway, Roseacre Lane, Yeoman Lane and Roundwell/The Green). The rural lanes are generally narrow and winding, the residential roads serve as access to housing estates and local schools. Additional traffic, especially drivers diverting to avoid long delays on the main road network, would raise considerable safety concerns.
- 14) Secondly, the modelling shows queues would tail back across the access roundabout to the much smaller commercial development option that has been identified between the A20 and the River Len. Detailed modelling of the A20 roundabout is showing that, to protect the M20 junction, tailbacks of several hundred metres form on the SEMSL.
- 15) The tests using VISUM then proceed to look at the situation in 2026. They show considerable increases in flows at the A20 junction with just the LDF generated flows. The impact of KIG on top of the initially predicted growth by 2026 is very high. While the A20 Link Road queue would still be managed to avoid obstruction of Junction 8, queues would build up rapidly on the other approaches to the new A20 roundabout at peak times. The detrimental effects identified above are magnified by the heavier traffic load, and the SEMSL becomes less and less effective in support of the LDF.
- 16) The consequences of trying to add even more traffic onto an already congested network are severe. KIG would create not just a marginal impact of increasing queues and delays at one junction. It would affect future trip patterns across a wide area of the town, and would be detrimental to the delivery of the LDF development targets. If the

SEMSL cannot be demonstrated to open up good access to the south eastern quadrant of the town for development, the urban extension and associated facilities (shops, schools etc) will become an unattractive construction prospect for developers. If it does not contribute to the relief of congestion within the town centre, it would threaten environmental quality (including the declared Air Quality Management Area) and regeneration opportunities on brownfield sites.

- 17) In summary, the VISUM model forecasts demand traffic flows, based on the options for future development. The demand flows will exceed the capacity of the highway and transport networks to deal with them. The figures shown in the Jacobs traffic flow reports are therefore the base from which to explore demand management measures, but it is clear that the imposition of KIG on top of the prescribed RSS targets will cause severe difficulties for residents and other businesses.
- 18) I consider that the application would conflict with the requirements of PPS1, PPS12, and Department for Transport LTP Guidance, and I would therefore wish to **recommend refusal** of the KIG application on this ground.
- 19) The second concern is the obligation of the application to comply with PPG13. In principle, it does not conform to the PPG objective of reducing the need to travel, given that it represents a major employment site in an out-of-town location that is difficult to serve by public transport. The applicant has acknowledged that considerable work needs to be done on the preparation of a Travel Plan to mitigate this impact, which will include Plans for both Construction and eventual Operation. It must cover the management of internal car and lorry parking, emergency access management (key risks are identifiable), and commitment to dedicated bus services to deal with the movements of workers to and from the site throughout the day.
- 20) The advice received by KCC and MBC on the logistics and business case for the proposal is that there is less market demand for National Distribution at the site than proposed by the applicant, and this would bring higher levels of HGV movement, less modal shift to trains, and increased employment. This would bring more inward commuting to the Borough associated with Regional Distribution. The RDC form of warehouse use requires a higher number of employees, which would add to the total number of jobs that exceeds the likely supply from the local workforce available in the Borough. This puts additional pressure on the need for compliance with PPG13.
- 21) A Travel Plan would be required that would include modal split targets. A monitoring regime would have to be prepared, with remedial measures identified should targets not be met.
- 22) Management of the site will have an impact beyond its boundaries, through the volume of trip generation and whether there is pressure for off-site parking in inappropriate locations (those that obstruct the highway and affect residential areas).
- 23) Unless the applicant indicates that the PPG13 obligations have been fully addressed, I would wish to **recommend refusal** on this ground.

- 24) A further serious concern has emerged from statutory consultees responses to consultation. The Police have classed the terrorist threat to the site as "severe". Mitigation of this threat would appear to require the access to be designed to allow the appropriate assessment of each vehicle entering the site, particularly goods vehicles, without impacting on the highway. The current HGV access could only accommodate a small number of such vehicles before they began to form a blockage on the A20. This would give us serious road safety concerns. At peak time for HGV movements, an average two HGVs arrive each minute. Unless the security protocols can be concluded for each vehicle entering the site very rapidly, additional waiting space within the site would need to be provided. Unless these protocols can be agreed with the Police, and the additional waiting area can be accommodated, I would wish to **recommend refusal** of the application in its current form.
- 25) The applicant's response to the serious challenge posed by Operation Stack would also be needed. This recurring issue places considerable strain on the road network of mid Kent, particularly in terms of the Police involvement in traffic management when the M20 is partially closed. The concentration of heavy goods vehicle movements that would be associated with the KIG proposal would exacerbate the problem. Operation Stack is imposed when cross-Channel freight movement is interrupted, and leads the Police to use one carriageway of the M20 between Junctions 8 and 9 as a lorry park. This diverts all coastbound non-HGV traffic to use the A20 between Hollingbourne and Ashford, causing severe congestion on the local road network in the vicinity of Junction 8. There is a considerable risk that the location of the KIG site close to Junction 8 would exacerbate this problem. It will be necessary for the management of the site to be closely coordinated with the Police management of Operation Stack, as well as the terrorism threat, to avoid significant impacts on the strategic and local road networks.

Conclusion

- 26) This is the third submission from Kent Highway Services on the KIG application. There are many points that have emerged from the evaluation of the original Transport Assessment and Transport Supplementary Information submitted by the applicant's consultants. The principle points have led to the objections described above, but there are other issues relating to points made in the previous two letters that have not yet been resolved. These points are described below.
- 27) Firstly, any physical works on the highway, either associated with new junctions or modification of existing layouts, would have to be subject to the appropriate safety audit and technical assessment procedures. This applies both to the area around Junction 8 and any other proposals made by the applicant, such as those for the A20/Willington Street junction. The modification to this junction suggested by the applicant is unlikely to deliver the improved capacity claimed in the TSI.

- 28) Secondly, there remains work to be carried out on the current injury crash records, as described in para 3.1 (e) on page 3 of my letter of 19th January 2009.
- 29) Thirdly, there would need to be agreement on the volume of KIG traffic (both HGV and cars) that would be expected to use the local road network south of the A20. This would lead into discussion of Section 106 contributions to the South East Maidstone Strategic Link, should KIG be granted permission.
- 30) Fourthly, there would need to be further discussion and consultation on the nature and scope of traffic calming and management (such as road closures and weight restriction) measures that might come forward to mitigate concerns about the potential for inappropriate use of rural and residential roads in the vicinity of the site. Most rural roads do not lend themselves to traffic calming measures, so there is a potential need for some routes to be closed to through traffic to prevent severe intrusion of traffic into local communities. This in itself would cause disruption to these residents. The management measures would also have to address the occurrence of the exceptional events described above (in paras 24 & 25).

Summary

I trust that these views clarify the position of Kent Highway Services, and emphasises our serious concern about the KIG application.

I would wish to make a formal recommendation of refusal on the following three grounds :-

- a) The application is contrary to PPS12 and draft RSS policy, as the traffic impact would threaten the delivery of the Regional Spatial Strategy and the Borough Council's Local Development Framework.
- b) The application is not compliant with PPG13 and draft RSS policy, as it does not reduce the need to travel, and there is insufficient commitment to measures to mitigate the proposal's transport impact.
- c) The application in its current form would not accommodate mitigation measures to deal with the Police concern over their assessment that terrorism forms a "severe" threat to the site and surrounding transport network.

5.47 Kent Police (19/10/2007 & 10/12/2007):

Both the Area and Force Architectural Liaison Officers have expressed the strong concerns of the Police with regard to the potential impact of the development not just on day to day policing resources, but if not managed correctly - Terrorism, Immigration, Customs & Excise, as well as local demonstrations and potential public order offences.

- 5.47.1 A meeting was held in May 2007 between Kent Police and a representative from PRC architects (acting for the applicants) to find a way forward on these issues. It was agreed that this would be via a series of meetings/workshops to be held before the application was submitted. This process has not occurred.

- 5.47.2 A Design and Access Statement that adequately addresses crime enables the applicant to demonstrate to planning authorities an awareness of crime and disorder problems in the area of the application and shows what measure are being taken to alleviate these problems as required by the advice in DCLG Circular 1 of 2006 and PPS1.
- 5.47.3 If such information is not included in the explanation of the design principles applied to the amount, scale, layout, appearance, landscaping and context of the development this may hinder the application.
- 5.47.4 Some of the basic consultations that Kent Police consider should have taken place with them haven't and they are unable to offer any support for the application purely for the reason that crime reduction, reducing the fear of crime and anti-social behaviour seem to have been ignored.
- 5.47.5 Further (summarised) comments were made on **05/02/2009**.
- 5.47.6 In the original Design & Access Statement there was little mention of security or indeed the awareness of Crime & Disorder. The new Outline Security Strategy supplied by 'Senate Security Consultancy Ltd' has addressed most of concerns, but as the design was already in place prior to their involvement, many design decisions had already been made and were set in place. This restricts the design solutions offered so far.
- 5.47.7 The ALO has now had the opportunity to liaise with other Police departments on this matter and will include their observations within this report. The departments include the;

Counter Terrorism Security Office
 UK Borders & Immigration*
 Wildlife
 Roads Policing,
 Local Police/Crime Prevention Design Advisor
 Public Order
 Fire & Rescue
 Community Safety
 The Kent Police Partnership & Crime Reduction in general.
 (* Borders & Immigration Agency)

COUNTER TERRORISM

- 5.47.8 **Threat Assessment Levels:**
- **Critical:** An attack is expected imminently.
 - **Severe:** An attack is highly likely.
 - **Substantial:** An attack is a strong possibility.
 - **Moderate:** An attack is possible but not likely.
 - **Low:** An attack is unlikely.
- 5.47.9 There is then a need to apply the appropriate security responses as follows:
- **Critical:** Maximum protective security measures to meet specific threats and to minimise vulnerability and risk.
 - **Severe:** Additional and sustainable protective security measures reflecting the broad nature of the threat, combined with specific

business and geographical vulnerabilities and judgements on acceptable risks.

- **Substantial:** Additional and sustainable protective security measures reflecting the broad nature of the threat, combined with specific business and geographical vulnerabilities and judgements on acceptable risks.
- **Moderate:** Routine baseline protective security measures appropriate to the business location
- **Low:** Routine baseline protective security measures appropriate to the business location.

5.47.10 The current National Threat Assessment is '**Severe.**' In addition the assessment for the transport sector, which includes 'Transport Hubs,' remains at '**Severe.**' In this case, while the location would not be seen as a 'Crowded Place,' an attack on the site would seriously damage transport links between the UK and continental Europe, and cause gridlock throughout Kent. The implications for business resilience in the UK would be far reaching.

5.47.11 This assessment is based upon the effect an incident would have on the M20, high-speed rail link, local rail services, and the working of the site itself. In addition there would be implications for the nearby service area, tourism at Leeds Castle and the local community.

5.47.12 In view of these implications, my recommendation is that the security standards for this site should be of the **highest quality**, as it is assessed that the threat of international terrorism will remain with us for at least a generation come.

Open Source – Security Services.

Access:

5.47.13 There are four access points into the site – each need careful consideration:

The rail access

5.47.14 Section 6 of the Applicants 'Security Strategy' refers to the way incoming trains from the Continent are dealt with in France. The description of the process is inaccurate. I feel that there are assumptions, and there has been little or no liaison with the UK Border Agency.

5.47.15 I cannot comment on the procedures involved, as my agency does not 'own' the sector. The applicant needs to cater for certain issues, and can only gain that knowledge by talking to the UKBA and TRANSEC, the Department of Transport Security Section being the responsible authorities. I would advise the Planning Authority that this is a priority.

The heavy goods vehicle access

5.47.16 In Section 4, it states, 'The entrance at the access control point is controlled by the adjacent security checkpoint.' It is not clear if this is the security office, which in other parts of the document has now been relocated, or if this is a new kiosk. If there is a new kiosk housing the means to operate the barriers, it must be secure, and to a standard that is blast and attack resistant. There is little point in having PAS 68/69 rising bollards if the means to lower them is accessible to the terrorist.

- 5.47.17 In these circumstances, there has been a number of incidents abroad, where terrorists have been able to operate barriers, or coerce the barrier operator. In addition if an attacker with a vehicle borne improvised explosive device (VBIED) was to be stopped at the access control point, and was unable to proceed due to the rising bollards, experience has shown they will detonate at the security checkpoint. Consideration needs to be given to the blast resistance of the kiosk.
- 5.47.18 In the document you mention a rejection lane. Should a suspect vehicle be rejected, where will it go? Will it be allowed back out onto the main highway? There should be a secure and protected area for these vehicles to be moved into.
- 5.47.19 The area prior to the rising bollards should provide protection against blast. A VBIED of goods vehicle size requires a minimum 400 metre standoff distance. If it were to be a device suspected of having chemical, biological, radiological or nuclear (CBRN) components, it would require a minimum stand off distance, of 600 metres.
- 5.47.20 Blast mitigation can take many forms, from areas that are sunken behind 'earth bunding' and others equipped with 'Blast Walls.' However, they are usually open topped and any debris is sent skyward, reducing the fallout area. Some of the kinetic energy is dissipated, but falling debris can still be lethal.
- Car access
- 5.47.21 The recommendations for car access are the same as for goods vehicles, except that blast standoff distances can be reduced to 200 metres.
- Alternative Emergency Access
- 5.47.22 In addition to the lighting, CCTV, remotely controlled bollards, there is a need to ensure the area is securely fenced, with gates kept locked, when not in use.
- Security Control Centre:
- 5.47.23 Section 8, The Conclusion: makes mention of relocating the centralised security centre to reduce blast effect. The schedule does not state how far away from the vehicle checking area or, as to what standard the building will be constructed.
- 5.47.24 It should really be outside a 400 metre radius of the goods vehicle entrance. If not, considerable blast resilience needs to be built in to the structure.
- CLANDESTINE ILLEGAL IMMIGRATION**
- 5.47.25 In the introduction it is accepted that there is likely to be a high level of incoming freight traffic from the port of Dover, yet there appears to be no way of differentiating between that traffic and freight seeking to leave the UK.
- 5.47.26 In Section 3, the applicant notes, "there is no general requirement for perimeter fencing around the whole site". This is of concern, as regards to clandestine illegal immigration. The site is simply too permeable in its current design.

5.47.27 There is mention, in the same section, of thermal imaging CCTV cameras to detect persons entering the country illegally, yet no strategy as to what to do with any persons detected. Why are there no plans for a holding area? It would appear that the applicants have not considered the additional burden on both the Police, and Borders & Immigration service.

COMMUNITY SAFETY

5.47.28 The issue of an increased number of clandestine illegal immigrants coming into the area cannot be ignored. This will undoubtedly lead to an increase in the 'fear of crime' and people's perception, of feeling safe in the area, in what otherwise is a relatively low crime area.

5.47.29 Additional burden on A20
The stretch of the A20 between junction 8 – Leeds and Junction 9 – Ashford, is commonly used as an alternative to the M20, when problems, such as Operation Stack or a serious RTA has occurred.

5.47.30 Much of this road is unlit and it is difficult to overtake. There have been several fatalities along this stretch of road, and at times when the A20 effectively becomes the M20, it can leave villages along this stretch isolated and marooned.

5.47.31 The proposed KIG would obviously have an additional impact on these areas during these Operations.

5.47.32 The A20, already has a large problem with lorry drivers parking in lay-bys overnight, either on route or from the Port of Calais. This leads to a high level of vehicle related crime, again the KIG would only add to this problem.

5.47.33 Leeds Village
To comment on the Traffic management Unit (TMU) Observation regarding the possibility of a new road linking the A274 with A20/M20 link roundabout. This *is* just at a discussion stage, with no firm indication yet that this will go ahead.

5.47.34 Leeds Village already suffers severely, from the impact of the volume of traffic through its' narrow main street. It is a recognised 'rat run' for many large vehicles who are not put off by the restricted weight signs shown at the A20 roundabout to the village, and it is a common occurrence for HGV lorries to cause huge problems in the village.

5.47.35 Another consideration is the village school. Parents have to park on the opposite side of the street to get to the school, which is manned by a School Crossing Patrol Officer. The School itself is not ideally situated, on a hill, with bends in either direction. This poses a danger to both children and parents. It is incomprehensible that the proposed KIG will not have an impact on this village.

5.47.36 In brief, at this stage, many Community Safety issues have not been addressed.

WILDLIFE

5.47.37 Confirm that their concerns have been suitably addressed by the environmental surveys and solutions offered.

5.47.38 However, they note that there is a risk during the construction phase of civil unrest, which could trigger public demonstrations – a further point that needs to be considered carefully.

5.47.39 Total perimeter security is therefore essential.

ROADS POLICING- Traffic Management

5.47.40 The Traffic Unit have assessed the Transport Supplementary Information submitted by the applicants and have made a number of detailed comments, summarised below.

5.47.41 **A20/B2163, Penfold Hill & Great Danes Hotel Roundabouts** – Traffic flow data for years 2016 and 2026 with/without KIG development.

5.47.42 TMU Observation – KIG have also commented on the possibility of a new road linking the A274 with A20/M20 link roundabout, which will bypass Leeds and Langley. We have also learned from KHS that this may be looked at due to future development to the south of Maidstone.

5.47.43 Taking these points into consideration, this new road at the A20/M20 link roundabout would relieve some of the traffic congestion at the other junctions. However, with the addition of the KIG development and signalisation of all the roundabouts/junctions, this would undoubtedly impact on the surrounding roads/junctions and may cause significant delays on all the roads in the area.

5.47.44 Capacity improvements will have to be made even without KIG, and in our view with KIG these would have to be significant. It is unknown whether the road infrastructure in its current form would cope with the increased traffic flows caused by HGV/workforce movements' to/from KIG.

5.47.45 **A20/Willington Street Junction** - Traffic flow data for years 2016 and 2026 with/without KIG development.

5.47.46 TMU Observation – This junction is already at maximum capacity and will be over capacity by the time that KIG is built. We do not have any information on what, or if any improvements would be made to the junction by KHS, so that it may cope with future development generated traffic from south of Maidstone.

5.47.47 It is our view that even a moderate increase in traffic from the KIG development, may cause traffic flows to become unacceptable at this junction.

5.47.48 **Accident Analysis** – Crash statistics and KIG's analysis for the A20/M20 and related junctions for the 5-year period up to 31st December 2007.

5.47.49 They summarised that there had been 127 crashes – 109 slight injuries, 14 serious and 4 fatal.

5.47.50 KIG have concluded that there is an average of 25.4 crashes per year in this area. The majority of crashes occurred during the AM/PM peak period. 65% occurred in dry conditions, 38% were on the M20, 24%

occurred at roundabouts and 18% at other junctions. There were numerous contributory factors in the crashes the main one being 'Slippery Road'. The main cluster sites were at:

- M20 Junction 8 – 12 crashes
- M20/A20 link – 14 crashes
- A20/B2163/Great Danes – 15 crashes
- A20/Roundwell – 7 crashes.

- 5.47.51 TMU Observation – The crash data analysis indicates that the main cluster sites were at junctions. If the KIG development were to proceed two further junctions would be generated with heavy traffic flows in and out of the development. There would also be an increase in vulnerable user movements, e.g. Pedestrians, pedal cyclists and although these junctions would be signalised, this could generate an unacceptable increase in crashes at these points and the roads leading to them.
- 5.47.52 **Potential For Reduction In HGV Movements** – KHS comment that potential benefit of the reduction of HGV's has not been evaluated.
- 5.47.53 KIG summarise that the development does not add to the amount of HGV's in the UK or through Kent. There is a demand for local freight irrespective of KIG. KIG would be similar to an inland port function. Every container carried by rail is a reduction in HGV traffic.
- 5.47.54 TMU Observation – All of the KIG comments are reasonable except, If KIG were to proceed, HGV movements may be reduced from the UK strategic road network, however, there is a real risk that they would increase significantly in the area of the development, and regional movements may also increase.
- 5.47.55 **Public Transport** – KHS Comment that there is no commitment to improve public transport or incentives offered to employees to use it.
- 5.47.56 TMU Observation – In our view without additional public transport to service KIG, the employees who live locally would revert to using other means of transport to/from the development. Due to start/finish times of the proposed shift patterns it is likely that a large number of these workers would use their own vehicles to commute to/from work. This would add to the traffic congestion in the Maidstone area.
- 5.47.57 **KIG Access Junctions, A20 Queuing** – KCC & HA have requested additional information on HGV numbers, trip generation, traffic growth and distribution.
- 5.47.58 KIG conclude that the two designs for the car and HGV signalised access junctions will operate well within capacity in 2016/2026, and that the right turn storage lanes accommodate all queuing traffic without blocking the A20.
- 5.47.59 TMU Observation – We have no information on the queuing capacity inside or outside the development at these two access points. If adequate queuing facility is not provided inside the development, KIG's calculations on queuing capacity in the right turn storage lanes is irrelevant.

- 5.47.60 Kent Police are concerned that if vehicles cannot queue inside KIG, congestion on the A20 and disruption of traffic flows will be inevitable.
- 5.47.61 **Intended Use Of KIG** – HA need further clarification about the intended use of KIG and its impact on trip generation and the M20, Junction 8.
- 5.47.62 KIG state that the floor space will be divided into one-third Regional Distribution Centre (RDC) and two-thirds National Distribution Centre (NDC). The RDC will serve retail outlets in the Kent area which will be distributed mainly via the road network, the NDC will transfer goods onwards mainly by rail. They conclude that good road connections are required and that KIG will have a dedicated road connection directly from the A20, and effectively they will have direct access to the Motorway network.
- 5.47.63 TMU Observation – Origins and destinations of goods to be handled by KIG is not yet known, as there is no information on who will actually use the floor space. As this is not yet clear, KIG's evaluation is assumed and there is no guarantee that in 2016 the floor space will be used as they state. If the allocation of floor space were to be the opposite, one-third NDC and two-thirds RDC there would be a significant impact on the local roads. This would also affect their projected traffic flow data for the junctions close to the development, which could lead to more vehicle movements, increased congestion, longer queues and increase the risk of crashes. In our view without a guarantee of their floor space allocation, this is an unacceptable risk.
- 5.47.64 **GBFM, Visitor And Servicing Trips** - HA seek clarification of what count data was used and the source of it.
- 5.47.65 GBFM - The GB Freight Model has been used to estimate the transport choice and distribution of cargo to/from KIG. Consultants for the developers have forecast that 35% of loaded units will arrive at KIG and possibly just the ND, by rail. This was based upon current operating behaviour and will reflect generic behaviour for distribution centres across southeast England.
- 5.47.66 Visitor and servicing trips – Overall KIG estimate that there will be on average an additional 8% visitor trips and 2% will reflect servicing trips. They demonstrate this in a summary table, which shows a daily trip profile of 251 cars / LGV's arriving/departing, plus 63 HGV's arriving/departing.
- 5.47.67 TMU Observation –
GBFM: The KIG forecast for distribution of cargo appears to be based on assumptions, and there is no guarantee that 35% of loaded units will arrive at KIG and possibly just the NDC, by rail.
- 5.47.68 It is our view that there needs to be assurances, as part of the application for fixed figures in regard to the distribution of cargo by rail, as this will contribute to a reduction in HGV movements on the road network.

- 5.47.69 Visitor and servicing trips: This also appears to be based on assumptions, however, their estimates would equate to an extra 628 vehicle movements per 24-hour period, and we feel that this will put additional pressure on potentially an already congested area.
- 5.47.70 **Trip Generation & Distribution** – HA seek clarification on trip generation.
From analysis produced for KIG the overall level of employment will remain at 3,500 workers. The split between blue-collar/white-collar workers differs from that previously assumed. This shows that there are significantly more white-collar workers, which has direct impact on peak time trips on the road network. They estimate that there will be an additional 193 trips at peak times.
- 5.47.71 TMU Observation – This again appears to be based on assumptions, however, they estimate an extra 193 trips at peak times. Again it is our view that this will place additional pressure on the road network, which may cause congestion to unacceptable levels.
- 5.47.72 **Capacity Of M20 Junction 8** – HA comments that the operational assessments of the M20 Junction 8 as a whole have not been carried out.
- 5.47.73 KIG have undertaken a capacity assessment of M20 Junction 8 with/without KIG, their findings are:
- 5.47.74 M20 Junction 8 without KIG current - is operating well within capacity and will be operating within capacity in 2016/2026.
M20 Junction 8 with KIG 2016 - Will be operating within capacity and in 2026 will be operating within capacity but close to the operational threshold.
- 5.47.75 KIG acknowledges that this could lead to excess queuing occurring on the motorway slip roads. KIG commits to agreeing a mitigation scheme to be implemented after the opening of the development. They suggest that this may take the form of placing three arms of the roundabout under traffic signal control.
- 5.47.76 KIG have also given consideration to merge and diverge slip roads from M20 Junction 8. They consider that the two on-slips are sub-standard and suggest upgrades, which incorporate a single lane gain with a two-lane main carriageway. They also suggest that the two off-slips are changed to a lane drop configuration to accommodate the on-slip lane gains.
- 5.47.77 TMU Observation – M20 Junction 8 will operate within capacity up to and possibly beyond 2026 without the KIG development. Their own data again shows as with the A20 junctions that this will not be the case with the KIG development being built, and junction improvements will have to be made.
- 5.47.78 It was noticed in the TSI document that no mention has been made of the impact on the M20/A20 road network during Operation Stack, or the impact on the local road network if KIG traffic uses alternative routes due to the impending gridlock situation that usually occurs.

- 5.47.79 Kent Police are also concerned that their analysis may not have considered other scenarios, such as emergency road closures, which can occur randomly at any time. There are also regular maintenance schedules on the M20 Motorway, which quite often entail lane closures and occasionally full closures.
- 5.47.80 It is our view that KIG have not considered all of the consequences/risks of having up to 3,500 worker movements to/from the site every day and the estimated 2,000 -2,500 HGV movements per 24-hour period.
- 5.47.81 **Conclusions** - KIG explain that the TSI was prepared to address issues raised by the HA and KHS in relation to the operation of the highway network with the KIG development.
- 5.47.82 The TSI finishes with the comment that they consider that in terms of KIG's impact on the transport network, both HA and KHS are now in a position to favourably consider the KIG application.
- 5.47.83 **TMU Conclusion** – Along with our observations of each chapter, it appears to Kent Police that much of the information/analysis undertaken and provided by KIG is based on assumptions or old data. We feel the KIG will place pressure on an already congested road network and may lead to unacceptable levels of congestion, where road safety may be compromised.

CRIME REDUCTION / ARCHITECTURAL LIAISON

- 5.47.84 This report is based on the applicants Design Access Statement suggesting a move from road to more sustainable freight transport, with **rail having a key role in achieving this objective**. If this role changed, for example, if it were to become more of a distribution by road, then this report could not be taken into consideration.
- 5.47.85 There are some serious concerns with regards to this application and the current design. Some of these have been stated already;
- 5.47.86 Perimeter Security - (Section 3):
There are several footpaths and a road that runs through the site, which makes the site very permeable to casual intrusion. Our advice at that time to the architect was that the road perimeter and any footpath perimeter would need to be secured by fencing.
- 5.47.87 If the perimeter fencing were not installed, then the difficulty would arise for trespass and criminal trespass to be taken into account, therefore causing a breach of security. It is also recommended that signage would have to be displayed clearly at various points around the perimeter. There will be a risk of Public Order offences – see below.
- 5.47.88 During the construction it is also necessary for the site to be contained. Again, this would protect from theft of plant, materials, etc. The internal part of the site and buildings would also have their own security fencing and the outer perimeter fencing would enhance the security and safety of the inner structures and development. The perimeter fence will also be tested for the least line of resistance and this will ultimately be where there is no perimeter fence erected.

- 5.47.89 **Recommendation: Perimeter fencing is installed at the grading system 4 (high).**
- 5.47.90 Access - (Section 4)
The access point had already been designed in to the site prior to any meeting or discussions and in our opinion is not in the right place.
- 5.47.91 **Recommendation: The control point and access point be reassessed and redesigned to cater for a large number of vehicles, in so that they can be security checked and guided to either on-site or a sterile compound, whether that be an illegal immigrant sterile zone, or a bomb blast bay for a vehicle improvised device.**
- 5.47.92 Sterile Security Control - (Section 4.4)
Where it is suspected that a vehicle may be carrying clandestine illegal immigrants onboard, the sterile area would need to be separately fenced, with an automatic barrier / gate as well as bollards.
- 5.47.93 Where it is suspected that a vehicle may be carrying an improvised vehicle borne device, then this vehicle will have to be directed to a protected and fenced area with bomb blast walls.
- 5.47.94 **Recommendation: See above.**
- 5.47.95 Alternative Emergency Access - (4.9)
The report states that the Northern end of Water Lane is to be used as an alternative emergency access (AEA). This is unsuitable and unworkable due to the fact Watermans Lane is an unclassified, narrow minor road.
- 5.47.96 The applicant has identified the congestion that would be caused to Bearsted, and has designed the main access point accordingly. All HGV's will be sent Left towards Junction 8 of the M20. Having the AEA in this location will conflict with design solution, causing serious disruption.
See comments under Fire & Rescue below.
- 5.47.97 **Recommendation: An alternative emergency access site is found for the lorries. This may mean that one has to be designed and built for purpose.**
- 5.47.98 Security Control Centre - (Section 5.0)
The applicant has accepted the advice given to him previously, by relocating the security control centre elsewhere, into the office block. A decision should not be made for this building until a renewed Entrance and Emergency Access has been identified, to enable them to control both points.
- 5.47.99 **Recommendation: To find a suitable area that would take in all of the factors, i.e. anti terrorism, security and health and safety.**
- 5.47.100 Rail Access and Intermodal Area - (Section 6.0)
See Counter Terrorism above.
- 5.47.101 Warehousing Units - (Section 7.0)

It is unknown at this stage who the company or vendor of the units will be. Therefore it is difficult to assess the amount of security required for each unit. However I would suggest that the minimum security in this case, is a gauge 3, as a perimeter fence, and in the case of one of the units being taken over, a further perimeter fence with a sterile area could be created to take into account the risk. I would also encourage a direct link from each unit to the central control room and equipment to be used, i.e. CCTV and alarms, be compatible with the main security.

5.47.102 **Recommendation: Each unit, once the vendor is known, make contact with the ALO, in this case PSE John Grant, Maidstone police station.**

5.47.103 Police Evaluation:

Due to the size, type of crime and environment that this development is going to bring, an evaluation for the cost of policing is to be looked at. This may, for example, take into consideration the payment for a police officer for 5 years, who would be the liaison officer from the site to the local police. There are other factors to be considered, i.e. type of crime that needs to be investigated. I would consider that this type of crime is more serious and higher in volume and this would depend on whether the lorries were sealed and bonded or covered.

5.47.104 **Recommendation: An evaluation is carried out by a consultant on behalf of the police, to evaluate future costs for this type of development. (Section 106 may be the way ahead).**

5.47.105 **Emergency Contingency Plan:**

To date we have not seen any form of Emergency Planning contingency plans, for example VBIED, major fire, derailment or demonstrations.

5.47.106 **Recommendation: Senate Security liaises with Kent Police, Kent Fire & Rescue, Kent & Essex Ambulance Service, British Transport Police, MBC and KCC.**

PUBLIC ORDER

5.47.107 As mentioned in the wildlife section, Public Order needs to be considered in relation to the security of the site and not just Perimeter Security. In the current climate we have seen serious unrest. The country has seen several employment strikes, with regards to foreign workers, international demonstrations such as the recent 'Climate Camp' in Medway, and the not so long ago Newbury Bypass that lasted years. This application will have a huge impact on the local community and environment and could be a serious trigger for public demonstrations

5.47.108 During the construction it is also necessary for the site to be contained, to prevent Theft of Plant and materials.

FIRE & RESCUE

5.47.109 As yet, I have not seen a report or other observation made from the Kent Fire & Rescue Service direct. As a statutory consultee, I'm sure they will have seen this application and have made suitable comments to you.

5.47.110 Having given this application serious consideration with regards to the potential National Terrorist Threat and the serious impact on the

surrounding area should a device OR simply a Threat of any such device get identified? An 'exclusion zone' would automatically be set up, as already mentioned (400-600m) and a contingency plan put in place. This would effect / close off the A20, M20, Ashford to Maidstone (London) Domestic railway and of course the Channel Tunnel Rail Link. A serious and perhaps even an unacceptable situation, as major transport links through Kent, would be put out of action, and what would be the recovery period?

- 5.47.111 I suggest this would be a similar situation in the event of a major fire. Depending on the wind direction visibility could be lost, forcing some if not all of these transport routes to close.
- 5.47.112 The point of 'Emergency Access' is also a concern. Water Lane is an unclassified back lane and is not suitable for 38tonne Heavy Goods Vehicular movement on any huge scale. I appreciate this access is only for 'Emergency', but as stated above - if a fire was to break out or worse any terrorism situation, I believe vehicular use at this point would be significant. In the interests of commerce how long could the whole site sit out of action, if the main entrance had been blocked and/or destroyed!
- 5.47.113 For this reason I believe the site needs to be reconsidered and the location of the Emergency Access be relocated.

Conclusion:

- 5.47.114 Following the KIG application in December 2007, we set up an initial meeting with the applicant RPS and PRC to discuss this proposal. Clearly we had some major concerns at a very early stage. RPS responded to these by offering to hold several workshops and discussions. In fact they offered to demonstrate the workings of the site on a scaled model.
- 5.47.115 We have had a further meeting to discuss the security and related issues, but were not shown NOR taken through any model. I feel this was a lost opportunity by RPS, as some of the Highlighted areas could have perhaps been addressed, at a much earlier stage.
- 5.47.116 Senate security came on board at a much later stage and would appear to have had a set design to secure, as opposed to coming up with a secure design in the first instance. With set parameters i.e., road and building layouts, it's very difficult to achieve a totally secure environment, especially with the increased threat the country is now faced with.
- 5.47.117 The site itself has a good level of security, but based on information given by my counter terrorism colleague, I would suggest the future of this site would be HIGH on any Terrorist's agenda. As such it is vital that we get it right now. Now is the time to recognise these issues and to design out both Crime & Terrorism.
- 5.47.118 If Outline Planning Permission were to be 'Granted' for this application, I would ask for stringent conditions to be imposed, so that the correct security measures can be implemented in full,

5.47.119 Therefore, I have no option other than to object to this application as it stands.'

5.47.120 A further two letters have been received from the Kent Police, raising objection to the proposal. The general letter dated the 16th April 2009, is set out below, whilst the letter dated the 8th April 2009, dealing with the potential threat of terrorism is set out in the **exempt Appendix** to this report.

5.47.121 Kent Police Letter (16/04/09)

"In relation to my earlier observations dated the 2nd February 2009, I would like to raise several issues, in relation to this application.

Counter Terrorism

Please see the attached envelope marked 'Confidential', sent in by my Counter Terrorist Advisor colleague - [REDACTED]. This information is strictly confidential and should be treated as such, under the procedure of Planning Committee – Part 2.

Advice has also been sought from the Kent Ports Policing Unit, which states this site is a 'Port' under the definition and will have to be policed and resourced accordingly. Hence, there will be implications for buildings and Police resources on site. Some of the recommendations mentioned within [REDACTED] report, have been included for this very reason.

Clandestine Illegal Immigration

The development could introduce a gateway for Clandestine Immigration. The concern is that the applicant accepts this fact, but so far they have not offered a solution, or means to dealing with addressing this. This could be resolved by a CONDITION attached to an approval, or by use of Section 106 monies.

I consider this not to be a major point to challenge the planning request, but it would present a serious police and immigration issue that would need to be managed.

Community Safety

The community safety issues raised still stand and have not yet been addressed by the applicant. These could be addressed in part, by way of a stringent Planning Condition insisting on a secure parking area for HGV's.

The county of Kent, due to its geographical proximity to the continent, already has a high number of foreign lorries using its roads, and the present KIG proposal gives no additional parking facility for HGV's.

Kent Police would recommend a proposal for secure parking for a substantial number of lorries, possibly a 'All4trucks site' which already runs very efficiently in Calais. These facilities would offer all services for truckers in one location, from food and drink for the truck driver – to communication facilities (internet, WiFi, telefax, telephone), personal

care (showers, restrooms, laundry machines) and pre-bookable parking, this will give the truck driver the feeling of comfort and security, whilst removing illegal parking and associated crime in the area.

Security to the site should be restricted by access control, and the site designed to 'Park Mark' award status.

Wildlife

The current ecological assessment that has been undertaken for the KIG project has sufficiently addressed any wildlife and biodiversity concerns for the area. It should be borne in mind that such wildlife protection will only be satisfied if there is full compliance with their ecological strategy. Under new legislation (Natural Environment and Rural Communities Act 2006), there is a requirement for aspects of biodiversity to be taken into account in any process and a condition of strict compliance with their ecological strategy should be considered within the framework of approval.

Roads Policing – Traffic Management Unit (TMU)

TMU have serious concerns in relation to this application. The applicant is forecasting 3000 lorry movements per day 24/7, all year round. Maidstone Borough Council forecast this figure could double, resulting in 6000 HGV movements per day. The existing road layout and construction isn't considered adequate. Although a separate issue, this needs to be considered in conjunction with the add-on effect, caused by Operation Stack (which at the time of writing this report, is currently in place and causing disruption on local/county infrastructure roads).

Operation Stack was implemented on 21 occasions in 2008, resulting in partial closure of the M20 on 31 days, Phase 2 closure (Junction 8-9) on 13 occasions. This has a direct impact on all vehicular movement at Junction 8.

Whilst this might not to be a major point to challenge the planning request, it does present a serious police issue that would need to be managed. I feel this should be firmly agreed by way of imposed planning conditions or road improvements assisted by Section 106 contributions.

Crime Reduction / Architectural Liaison

The security issues have already been discussed and were included within my initial report. The points I had raised still stand and have not yet been addressed by the applicant. These could be addressed by way of a stringent Planning Condition, stating 'The site must be built in accordance with the principals of Secured by Design and achieve the Secured by Design accredited award'.

I consider this not to be a major planning issue, but one that certainly warrants a strong CONDITION. This will ensure continued liaison between the applicant and Kent Police.

Public Order

Public Order is a real possibility during the construction phase of this development. If we look back historically at the Newbury Bypass, we should consider that a similar environmental reaction could occur. In Kent, this occurred when the new Thanet Way was built in the 1990's. A significant policing operation had to be put in place for this road-building project. Similar to the Newbury Bypass and to the A299, KIG could be seen as an incursion into the Green Belt of Kent.

Whilst this is not necessarily a major point to challenge the planning request, I believe any public disorder could lead to disruption and financial resource costs to the local economy and Kent Police.

Fire & Rescue

Clearly Fire & Safety is a major concern, due to the huge warehouse facilities and the proximity to the major transport routes and Bearsted village. Smoke effects caused by a serious incident would result in adverse effects to the major transport routes (M20, A20 and Rail Links). The alternative means of access from Water Lane, is no doubt sufficient from an emergency service point of view, but in the event of a major incident or prolonged closure at the main entrance, it would cause problems.

This could be addressed by way of a stringent Planning Condition, requiring 'The Water Lane approach to the 'Alternative Access', from Bearsted is improved with the use of either widening the lane or inserting three suitable length overtaking lay-by's'.

I consider this not to be a major planning issue, but one that certainly warrants a strong CONDITION. This will ensure continued liaison between the applicant and Kent Police.

Conclusion

Security, based on information given by my counter terrorism colleague, I would suggest the future of this site would be HIGH on any Terrorist's agenda. The serious concern from my police counterparts is that appropriate measures are put in place at the planning stage. Now is the time to recognise these issues and try to design in measures that will reduce, as much as possible, both Crime & Terrorism.

If Outline Planning Permission were to be 'Granted' for this application, I would ask for stringent conditions to be imposed, so that the correct security measures can be implemented in full.

Therefore, I have no option other than to Object to this application as it stands.

If you would like to discuss our concerns in greater detail then please do not hesitate to contact me."

- 5.48 **DHA Planning (on behalf of Kent Police) (06/12/2007):** Comment on behalf of Kent Police that the proposals have potentially significant operational implications for the policing of the area both in terms of security and for traffic policing which will require additional resources to

be found to address those needs. Accordingly in the event that the Council as local planning authority intends to permit the application or alternatively it is to be considered at appeal they confirm that Kent Police will be seeking in accordance with Policies QL12 and IM1 of the Kent & Medway Structure Plan 2006 a financial contribution to meet the increased costs of policing arising from the development through the mechanism, of a s106 Obligation. The exact sum requested will need to be calculated through an appropriate formula in consultation with the Police.

- 5.49 **Rural Planning Ltd. (08/11/2007):** Advised that having assessed the Environmental Statement that it contains no detailed evaluation of the impact of the loss of agricultural land in terms of its quality or impact on the farm business (es) affected. The exact grade of the land can only be determined by a detailed agricultural land classification study. If classified Grade 3(a) the land would be within the best and most versatile category and thus subject to appropriate government and development plan policies seeking to resist the loss of such land. The Kent Landscape Information System identifies about half the area concerned as having a freely draining loamy soil which is therefore likely (subject to a detailed study) to be at least Grade 3(a). The application should therefore be supported by a full appraisal of agricultural land quality and farm business impact.
- 5.49.1 Further comments were made on **31/07/2008** following consideration of a submitted Agricultural Land Classification report. The following points are noted from the study:
- 88.2ha (218 acres) of agricultural land would be lost
 - 31.4ha (78 acres) of this total loss would be in the 'best and most versatile' (BMV) category Grades 2 or 3a, thus warranting policy protection under Policy EP9 of the Kent & Medway Structure Plan.
- 5.49.2 It is noted that the study attempts to qualify/downplay the findings as to loss of agricultural land by observing that the site 'comprises lower quality land when considered in the context of the local area and the County of Kent as a whole' and that the site as a whole is 'dominated by lower quality grade 3b land which represents the lowest quality both in the area around Maidstone and within the wider county context.'
- 5.49.3 This predominance of lower quality land is not a mitigating circumstance the impact of the loss of 31.4ha of BMV land is in no way lessened by an accompanying loss of a larger area of non BMV land.
- 5.49.4 Having confirmed the loss of the 88.2ha of agricultural land, policy EP9 requires a follow-up appraisal of both overriding need and as to a lack of better alternatives having regard to agricultural land quality, environmental value and accessibility.
- 5.49.5 The previously expressed view that this section of the Environmental Assessment should also explain details of the farm business or businesses affected by the proposals so as to assess the impact on the local rural economy is restated.

5.49.6 A further letter dated **22 January 2009** confirms that there are no additional comments to those already made.

5.50 **West Kent PCT (09/01/2008):** Have produced a Health Impact Assessment (HIA) which indicates the following concerns about the proposals;

- A need to assess the effect on health arising from the risk of road traffic accidents as well as other forms of accident during both the construction and operation phases.
- The developers should be expected to ensure that there is the provision of high quality on-site health services to treat minor injuries and illnesses and they should liaise with local health providers for any additional medical provision on site that would be required to reduce potential pressures on local health services.
- In terms of air quality, noise and vibration, by manipulation of technical data submitted in the planning application and information from additional sources it may be possible to assess the direct impact on health. A further comprehensive HIA may be necessary within which it will be necessary to profile the local community in the impact area. The most significant areas for further work would need to be the risk and impact of accidents and injuries from the development.

5.50.1 Other comments made by the PCT are as follows;

- Traffic implications should be examined over a wider area. The development and its potential 4000 further HGV movements will have an impact in a much wider area than just in the vicinity of the site.
- The estimate of on-site jobs (80 Full Time Equivalent (FTE)) during the construction phase is considered to be low and is likely to be an underestimation of the impact of the construction phase.
- Arrangements for when 'Operation Stack' is in place need to be made as existing roads are already blocked when it is currently in operation before any development takes place on the site.

5.51 **Campaign for the Protection of Rural England (CPRE):**

Both the Maidstone Committee (26/11/2007) and the Kent Branch (28/11/2007) have commented on the application. Both OBJECT to the application and have submitted detailed comments in support of their objections, summarised as follows.

5.51.1 Whilst supporting the principle of increasing the quantity of freight transported by train they challenge the ability of this site to deliver that benefit. No case is made for it providing effective and profitable road/rail freight interchange. It is likely that in practice that the site would provide a major warehousing and road-to-road distribution transshipment site and as such would have no merit or support from any government policy.

- The development conflicts with the provisions of PPS1 in that it fails to demonstrate that it can be carried out consistently with the principles of sustainable development.
- The proposals fail the tests set out in Policy TP23 of the adopted Kent & Medway Structure Plan.

- The site selection process is flawed and does not identify the most suitable site for addressing regional. Or local needs. This is because the more viable sites have already been earmarked by rival developers.
- They challenge the job creation figure, but if correct, then the creation of 2,000 to 2,500 low-paid, low-skilled jobs will create affordable housing shortages in the local area, increased car travel from elsewhere in Kent and lead to increased social problems.
- The site is within a Special Landscape Area and will adversely impact the North Downs Area of Outstanding Natural Beauty by its visual intrusion, noise and light pollution. This may harm the local and county tourism economy. The setting of the Scheduled Ancient Monument at Thurnham Castle within the AONB will be adversely affected.
- There will be a net loss of biodiversity in the development area and an increased risk to wildlife and watercourses and lakes downstream of the site.
- The drainage and pollution risk for the site presents an unacceptable risk to public water supply and the ecological quality of the River Medway and its tributaries, notably the River Len and the Lilk Stream.
- The underlying geology, Gault Clay, is difficult to construct on and will require substantial piling or other remediation to enable construction to take place, also possibly affecting groundwater stability and quality.
- The applicants have not quantified what climate change benefits will arise from the proposals.
- The quality of life of people working and living in the Maidstone area will be significantly harmed by this application, regardless of any economic benefits.

5.51.2 Further comments were received from the Maidstone Committee on 03/02/2009 and the Kent Branch on 06/02/2009. Both continue to object to the development on the following (summarised) grounds:-

- Whilst CPRE Kent is fully supportive of the ambition to transport an increased proportion of freight by rail rather than by road, they do not consider that KIG can achieve this goal. Nor do they consider that even if KIG were to be able to successfully achieve this desirable goal, that the current site is an appropriate location for such a facility.
- The development fails to meet the criteria of national, regional and local policy
- The business case for the development is weak. The current economic climate and the approval of a similar development at Howbury Park together point to an uncertain prospect for the profitable operation of the site.
- They remain of the view despite the applicant's responses to the issues raised by the Highways Agency that the rail connections and use will be a relatively small component of the operations at this site.
- Problems with security and safety have been acknowledged and addressed but this is not seen as a valid reason to impose a development and its associated risks in an area so close to the residential area of Bearsted

- Off-site parking of HGVs will add to congestion and result in a loss of amenity
- Noise to nearby residents and light pollution.
- Loss of agricultural land
- The unacceptable impact on the Special Landscape Area that the site falls within specifically designated due to its close proximity to the Kent Downs Area of Outstanding Natural Beauty. The designation is intended to preserve the views to and from the AONB. Warehouse development at this scale and at this location is therefore unacceptable. The development will have a severely detrimental effect on the setting and character of the AONB.
- The newly submitted photomontages clearly fail to illustrate adequately the visual impact of the proposals. They are deceptive showing no large cranes, no lighting, no trains or lorries or in fact activity of any sort.
- Employment figures are unsound due to the current downturn and the fact that it is the users of the facilities not the developers who will decide how they will be used and staffed.

6: INTERNAL CONSULTATIONS

6.1 This section summarises the responses received to internal consultation within the Council. Each section is referred to individually, and their views are set out chronologically with the most recent comments last.

6.2 Conservation Officer (13/08/2008):

'The proposals lie within an area characterised by its small scale and intimacy. It is a landscape of considerable scenic and historic value, immediately adjacent to the Kent Downs AONB from which the site is highly visible from the crest of the Downs.

6.2.1 Bearing in mind the overwhelming impact which this scheme would have on the area, it is my view that insufficient work has been carried out in relation to an archaeological appraisal of the site (no fieldwork has taken place) and in addition, a proper historic landscape assessment should have taken place prior to submission. In the absence of such studies, the full impact of the scheme cannot be assessed. However, the wholesale remodelling of the landscape proposed will effectively destroy its scenic qualities and is likely to have a permanent adverse effect on any buried archaeological deposits likely to exist given the large number of finds and sites already known in the area.

6.2.2 The proposals will also affect the settings of a number of listed buildings, in particular;

(i) Woodcut Farm (not even identified by the applicants as a listed building).

This building sits on a ridge with extensive views over open land to the east. This land would be occupied by 3 large buildings plus ancillary structures, accesses and car parks, fundamentally altering the outlook from the listed building, adversely affecting its setting and destroying its contextual relationship with the landscape.

(ii) Barty Barn

This currently sits on one side of a substantial valley which it is proposed to cut and fill, with a very large building being sited immediately adjacent. It is suggested that Barty Barn should remain in residential use and not be allowed to fall vacant, but there is now suggestion of how this should be achieved and in my view the setting of the building will be so fundamentally harmed that its future as a residential property must be open to question.

(iii) Barty House

Likely to be affected to some extent by views of the proposed development along the valley to its east/north east.

6.2.3 There will also be impact on the setting of the Scheduled Ancient Monument of Thurnham Castle. From its prominent site on top of the Downs the whole of the proposed development will be open to view in the vale below.

6.2.4 Impact on the Bearsted Conservation Area is harder to assess, but there is a possibility that structures may be visible from The Green.

6.2.5 In view of the severe impacts outlined above and the lack of proper archaeological and landscape assessment, my view is that these proposals are wholly unacceptable and permission should be refused. I fully support the views expressed by English Heritage.'

6.2.6 Further comments were received on **20/01/2009**:
'The proposal lies within an area characterised by its small scale and intricacy. It is a landscape of considerable scenic and historic value, immediately adjacent to the Kent Downs AONB from which the site is highly visible from the crest of the Downs; the development would also massively obtrude into views of the Downs from the Vale of Holmesdale and the ragstone ridge.

6.2.7 Bearing in mind the overwhelming impact which this scheme would have on the area, it is my view that insufficient work has been carried out in relation to an archaeological appraisal of the site (no fieldwork has taken place) and in addition a proper historic landscape assessment should have taken place prior to submission. In the absence of such studies, the full impact of the scheme cannot be assessed. However, the wholesale remodelling of the landscape proposed will effectively destroy its scenic qualities and is likely to have a permanently adverse effect on any buried archaeological deposits likely to exist given the large number of finds and sites already known in the area.

6.2.8 The proposals will also affect the settings of a number of listed buildings, most particularly:-

(i) Woodcut Farm (not even identified by the applicants as a listed building). This building sits on a ridge with extensive views over open land to the east - this land would be occupied by 3 large buildings plus ancillary structures, accesses and car parks, fundamentally altering the outlook from the listed building, adversely affecting its setting and destroying its contextual relationship with the landscape.

- (ii) Barty Barn - this barn, converted to a dwelling, currently sits on one side of a substantial valley which it is proposed to cut and fill, with a very large building being sited immediately adjacent. It is suggested that Barty Barn should remain in residential use and not be allowed to fall vacant, but there is no suggestion of how this should be achieved and in my view the setting of the building will be so fundamentally harmed that its future as a residential property must be severely questioned and the future viability of the building in any use at all be in doubt.
- (iii) Barty House - likely to be affected to some extent by views of the proposed development along the valley to its east.

6.2.9 There will also be impact on the setting of the Scheduled Ancient Monument of Thurnham Castle - from its prominent site on top of the Downs the whole of the proposed development will be open to view in the vale below.

6.2.10 There will also be significant visual impact on views from the two conservation areas in Bearsted where the very large structures proposed will obtrude into views towards the North Downs which are important features contributing to the character of the conservation areas. This is clearly shown on the photomontages now submitted, which also illustrate that the buildings will form a backdrop behind the listed oast complex sited to the east of Bearsted Green, thus adversely affecting its setting. The photomontages also illustrate that in general the landscaping proposals will not hide the massive structures proposed.

6.2.11 In view of the severe impacts outlined above and the lack of proper archaeological and landscape assessment, my view is that these proposals are wholly unacceptable and permission should be refused. I fully support the views expressed by English Heritage.

6.3 **Landscape Officer (29/01/2009):**

The majority of trees and woodland which will be affected by the development are located in the south east part of the site, from junction 8 of the M20 to Water Lane. The trees within this area are subject to 8 Tree Preservation Orders (TPOs).

6.3.1 A tree survey has been carried out by CBA Trees (ref CBA6624) in accordance with the recommendations of British Standard 5837:2005, Trees in relation to construction - Recommendations, and current good arboricultural practice.

6.3.2 The data collected includes tree species, height, crown spread, physiological condition, structural condition preliminary management recommendations, estimated remaining contribution in years and categorisation of tree quality. It should be noted that in the case of individual trees all the data is accurately recorded. However, for groups of trees the dimensions are estimated.

6.3.3 Also included within the report is the Tree Protection Area Schedule (CBA6624) which shows the Root Protection Area (RPA) and the initial Root Protection Distance based on the tree survey data. The purpose of these calculations is to show the approximate location where temporary

fencing will be situated in order to avoid damage to the trees during the construction phase.

6.3.4 In order to facilitate the proposed hardstandings, earthworks and associated structures and equipment it would be necessary to remove an extensive number of trees which are subject to Tree Preservation Orders. Drawing numbers 3073/P/09 and 3073/P/08 show the trees and woodlands which are proposed to be either completely or partially removed.

6.3.5 In addition to the trees within the landscape there are also hedgerows which are categorised as species rich and species poor. The species poor hedges include Hawthorn, Blackthorn, Elder and Wild Privet. The species rich hedgerows, of which there are three within the site boundary, contain English Oak, Crab Apple and Horse Chestnut with Hawthorn, Midland Hawthorn, Bramble, Dog Rose, Hazel and Goat Willow. These hedges are located on the western side of Crismill Lane and either side of Water Lane. It should be noted that the species rich hedges may qualify under the Hedgerows Act 1997.

Summary

6.3.6 The tree survey undertaken is relatively accurate in that it gives an outline of the extent of tree cover within the proposed development area. It is clear from the survey that the trees have a specific landscape value. In particular, the survey noted that the woodland known as 'The Belt' (TPO No.16 of 2007) was an example natural woodland with excellent habitat examples, containing a wide variety of native tree species of differing ages/ classes. At the time of inspection it was noted that the woodland floor was abundant in Bluebells and Wild Garlic. In addition, this woodland is classified as Ancient semi-natural woodland.

6.3.7 In order to mitigate against the loss of so many trees a landscaping scheme is proposed which will take up to 10 years to achieve any significant screening value. In the meantime the visual effect of the landscape will be altered radically.

6.3.8 Whilst a number of protected trees are indicated to be retained on the site there is a question over how achievable this will be. It should also be noted that protected trees immediately adjacent to the site, as well as those shown to be retained will be obscured by the new structures and mounding, lessening their amenity value. Therefore, it will be difficult to resist any application for the removal of these trees in the future.

Conclusion

6.3.9 Within the site there are 8 Tree Preservation Orders covering a mixture of individual trees, groups of trees and woodland areas approximately totalling 9.24 ha, of which over 4 ha will be removed to facilitate the development, together with a further 55 trees.

6.3.10 The loss of such large numbers of trees would have a detrimental impact on the amenity and character of the landscape as well as the ecological benefits which are associated with trees and, in particular, woodlands.

6.3.11 The proposed landscaping scheme will provide an initial screening effect within 10 years. However, in order to attain the current levels of ecological

maturity and woodland habitat it may take, subject to favourable conditions, in excess of 100 years.

6.3.12 The application should be refused on these grounds.

6.4 **Environmental Health Section (17/03/2009):**

6.4.1 'A report has been carried out for MBC by RBA Acoustics. They have looked at the original noise submission made by RPS consultants in the Environmental Statement submitted by the applicants. Whilst they broadly agree with their conclusions and methodology, they were surprised by the lack of a BS 4142 Industrial Noise Assessment and have carried out such an assessment based on readings from a similar existing operation. These measurements and consequent predictions have reinforced their view that in addition to a predicted disturbance to some properties during the construction phase, there is likely to be significant noise disturbance to several dwellings nearby to the development, particularly from the Intermodal area from the operation of gantry cranes and the movement of HGVs and trains. They have also provided evidence in an accompanying appendix to their report. Mitigation measures are included in the applicant's report, but RBA consider there is insufficient mitigation for the site as a whole, especially again in the intermodal area. They have concluded that there are two main grounds for refusing this application, namely the construction phase allied to its considerable length of time and the 24 hour operation of the intermodal area. I agree with this report and its conclusions.

6.4.2 There is no doubt that this site, if approved, will add significantly to air pollution levels which are already significant. The site already borders on the urban-wide Air Quality Management Area. An assessment should be carried out to quantify these issues. Similarly there is no evidence of a contaminated land assessment for the site. Light Pollution is another important issue which has the potential from such a large development to cause nuisance to nearby residents; this has yet to be addressed by the applicant.'

6.4.3 The Environmental Health Section conclude that there is now sufficient evidence to show clearly that the application should be refused on noise grounds for the reasons highlighted above and recommend refusal on the grounds of the serious impacts of noise pollution on neighbouring residential properties which they do not consider can be mitigated by the application of conditions and nor do they consider that the applicant's proposed noise attenuation methods will reduce the impact of noise to an acceptable degree.

6.4.4 The section remains of the view that there should also be satisfactory assessments for Air Quality, and Land Contamination undertaken and submitted. They recommend that the application should be refused on Air Quality grounds until such assessment is carried out, in the event that permission is granted that conditions should be applied to cover these issues, together with a condition requiring the submission of details of measures seeking to minimise light spillage from the development.

7: REPRESENTATIONS

- 7.1 This section summarises the responses received to the general publicity given to the application. The section is organised with interested organisations first, then Residents' Associations and Community Groups and then Individuals and local residents. The representations are set out chronologically with the most recent comments last.
- 7.2 Extensive publicity was given to the application when submitted. Copies were sent to local libraries in the Borough, over 40 site notices were posted around Bearsted, Detling, Hollingbourne and Thurnham and the application was advertised in the local press. In addition, approximately 3000 notification letters were sent to residents in the area.
- 7.3 The notification process was undertaken again when additional information received pursuant to the Environmental Impact Assessment Regulations 1999 and Directions under Regulation 4 of the Applications Regulations 1988 was received from the applicant. This exercise took place between 5 January and 6 February 2009. Some 50 site notices were posted in Bearsted, Detling, Hollingbourne, Thurnham, Leeds and Otham and advertisements placed in the local press. Originally notified persons and any additional persons who had also made representations were re-notified.

Interested organisations

- 7.4 **Barton Willmore (on behalf of Croudace Strategic Ltd.) (28/11/2007):** They have assessed the proposals in the light of Development Plan policy and the draft Maidstone LDF Core Strategy document and the implications for the development on the landscape. They conclude that there is only limited scope for development in the area without it having a detrimental landscape impact upon areas of acknowledged landscape importance.
- 7.4.1 In their view, development would have a moderate/high visual impact on surrounding settlements and the AONB, moderate/high impact on existing Landscape character moderate impact on amenity value and moderate/high impact on visual amenity. Therefore scope for development is restricted within this area.
- 7.4.2 The development would require extensive earth modelling in a gently undulating landscape which would work against the local topography as valleys run north to south across the site. Large scale platforms will be required for the buildings alongside railway sidings and hardstanding areas for vehicles and containers. This would necessitate extensive bunding and retaining walls which would be out of character with the area.
- 7.4.3 The scale of the buildings is out of character with its surroundings nearby residential areas and the Bearsted Conservation Area. They will have a negative, discordant and detrimental impact on the North Downs SLA and the adjacent Kent Downs AONB, whose key character is an open landscape with long views. Other effects on the landscape which have not been given due consideration in the proposals include visual impact of

acoustic screening, realignment of watercourses, realignment of public rights of way, loss of trees and the impact on the Strategic Gap.

7.5 **Bearsted Golf (Club 21/11/2007):** The Golf Club adjoins Thurnham Lane for its entire length between the railway and the M20. None of the members are in favour of the KIG development being located where proposed. The scale of the development and its 24-hour operation will have a detrimental impact on local homes as well as the Golf course and cause light pollution. The site will further add to existing high levels of noise pollution for club members on the course caused by the M20 and the CTRL, proposed acoustic fencing and bunding will only serve to make the development even more intrusive. The proposed landscaping will not hide the development from public view especially from the North Downs. Traffic levels in the area especially HGVs will also increase adding to existing problems and congestion especially when there are problems on the M20.

7.5.1 Further views maintaining the objections of the Golf Club were set out in a letter dated 19/01/2009.

- They agree with the views of the Highways Agency and their consultants regarding the omissions and inadequacies of the Transport Information supplied by the applicants.
- Given the new growth point status of Maidstone and the requirement for 10,000 new homes adding KIG to this will have a major detrimental effect on the already over-burdened road infrastructure around Maidstone
- Why is there a need for two RFI sites within 30 miles of each other now that Howbury Park has been permitted?
- Where are the lorries using the facility going to park whilst waiting for their slot?
- Despite the applicant's assurances noise and light pollution will be intolerable for all residents of Bearsted and the surrounding area.

7.6 **Leeds Castle Foundation (23/11/2007):** OBJECT to the proposed development on the following (summarised) grounds;

- The unacceptable gateway and approach that the development would provide for visitors to the Castle
- The potential impact on the organisation's ability to employ people due to the impact on the local workforce and employment
- The development could with its expected levels of traffic have an even greater effect than the constraints already imposed by Junction 8 on the major events at The Castle. These events have a positive economic benefit for the area and are essential to the charity's income.
- Traffic levels and noise generated by the development would have a significant impact on the area and in particular on the enjoyment of the heritage location that the organisation manages. On a site already disturbed by noise from the M20 and the CTRL an industrial development to the west means that its noise will be carried by the prevailing wind disturbing the castle estate, its wildlife and bird collections and its many visitors.

7.6.1 Further representations were made by letter dated **3 February 2009**. The Foundation's objections to the development are maintained.

7.6.2 They object to the applicant's view that there will be negligible visual impact on the setting of the Park and that there will be short-term minor adverse impacts associated with increased noise and traffic during the construction phase but once completed these will be negligible.

- The vast majority of visitors to the Castle would have to approach the castle through an industrial estate and a freight forwarding depot with nose-to-tail HGVs rather than through countryside nestling at the foot of an AONB as at present. This will limit dramatically the castle's ability to attract visitors and to support the local service economy through its current 580,000 visitors per annum.
- How can the traffic and noise impact be negligible in operational phase considering the 3500 employees and the number of HGVs visiting the site and the consequent impact on M20 junction 8 and surrounding roads? The Foundation is required to implement traffic management when they hold special events that exceed the capacity of their 2300 car park, because of the impact on the Motorway and surrounding roads. It is completely unacceptable that no mitigation strategy has been proposed due to the under-classification of the traffic impact by the applicants which by their own figures will lead to an overall increase in traffic by around 30%. The traffic assessment fails to take into account the many directions from which the workforce will travel to the site. It is simply not credible that the B2163 through Leeds village or the route from Sittingbourne through Hollingbourne will not be used by the workers at the site affecting those who live and work at the castle and accessibility to visitors.
- There will be a significant conflict with the Council's Tourism Strategy. Leeds Castle brings 580,000 visitors to the area each year. It is entirely reasonable that as Maidstone's tourism offer develops people may wish to combine a trip to the castle with a break in Maidstone or the surrounding area. If the development takes place visitors to the castle will be forced to access it via a vast industrial estate spanning the length of the A20 from Maidstone which will only deter tourists. The aspect of the Borough to the north is already blighted by the Aylesford factories in Tonbridge & Malling District. If the Council takes tourism seriously it cannot allow a development of this scale and such a negative impact to take place.

7.7 **Rail Freight Group (RFG) (09/06/2008):** This group is the representative body for the rail freight industry. They promote sustainable distribution solutions by advocating and demonstrating the contribution of competitive and cost-effective rail freight services, in order to widen the choice of transport modes open to freight users. They state that since the privatisation of British Rail, rail freight traffic has risen by over 60%, the fastest of any EU member state. Growth is expected to continue with growth of 30% from 2006 to 2015. RFG's forecasts for the period 2006 to 2030 expect rail freight traffic to grow to more than double today's levels with a 50% increase in the number of trains run. In the light of this, a range of efficient modern freight

terminals is required to accommodate and facilitate this long term growth. These should be at suitable locations in terms of market demand, connections to the main line rail system and the availability of rail network capacity. Such interchanges extending to 60ha or more offer major benefits in terms of more frequent rail services, the operation of cost-effective maximum length trains, economies of scale in terminal handling and storage and the elimination of many of the 'last-mile' cost penalties associated with rail transport.

7.7.1 RFG thus considers that the KIG proposals may potentially offer two important opportunities to transfer large volumes of freight from road to rail.

- To switch international cargo originating or destinating in western, central and southern Europe from HGVs to long distance rail services, by providing a rail connected freight interchange directly connected to a designated Channel Tunnel rail freight route with significant spare capacity.
- To complement and strengthen the network of international rail flows by the introduction of a new range of domestic rail freight services between KIG and the Midlands and the North, conveying international cargo carried to/from the site by HGVs that use the Channel Ports and Eurotunnel. This traffic may either be sorted and re-consigned from on-site or nearby warehouses or transferred directly between HGVs and trains to avoid lorry journeys on congested sections of the motorway network around Greater London.

7.7.2 The site benefits from good connectivity to the national rail system as well as to the motorway network. The rail-route on which it is located has significant spare capacity, protected for international rail use. The route is already cleared to W9 standard allowing modern 9ft 6in containers to be carried on standardised European wagons and that the route already permits the operation of full-length (775m) Channel Tunnel trains.

7.7.3 RFG therefore support the development KIG as a major rail freight interchange and rail-linked distribution park with a particular focus on international rail freight activities.

7.8 **Freight on Rail (10/04/2008):** SUPPORT the application in principle. They refer to Government policy which supports the shift from road to rail. The government recognises that without terminals located in the right strategic positions it is impossible to get freight shifted from road to rail. In particular the Government has identified the need for four Strategic RFIs in the Greater London Area and the South East. SE Plan policies T11, T12 & T13 effectively encourage large freight generators (including large warehouses) to be on rail or water intermodally served sites.

7.8.1 They consider the site to be suitable because of the scope, gradient and size of the site, its good road links (proximity to M25, M20 and other trunk roads), it is adjacent to an existing railway line connecting to the Channel Tunnel which has freight path capacity.

7.8.2 However they would like to see in due course a detailed business case showing planned proportions of road/rail movements to illustrate the commitment to rail freight at the site. It is vital that the wider economic and environmental benefits of rail freight to the sub-region the region and nationally are taken into consideration as this facility will serve markets both regionally and nationally.

7.8.3 They recognise there are local issues at this site and would want to see these addressed but state that there is a strategic case for a rail freight depot in this area. The design of a development has a big influence upon the environmental impacts that a site generates. The use of sustainable building design and landscaping can reduce the impact significantly upon the local environment.

7.8.4 They produce a number of statistics showing the recent success of the rail freight industry; market share up 60% since 1994, freight volumes in tonne kilometres have increased by 50% since 1996.

7.8.5 Rail freight's benefits:

- a) To relieve road congestion
 - An average intermodal freight train removes 50 HGVs from the roads
 - An aggregates train can remove 120 HGVs from the roads
 - Road congestion is causing extended and less predictable journey times
 - Shortage of HGV drivers
 - Road and air transport do not pay the full costs imposed on society
- b) Environmental case for rail freight
 - 1 tonne of freight moved by rail creates 3-5 times less CO₂ than if moved by road (dependent on weight of cargo)
- c) Rail freight is up to 15 times better in terms of other noxious emissions.
Safety
 - Rail is a safer way to distribute freight. In 2007 one passenger was killed when travelling by train, three fatalities involving vehicles at level crossings and eight pedestrian fatalities at level crossings. By contrast, in 2006 419 people were killed in accidents involving one or more HGVs, which mean that 14% of accidents involve HGVs although HGVs only account for 5.8% of traffic kilometres.
- d) Rail freight can reduce road maintenance costs
 - A case study undertaken by Freight on Rail in 2006 indicated that the study County Council could be saving as much as £770,700 on road maintenance each year because certain goods go by rail rather than road in its area.

7.9 **Rail Future (Railway Development Society Ltd.) (07/02/2008):** OBJECT to this proposal, whilst stating that they are supportive as an organisation of achieving a major shift of freight from road to rail. Close

examination of the proposals on this site show however, that there is full justification for their opposition.

- The permission granted for the rail-connected site at Howbury Park with good connections to the M25 and M2/A2, must surely diminish the substantive case for the KIG site. If not, why not?
- The KIG plans are ambiguous about the present movements being catered for. It is not clear whether KIG's primary role is to replace road traffic between the site and the Channel Tunnel/Ports or between the site and the rest of the UK. Based on the plans' lack of clarity, the development could equally be located close to the M20/M2/M25 intersection or close to the Channel Tunnel/Ports. A site mid-way along the M20 seems illogical
- No rail access is proposed from the CTRL High Speed 1 (HS1) line which passes close to the site. This line has been designed to carry the largest gauge freight trains. There are ample opportunities for direct connections to this line north of the Thames as well as into the national rail network serving the Midlands and the North.
- A facility such as KIG could be provided in the Ebbsfleet area with direct access to HS1, if access for lorries from Kent and south London is required. The existing Maidstone East line could be provided with a junction to the Longfield line at Swanley that would enable trains to use the now abandoned link from Longfield to Ebbsfleet and a new facility connected to HS1.
- It is essential to be informed which section of the M20 is expected to be relieved by KIG before a location near the ports or near the M25 is selected. Current ambiguity in this respect is unacceptable.

7.10 **The British Driving Society (21/11/2007):** The organisation seeks to encourage and assist those interested in Equine driving. They object to the development on the grounds that the development would be very visible from the AONB and out of keeping with the area. Rights of Way crossing the site which include three bridleways are indicated to be diverted/alterd, unless the new routes are as 'convenient and commodious' as the existing routes, diversion/alteration would be unacceptable. The noise and height of the cranes and stacks of containers would be unpleasant for people and dangerously frightening for horses. The site is surrounded by minor roads which are used by horse riders, drivers of horse-drawn vehicles, cyclists and walkers. The amount of traffic and additional vehicles particularly HGVs moving around the area generated by the proposed development is likely to make the use of the roads by the above groups either too frightening or too blocked-up to use.

7.10.1 The organisation confirmed its continued opposition to the development on the above grounds in a further letter dated 17 January 2009.

7.11 **British Horse Society (N & W Kent Access Officer) (26/11/2007):** Object to the adverse impact of the development on this area of countryside and the SLA and from the adjacent Kent Downs AONB to the north. They also object to the impact of the development on the 2.5kn of equestrian rights of way within the site and the adverse impact of the cranes, containers, noise and other aspects of the proposed development which will not result in routes that will be similarly pleasant and convenient for users as the current ones. The additional traffic would

make the comparatively quiet local roads much busier with consequent safety implications for the riders, cyclists and walkers in particular that use them to gain access to the wider countryside beyond.

7.12 **The Ramblers Association (Maidstone Branch) (14/01/2008):** The Maidstone Branch has 570 members and organises 200 walks a year with an average attendance of 24 and average walk length of 10 miles. These plans affect 6 Public Rights of Way each of which gives access to the north side of the M20 and the rail link. It would be hard to realise safe and convenient alternatives for these paths which are well used all the year round. Notwithstanding the PROW issues the association's members consider the development to be inappropriate in terms of increased congestion and the adverse impact on the character and landscape of the area. This is a facility that may be required but this is the wrong location for it.

7.13 **The Malling Society (25/11/2007):** OBJECT to the development due to light and noise pollution the scale and design of the development and its impact on the landscape including loss of trees as well as the adverse impact of the additional traffic that will be generated, particularly on the M20.

7.14 **The Green Party (Maidstone) (24/11/2007):** OBJECT to the application. Whilst stating that they are supportive as an organisation of achieving a major shift of freight from road to rail. Close examination of the proposals on this site show however, that there is full justification for their opposition.

- There is a vast amount of under-used existing and former railway land that could be reused to provide facilities such as this rather than building on green countryside.
- The KIG plans are ambiguous about the present movements being catered for. It is not clear whether KIG's primary role is to replace road traffic between the site and the Channel Tunnel/Ports or between the site and the rest of the UK. Based on the plans' lack of clarity, the development could equally be located close to the M20/M2/M25 intersection or close to the Channel Tunnel/Ports. A site mid-way along the M20 seems illogical
- No rail access is proposed from the CTRL High Speed 1 (HS1) line which passes close to the site. This line has been designed to carry the largest gauge freight trains. There are ample opportunities for direct connections to this line north of the Thames where there is land and space for this type of facility as well as linking into the national rail network serving the Midlands and the North.
- A facility such as KIG could be provided in the Ebbsfleet area with direct access to HS1, if access for lorries from Kent and south London is required. The existing Maidstone East line could be provided with a junction to the Longfield line at Swanley that would enable trains to use the now abandoned link from Longfield to Ebbsfleet and a new facility connected to HS1.
- What about Dollands Moor at the eastern end of the M20 near the Channel Tunnel Portal? This does have spare capacity. There is also space in the Ashford area.

- It is essential to be informed which section of the M20 is expected to be relieved by KIG before a location near the ports or near the M25 is selected. Current ambiguity in this respect is unacceptable.

7.15 **UNITE and ASLEF** unions jointly submitted a petition on **27 October 2008** signed by 622 members of the general public living in Kent and South East London in support of the application on the basis that the development would get lorries off Kent's roads and motorways and onto the rail network, thereby reducing reduce pollution, traffic accidents and freeing up more road space thus reducing congestion.

7.16 **Soroptimist International (23/01/2009)**: Object to the proposals. They support the views of the Highways Agency in raising concerns over the traffic impact of the development and the inadequacies and omissions from the applicant's highways assessment. The new information fails to address the implications of the Howbury Park permission and properly assess alternative sites, the implications of Maidstone's Growth Point Status, The application and supporting information inadequately addresses the impact on environmentally sensitive areas within and close to the site. The application proposes no coherent and adequate public transport system to support KIG in a sustainable manner. The photomontages are misleading.

7.17 **Swale Footpaths Group (02/02/2009)**: Express concerns regarding the impact of the development on the public rights of way linking Bearsted with the North Downs and on views southwards from the North Downs.

7.18 **The Caravan Club (04/12/2007 and 19/01/2009)**: Object to the development particularly regarding the proposed alterations to the A20 and the increased use of this road to access the KIG site which will have a detrimental impact on the safety and ability for caravans and trailers to access the Pine Lodge Touring site (that they now own and manage) opposite the KIG site on the south side of the A20 Ashford Road.

Residents Associations and Community Groups

7.19 **Stop KIG.org (27/11/2007)**: OBJECT to the application. They state that they are a single-purpose organisation established for the purpose of opposing the application. Their representations are comprehensive and split into a commentary on planning policy considerations and a commentary on material planning considerations.

7.19.1 The following is a summary of their objections in relation to the policy issues;

- The application refers to government aspirational policy, not strategies and policies of implementation together with the necessary funding which are relevant to the consideration of this planning application
- The application does not identify extant policies which support a road/rail freight interchange at this location
- The application does not identify extant policies which support a commercial development at this location

- The application positively identifies policies which oppose the application e.g. employment and sustainability policies
- The application refers to the draft LDF but seeks determination in advance of the proper planning process.

7.19.2 The organisation considers the applicant has failed to make a case on policy grounds to construct a road/rail freight interchange and commercial development at this location and therefore considers the application should be refused.

7.19.3 In relation to material planning considerations the following is a summary of the organisation's objections.

- The applicants have not addressed the issue that they wish to build in an SLA and have not produced an argument which would allow MBC to ignore the SLA status and over-rule policy. The proposed development is on a massive scale and will be totally out of keeping with the SLA and the adjacent Kent Downs AONB. The visual impact assessment submitted with the application is totally inadequate.
- The impact of the development on views from higher ground within the AONB will be significant, particularly from areas such as Thurnham and Thurnham Castle.
- The buildings are on such a large scale that the minimal landscaping proposed will not effectively mitigate the visual impact. Any planting that is undertaken will take years to have a mitigating effect in any event.
- The changes to the site's topography to achieve the development platforms will destroy the area's existing character as well as existing woodland, trees and ecology within it.
- The development and the massive buildings will have a devastating impact on adjacent dwellings arising from the site's lighting, activity 24 hours a day within the site and pollution associated with the diesel trains and the HGVs
- The development will adversely affect and be clearly visible from Bearsted Green and Conservation Area and also adversely affect other cultural heritage within the area.
- The Transport Assessment is woefully inadequate, full of errors and has used out-of-date data. It takes no account of any other development that will be built in an around Maidstone. The extent of traffic generation and the impact on the surrounding roads has been underestimated.
- Parking provision within the site for employees' cars and HGVs is inadequate.
- Inadequate assessments of the impact of the development on ground conditions which are known to be difficult, drainage, flood risk and sewage have been provided.
- The socio-economic implications of the development have not been correctly assessed. Maidstone has low employment and workers are very likely to be drawn from outside the area adding to congestion and affecting labour supply elsewhere. The ratio of employment levels to the floorspace provided is very low at less than 13 jobs/acre or one person per 0.03ha.
- They challenge the claim that the site's location is well placed for freight arriving in Kent from mainland Europe. Why would the freight arriving at the ports on lorries drive to Maidstone to be

loaded onto trains rather than continuing by road. They consider that KIG has made no case for the financial viability of a road/rail freight interchange. In reality it will become a huge commercial development with an emphasis on high volume road/road distribution.

7.19.4 The organisation submits that if the application has not already failed on policy grounds alone, the applicants have not made a case to show all material planning considerations have been considered and satisfied to justify MBC granting planning permission to build a road/rail facility and commercial development on this site.

7.19.5 The organisation made the following further comments dated 6 February 2009.

A. Introduction

7.19.6 Stopkig.org wishes to state its continuing objection to this proposal. The comments in this paper should please be read in conjunction with our original objection paper, a copy of which is attached for ease of reference. The additional information produced by the applicant has taken teams of professionals over a year to produce since the last consultation and it is unrealistic to expect people to assimilate it and come to a detailed view in the short time available to register comments. In this paper we concentrate on three reports submitted by consultants advising the applicant on Traffic Issues, Rail/Distribution Logic and Alternative Sites.

7.19.7 Following on from the previous paragraph, we point out that the Highways Agency, which only has the motorway to consider, employed a separate consultant, Parsons Brinkerhoff (PB) to advise them on the work of the KIG consultant. Stopkig supports the PB report which highlights several problems which the latest information has not resolved.

7.19.8 To avoid an even greater proliferation of paperwork, the following is an overview and is supplementary to the objection this organisation submitted during the previous public consultation. The points raised must be addressed in detail at any Inquiry, where they would be extended into need, business case, funding, alternative sites and logic.

B. The supplementary information

7.19.9 Stopkig.org has perused the many lengthy submissions and is of the view that although a significant amount of additional text and information has been provided, our original concerns are still relevant. Indeed some of the new data raises new concerns both in content and the manner presented. In summary, the issues are listed below:

7.19.10 Traffic

1. The lack of Travel Plan means the applicant has provided no evidence of sustainability.
2. There is no clarity on modelling of either the proposed Local Development Framework traffic or the suggested KIG traffic.

3. There are no definitive statements or details on schemes how to overcome traffic problems nor positive undertakings to fund them.
4. The new data on worker origins is welcome but if the majority of employees were to come from Maidstone/Medway this would exacerbate the effects on local roads and transport systems.
5. The Applicant does not address the relationship/effect of its proposals with the recently consented Howbury Park.
6. There is still a lack of appreciation of impact of shift patterns/arrival times/lack of public transport alternatives.
7. The application is totally inadequate in regard to public transport initiatives compared with other large developments in Kent e.g. Pfizers (bus station on site), Kent Thameside (innovative Fastrack bus system)
8. The dismissal of Park and Ride opportunity
9. There are no details of the proposed significant schemes on motorway – what are these, what local impact will they have?
10. There is no reassurance on car and lorry parking provision on site or the inevitable off site parking.
11. There are no policy statements on actions when M20 closed e.g. by Operation Stack.

7.19.11 Rail/Distribution Logic

1. There are no clear statements on effects of path restrictions for freight on HS1, Channel Tunnel and local rail hence need for night time freight trains and 24/7 operation. There is no recognition that other operators may negotiate usage of the rail infrastructure.
2. The applicant's statements on the role of National Distribution Centres compared with Regional Distribution Centres are completely unsubstantiated, because the evidence quoted in the new data relates only to Regional Distribution Centres.
3. The applicant produced NO evidence to support its assertion that KIG will bring about the revolution in European rail trading patterns mentioned and on which the logic of this site is based. Aspirations are not evidence and should be ignored in assessing the application.
4. Where is the evidence that the existing Golden Triangle in the Midlands is outdated and the new logic of KIG is needed? The reality is experience shows that operators and the Department for Transport's own document "Container Freight – end to end journeys" still require the Midland location.
5. There is no information, with names, of the operators of the rail element. Does the applicant really intend to run an RFI or is this merely spin to get an initial planning permission which will be the subject of further application on the thin edge of the wedge principle?
6. The information contains brave words on full size European trains reaching KIG subject to "only four bridges being raised" but the applicant is not proposing to fund the work, so there is no evidence to show that these trains actually will reach the site. If not, the rail operation from Europe is limited to UK size trains, little used on the continent and which do not need KIG as they can already access the UK rail network.
7. There is no recognition that rail freight operations are currently limited because of the high pricing strategy for use of Channel

Tunnel and HS1 means that they are not competitive for operators. Where is the evidence this will change?

8. There is emerging evidence that there will be greater freight use on HS1 and not by the applicant. Together with the emerging national proposals for HS2, this would get the right size trains direct to the location they need to get to, rendering an RFI at this location even more economically unsustainable.
9. There are no statements on the adverse effects of greater freight train use of existing lines through Kent, including increased noise (particularly at night), pollution, greater track wear therefore more closures for maintenance and renewal (and proposals to pay for the additional maintenance) and less paths for other rail users.

7.19.12 Alternative sites

1. There is inadequate identification of alternative sites both within Kent (for example the Document "Kent Property Market" shows several sites currently available) and beyond. Is there a role for the existing Paddock Wood Terminal? We consider the applicant's argument in favour of this site is fallacious. The sad fact is that, having acquired control of this site, it was inevitable that the applicant would argue it is more suitable than other sites which it does not control.
2. The evaluation of the sites shown is superficial, inadequate and wholly subjective. There must be an objective tabulation of all sites with all being compared using proper criteria, not ones designed to lead towards a site which just so happens to be controlled by the applicant.
3. There is no mention of the relationship with the now consented and developing London Gateway (previously known as Shellhaven) which is 2 ½ times the size of KIG and will have a huge regional and national effect.
4. There is no apparent practical appreciation of industry and operator needs or the impact on the whole logistics process of the inappropriate KIG location.

Other Issues

- 7.19.13 There are other issues which arise from the other further information provided, and we reserve our position on them. We consider the Council has been more than fair in giving the applicant over a year to address issues properly. Would that we had had a similar time to consider the rest of mass of further information instead of the three week consultation period allowed. But in general terms, we consider that the other additional information appears to be as deficient as the information we have had time to study.

C. Conclusion

- 7.19.14 We respectfully remind the Council an applicant is not entitled to permission unless the Council successfully argues otherwise. It is entirely up to the applicant to make a case which persuades the Council, as the Planning Authority, to grant permission. We respectfully suggest that, in spite of the cornucopia of verbiage and data produced by the applicant, its argument is poorly assembled and does not persuade there is a need

for an RFI and Commercial Development on this site, let alone that it would be sustainable. Even if it were, the applicant fails to persuade the benefits outweigh the disadvantages. Further, the applicant fails to persuade that it has made adequate provision for mitigation of those disadvantages. There is not enough gain for the community at large to justify asking the people of Maidstone making this sacrifice. We urge Maidstone Borough Council to refuse this application.'

7.20 **Bearsted & Thurnham Society (08/11/2007):** The Society is vehemently opposed to the development and will continue to fight it with every available means. The detrimental impact of the proposal on the villages of Bearsted and Thurnham as well as the rest of Maidstone and its surrounds would be enormous. This includes massive potential for noise and light and environmental pollution, increased rather than reduced highway congestion on the M20 and on the surrounding road network, it is within 200m of the Bearsted Conservation Area, and within a Special Landscape Area adjacent to the Kent Downs AONB, no actual employment need exists in the area and the workforce would be travelling from a distance or would be migrant workers needing to be housed in the locality. Specific objections are (summarised) as follows;

- The height of the buildings at 14m would dwarf properties in Thurnham Lane some 50m to the west. Rail sidings are located close by and the site would be operating and lit 24-hours a day.
- The scale and location of the development would harm the setting of and views from the AONB. Access to this countryside currently available through the pleasant landscape that is comprised in the site would no longer be possible. The setting of the Thurnham Castle and White Horse Wood County Park would also be adversely affected.
- Lack of adequate parking facilities within the site of the development to accommodate the 3,500 workers.
- The proposed jobs would not benefit the people of Maidstone, where there is low unemployment. Workers would therefore need to travel from a distance.
- Freight traffic coming into the UK at Dover and the nearby Channel Ports is likely to increase using the figures set out in the application from 2.3million units (2006) to 4m units (2034), a 74% increase. Transshipping from lorries onto containers will not reduce this traffic and this is also clearly identified in the application. The KIG Rails report indicates that 65% of incoming freight will be arriving by road with some 3,420 total movements/day using M20 junction 8 in addition to all the other servicing and staff vehicles. Existing congestion problems particularly when Operation Stack is in operation show the road network is unable to cope. This development will worsen the situation.
- The proposed 24-hour operation will result in unacceptable noise and disturbance to local residents and the area as a whole, arising from the operation of the gantry cranes, movements of trains and other vehicles and general operations on site.
- Planting will take years to mature and even then will not screen the scale of the development.
- The largest building is likely to be visible from and have an unacceptable impact on the Bearsted Conservation Area.

- The changes to the topography of the site to accommodate the development would destroy the character of the area.

7.20.1 Further comments were made in a letter dated **21/01/2009**. Their total objections to the development are reaffirmed. They make additional comments to the previous objections as follows:

- The location is totally unsuitable for the type and scale of the development proposed and the traffic that it will generate. It will devastate the site and surrounding area.
- The site adjoins residential areas of Bearsted including Mallings Drive and Fremlins Road immediately south of the Maidstone East - Ashford railway line. Bearsted Green Conservation area is only marginally further away and the lower end of Thurnham Lane properties are within yards of the end of the proposed shunting railway line with the largest NDC warehouse towering over them. The effect of noise lights night movement of trains and container unloading together with increases in carbon monoxide emissions from lorries and cars are unlike the claims of the developer likely to have serious impact on local residents including their health.
- The site is not identified in any Government document for a National or Regional Distribution Centre neither does it comply with any location strategy. The Howbury Park inquiry confirmed it as an unsuitable location.
- Who will pay for the alterations to the railway line to allow full-sized containers to be brought to the site? This is not clear.
- The infrastructure necessary to provide the development will transform the landscape
- Whether the AXA/KIG intent is to mask and RDC or whether the whole site became one because of no demand for the NDC element the result if approved would they contend be an RDC on a site that would not have been granted approval without the intermodal NDC element in this location. It would also result in virtually all lorries leaving the site having to go back onto the M20 at Junction 8 to get to the M25.

7.21 **Bearsted Woodland Trust (06/02/2009)**

'Bearsted Woodland Trust exists to protect c30 acres of land in Bearsted as public open space. Parts of the KIG site are visible from our land and some of the proposed warehouses would be visible in the foreground of the North Downs.

7.21.1 We consider that this development is entirely inappropriate for such a location. It will be impossible to adequately screen the enormous KIG buildings from the North Downs AONB and impossible to mitigate the noise and light pollution from the conservation areas in Bearsted.

7.21.2 We are a supporter of StopKig and agree with their detailed submission.'

7.22 **Bearsted Choral Society (25/11/2007):** Object strongly to the application. The largest building is a short distance away from the Methodist Church where the society's rehearsals take place. Noise from the building is likely to disrupt these rehearsals. Extra traffic added to already narrow and congested roads will make access to the church more difficult as well as to the Society's concerts which take place in the Parish

Church. Objections are also raised on the grounds of light pollution, visual impact of the sheer scale of the buildings, the impact on wildlife and vegetation and they consider that KIG is in the wrong place because only 24% of the 3000 strong workforce will come from the Maidstone area with the rest commuting from outside.

- 7.23 **Bearsted and Thurnham W.I. (23/11/2007):** The W.I hall is a significant amenity for the village and used by a large number of groups and organisations. The development is likely to lead to increased traffic particularly heavy lorries, which could have an impact on the physical fabric of the building. The nearby development is likely to lead to noise and other pollution which could have a particular impact on the playgroup which uses the open area at the hall.
- 7.24 **Hollingbourne Village Hall Management Committee (02/11/2007):** Whilst the development will not directly affect the running of the village hall, the committee are very concerned about the impact of the development on the surrounding community in terms of the traffic generated and the effect on landscape character and visual amenity in particular.
- 7.25 **The Hollingbourne Society (27/01/2009):** Have made further representations in addition to those made jointly with Hollingbourne Parish Council in November 2007. They maintain their objection to the development. They state that the development would clearly contravene policy MA1 of the Kent & Medway Structure Plan 2006 as the buildings would harm the setting of the AONB and prejudice the role of the Special Landscape Area in which the development sits. The business case is not proven; it is not the right place for an interchange which has already been accepted by the Secretary of state in the Howbury Park decision. The links to the south from junction 8 of the M20n are poor and this development would make an already bad situation worse.
- 7.26 **Thurnham Parish Church Parochial Church Council (03/20/2009):** Strongly object to the development. The Parish Church is located in an area of beautiful countryside surrounded by a well-maintained churchyard which people use to reflect. Their peace and thoughts would be shattered by the constant noise coming from the site.
- 7.27 **Bearsted & Thurnham Walkers (28/01/2009):** Object to the development. The group exists to undertake walks and to maintain existing Public Rights of Way within a walking distance of Bearsted Green having been founded in 1972. Currently residents of Bearsted and arrivals at Bearsted Station can get direct access via the public rights of way to the North Downs across open countryside to the AONB. The development would adversely affect the public rights of way within the site by either extinction, diversion or by passing through or in very close proximity of an industrial site and activities. Diversion of the paths/routes onto existing sunken narrow lanes is not feasible due to the lack of pavements or verges and would be unsafe. The development would destroy a panoramic view from the top of the North Downs. The development would also ruin the views of the North Downs from the land south of the River Len which rises to form the Greensand Ridge. The development can also only lead to increased traffic congestion on already

overcrowded roads and a consequent reduction in safety on the minor roads in the area.

7.28 **North Downs Rail Concern (25/11/2007)**

The group was set up during the development of the CTRL not to oppose it but to achieve the best possible design in the North Downs Section. They confirm they Object to the development in the strongest possible way.

- There is no government policy that requires road/rail interchanges to be created. But there are aspirations to put more freight onto rail within the emerging South East Plan and also in the Kent & Medway Structure Plan. In all cases there are caveats as to how these aspirations should be met. If the development proceeds there will undoubtedly be a considerable increase in road traffic on the M20/A20 corridor contrary to government and local authority aspirations
- The number of containers likely to be handled by the development has been completely dropped in the application from the 200,000 set out in the Scoping report due to the fact that it is extremely unlikely that such numbers will pass through the site due to Tilbury, Southampton and Felixstowe and soon Shell Haven being the principal ports that handle such items
- General freight through the Channel Tunnel cannot be to a volume to make it a viable operation.
- The site is within a Special Landscape Area and adjacent to the Kent Downs AONB. The area would be wholly destroyed by the proposal and the suggestion that landscaping can overcome this loss is ridiculous
- Employees are likely to have to travel from a distance due to the relatively low levels of unemployment in Maidstone adding to traffic congestion on the A20 and M20.

7.28.1 These views were re-affirmed in a letter dated **04/02/2009**.

Individuals and local residents

7.29 **Paul Carter: County Councillor for Maidstone Rural North (27/11/2007):** STRONGLY OBJECTS to the proposal because of its potential impact on the communities he represents, its highly detrimental effect on the countryside and because it is contrary to the carefully considered Development Plans for the area.

- The scale of the development visually and because of traffic, noise and light pollution associated with it would significantly reduce the quality of life of Bearsted and adjoining communities.
- Development of the 112ha site would destroy the character of exceedingly attractive countryside, with the loss of rolling countryside designated as SLA and in the foreground of and clearly visible from the Kent Downs AONB, the obliteration of woodland and hedgerows, result in existing streams being culverted and the urban edge of Maidstone extended well to the north and east.
- No adequate justification of the economic and business need for a development of this type in this location has been demonstrated.

- The site does not meet the criteria proposed by the former SRA for developments of this type which should be located close to London and the M25.
- In employment terms, Maidstone does not need a development of this scale. High quality jobs and income are being generated by alternative investment in the town centre and at business office locations better integrated with the urban area at junctions 6 & 7 of the M20.

- 7.29.1 A further letter was received from Paul Carter dated **4 February 2009** 'I wrote to the Borough Council on 27th November 2007 as the elected County Council Member for Maidstone Rural North, concerning the outline application for the Kent International Gateway rail freight interchange.
- 7.29.2 Although the applicant has recently lodged an appeal, the second consultation provides a further opportunity for me and the local community to express our views. I believe that the Borough Council should give the highest consideration to those views in taking a view on the planning application.
- 7.29.3 I do not believe that the additional information provided by the applicant in response to the requests of the local authorities and Highways Agency reduces the impact of the proposal in any way. Indeed in many respects it confirms the harm that the development would cause.
- 7.29.4 I therefore wish to confirm that I object most strongly to the outline proposal because of its potential impact on the communities which I represent, its highly detrimental effect on the countryside, and because it is contrary to the carefully considered Development Plans for the area, the Kent & Medway Structure Plan and the Maidstone Local Plan. It is also in my view contrary to changes to the South East Plan with regard to rail freight interchanges now proposed by Government. I believe that the additional information confirms that the scale of the development both visually and because of its traffic, lighting and noise pollution would significantly reduce the quality of life of Bearsted and adjoining communities. The adjoining residential areas to the south enjoy a quiet village cum suburban atmosphere. This and the ambience of the village lanes would be destroyed by the scale of the commercial development to the north and the activity on the site.
- 7.29.5 The development covering 112 hectares would destroy the character of exceedingly attractive countryside. Rolling countryside, woodland and hedgerows would be obliterated, streams culverted, and the urban edge of Maidstone extended well to the north and east. This is wholly contrary to Policy EN1 of the Structure Plan which intends that countryside be protected for its own sake, and the urban focus of the South East Plan for development.
- 7.29.6 Moreover, the destruction of the countryside would be in the foreground of the Kent Downs AONB. It would affect views from the AONB, disrupt public rights of way connecting to the AONB and destroy 112 hectares of land designated as being a Special Landscape Area (EN 5). This destruction of the countryside and adverse effect on the AONB is being contemplated without demonstrating that there is an economic and

business case for this development at this location. The additional information provided by the applicant fails to do this.

7.29.7 The former Strategic Rail Authority contemplated 3 or 4 freight interchanges near to London and the M25. The Bearsted location is not near London being some 22 miles distance from the edge of the conurbation. The location is not well related to either ports of entry, or proximity to the M25 and the metropolis. The application and supporting papers do not demonstrate a need to either consolidate cross-Channel road traffic onto trains at this location, nor to stop Tunnel trains and form new trains for the journey north.

7.29.8 Maidstone does not need a major development of this scale generating 4,000 jobs at a peripheral location. Even in the current climate the labour market is not slack. High quality jobs and income are being generated by alternative investment in the town centre, and at business office locations better integrated with the urban area at Junctions 6 and 7 of the M20.

7.29.9 Since my earlier letter the Secretary of State for Communities and Local Government has granted planning consent for an alternative site at Howbury Park, Erith, which is both closer to London and near the M25. She has also refused a larger proposal at Radlett but because of inconclusive examination of alternative sites, and that proposal is likely to be resubmitted. The additional information about the site selection process provided by the applicant fails in my view to justify the identification of the site at Bearsted on economic, planning or environmental grounds.

7.29.10 I therefore continue to judge the net impact of the scheme as damaging to the community, Maidstone and the environment. The need is unproven and the proposal wholly at odds with the development plan policy.

7.29.11 The Borough Council must now consider the proposal within the appeal process, and I urge the Council to oppose it vigorously.'

7.30 **Hugh Robertson MP for Faversham and Mid Kent (16/11/2007):**
Is totally opposed to the application. His three principal concerns are as follows;

- The land is part of a Special Landscape Area adjoining the North Downs Area of Outstanding Natural Beauty. It should, therefore, not be developed at all and certainly not for a heavy industrial rail/road freight interchange of this size.
- The villages of Bearsted and Thurnham, two of the most picturesque in Maidstone, are totally unsuitable neighbours for such a facility and would be irrevocably blighted. It would also degrade the quality of life for all local residents to an unacceptable degree.
- Although this may fall outside the Committee's remit, I cannot see how Junction 8 of the M20 is a suitable position for a rail/road freight interchange. Logic would dictate that any such facility should be situated at the end of a motorway and Maidstone's already congested motorways could not stand the extra traffic.

7.30.1 A further letter was received from Hugh Robertson dated 23 January 2009. The letter re-affirms his total opposition to the proposals and his

reasons are as set out above with the addition of a comment in relation to the Howbury Park decision (following-on from the third bullet point above) as follows:-

7.30.2 'I note that the Secretary of State, in approving Howbury Park in Dartford for a national and regional distribution site, agreed with this in stating that the KIG Site was unsuitable.'

7.31 **Gwyn Prosser MP for Dover & Deal (16/06/2008):** He states that as the MP for Dover & Deal that he has campaigned strongly for the local ports industry because of the economic benefits it confers, which extend beyond the ports to the onward distribution of the cargo they handle and the wider national benefit of international trade. He Chairs the All Party Ports Group and is a member of the Parliamentary Rail Freight Group.

- He is supportive of measures which encourage the shift of cargoes from road to rail.
- He supports those who are pressing for the creation of a network of international rail freight facilities that link major freight routes ports and logistic parks throughout the UK and the provision of an efficient rail freight network between the Channel Ports and Glasgow. He is a signatory to the Parliamentary Early Day Motion (no.1286) that promotes this general view and supports the KIG proposal.
- The UK is finally seeing a healthy growth in rail freight but if this is to continue, more strategically located freight terminals with access to main line Channel Tunnel rail services and national distribution centres are needed
- The development of KIG can make a positive contribution to ensuring these economic benefits are sustainable, facilitating growth at Dover without increasing HGV traffic west of Maidstone where this imposes congestion on Kent commuters.
- There is every prospect that the warehouses at KIG will intercept (largely foreign) HGVs entering Britain through Dover, Ramsgate and Eurotunnel. The international hauliers will immediately be able to return to the Channel Ports thus reducing pressures they place on the local community. The KIG terminal will allow goods to be stored and sorted for onward distribution. The goods that would otherwise pass through the London Area would be able to go the North and Scotland by rail, cutting road haulage reducing pollution and increasing delivery efficiency.
- He appreciates the local planning issues and sensitivities of the proposal and acknowledges that it would be inappropriate for him to intervene in these matters. However, from a strategic point of view and in the context of 'UK plc' he considers that KIG will generate employment, lead to a switch of freight from road to rail, reduce pollution and ease congestion as well as address the impact of international hauliers on the local community.

7.32 **Dr. Caroline Lucas MEP for South East England (12/11/2007):** She objects to the proposal and has concerns about the proposed siting of development and how it fits into a sustainable transport strategy. She states that several local people have contacted her about the threat that the development poses to life in the village of Bearsted and beyond. She understands that, although the site is not designated as an AONB,

especially loved by local people and enjoyed for its beautiful scenery. The plans will also, of course, impact visually on the nearby North Downs and on the environment more broadly, with respect to increased air and noise pollution. Specifically:

- The development will be visible from the Bearsted Green Conservation Area and is inappropriate for a rural setting that has Special Landscape Area status because it borders the North Downs an officially designated AONB.
- Immediate access to the site will impact on protected areas and road that are not designed for such a volume of traffic. The increased load will impact on air quality for people living in the vicinity and create pollution that may be detrimental to the local environment. Furthermore, lorries using the facility will need to travel through junctions 7 to 3, the most congested sections of the M25 motorway. I also have concerns that the traffic assessment report submitted with this planning application is inadequate, especially in relation to the projected impact on Maidstone and the assumptions made about how employees will access this facility.
- Local people's quality of life will also be negatively affected, both during the construction phase and when the facility is up and running. As I understand it, the facility will operate 24 hours a day creating an unrelenting noise disturbance, particularly at night when the railway will be used to maximise freight movements.
- The construction of Kent International Gateway will involve the removal of significant numbers of trees and other features of the landscape. This has implications for biodiversity – the removal of habitats in this way is environmentally irresponsible, notwithstanding any proposed mitigation schemes.
- Given the urgent need to reduce CO₂ emissions and the huge contribution to current emissions from road freight, I would advocate an alternative strategy to Kent International Gateway based on small, local, decentralised rail freight terminals across the country. Aspects of KIG are contrary to government policies of switching freight to rail and will actually increase lorry traffic on the M20 by 24%.
- The planning application does not sufficiently prove that other potential sites have been proper consideration. If an interchange is built, I believe it would be better sited next to the M25, for example, and this and other such alternatives need to be assessed in terms of their relative impact on the area.
- Finally, KIG's planning application states that only around half of the jobs created will be local people. Local employment opportunities should be a key indicator when assessing the long-term sustainability of this type of proposal, yet the data from KIG suggests that this development will not meet important criteria.

7.33 **MBC Councillor John Horne (06/11/2007):** OBJECTS to the proposals on the following (summarised) grounds;

- Financial viability: Prima-facie there is a failure to establish economic justification for the development, with no sound business case presented.
- Access & infrastructure: The development will act as a magnet for lorries and yet the applicants have not offered to make any highway

improvements. The percentage of goods destined to travel by rail to their (undisclosed) destinations must raise questions as to the viability of the rail depot and the suitability of the distribution location

- Environmental & social impact: The Health and Safety impact on the community is a step too far, being an assault on the integrity of their private life and an invasion upon their welfare and health.
- County and Local Plan Policies: The proposals are contrary to adopted development Plan policies for the SLA and the AONB. Thurnham Castle is within the AONB and is an accredited location within the Historic Fortifications Network. The development would prejudice the setting of the castle. There is no evidence to support a departure from Development Plan policy.

7.34

MBC Councillor Dan Daley (05/02/2009):

'I would like you please to lodge objection to the Kent International Gateway scheme at Hollingbourne for the following reasons.

- It is proposed in an area of Special Landscape importance which we are trying to protect for its own sake
- The proposed site forms almost a contiguous and unbroken connection to the backdrop of the North Downs Area of Outstanding Natural Beauty. To build large, obtrusive and out-of-character warehousing and shed-like structures with large gantry structures here would utterly destroy that aspect.
- The nature of the proposal for 24 hour working means that there would be massive light and noise intrusion into the countryside to the detriment of its visual amenity, wildlife and also the human habitations in the very nearby villages, particularly Bearsted. With inevitable shunting (should there ever be any rail connection) the noise at night would be extremely detrimental to local residents and probably a risk to health through sleep disturbance.
- The infrastructure needed to support such a proposal would need millions of pounds of expenditure to provide the necessary rail sidings and connections to existing rail lines - and the business case does not make it clear how such investment could possibly show a return.
- The pressures on existing road networks could not be sustained and the fact that the developers are taking so long to answer the questions of the Highways Agency in this regard speaks volumes on the impossibility of that task to make properly evidenced traffic movement projections.
- Junction 8 is already becoming over-intensively used and will already be under severe pressure without massive, disruptive and expensive restructuring
- The proposal, far from removing freight from roads to rail, would inevitably mean large increases in local road traffic movements.
- There is no way by which operators of direct road delivery means of transport could be forced to discharge their loads in favour of an onward rail movement - either import or export.
- The Hollingbourne site is in completely the wrong place for the proposed use in the Application. It is too close to the Continental arrival point and not close enough to any radial road network to all other major road networks such as the M25.

- This proposed development falls outside the built environment and thereby is contrary to a range of Planning Policies.
- Goods of all sorts to and from Continental Europe in unit loads of up to 25 tonnes are best and most economically moved from point of origin to destination on the same wheels as at the point of departure within a radius of up to 1,000 miles and any disturbance of the loads by transshipment and extra handling will be resisted by all, as this increases the risk or damage, delay or loss all of which adds an unacceptable escalation in cost to the goods.
- If road/rail interchange facilities are to have any real and meaningful benefit then they must be placed at strategic points around the country but far away from human habitation, on good radial road routes, preferably north of London in the Midlands.
- I do not know how this could be expressed or even if it would form a valid objection but the topography of the site is such that to lay out the necessary foundations and tracks would demand absolutely huge amounts of earth to be removed or relocated on the site. Now, I know that this figured somewhere in the application appraisal but I do not remember having seen anything about the need for archaeological oversight of the works. It may be that this is largely undisturbed virgin territory – but that was not the case on the other side of the motorway during the building of the HSRL where there were quite large and interesting remains discovered during the building of the line near Thurnham.

7.34.1 I have not included in these objections arguments about the imbalances of trade which already exist which means that it is already a known difficulty to match incoming and outgoing goods for the types of container currently used. For example, liquids or frozen goods need specialist transport and the containers used are not always compatible for universal loading and need to have reciprocation. I am sure that these types of argument can wait until such time as there may be a public inquiry and can be asked of expert witnesses.'

7.35 **MBC Councillor David Naghi (04/02/2009)**

I strongly object to the Kent International Gateway that AXA want to build in Bearsted, near Maidstone in Kent. If this proposal was to be approved it would be the worst thing that has affected Maidstone since World War 2.

7.35.1 The Highways Agency have serious concerns and that is why they have put a section 14 on junction 8 of the motorway. There is already a KIG in Bexley which has planning permission so there is no business reason for this one in Maidstone.

7.35.2 My gut feeling is that if this application was to be given approval AXA would turn it into something else or sell it to make more money out of the site then the local people and the council would not be able to do a thing about it. I think the more you look at this the more you will think that this proposal is unsustainable.

7.35.3 Please make the right decision for the people of Maidstone and their future.

7.36 **MBC Councillor Mrs Paulina Stockell (01/02/2009):**

My husband and I wish to register our strongest objections to the above planning application submitted by AXA Group to construct a rail road, freight terminal and depot with associated Warehousing, offices and massive storage and distribution buildings, on a Greenfield site in the SLA near Junction 8 of the M20 at Hollingbourne.

7.36.1 We object for the following reasons:

1. Planning Policy

- a) The proposed development is on a massive scale – stretching from Hollingbourne through Bearsted to Thurnham and is totally out of keeping in this location. It would have a very detrimental impact on the landscape, environment and surrounding areas, in particular, Bearsted. Thurnham and Hollingbourne parishes. The site lies in a Special Landscape Area (SLA) at the foot of the North Downs Area of Outstanding Natural Beauty (AONB)
- b) The proposed development, given its sheer scale, size and covering some 211 hectares, is unacceptable in this location and would have a massive impact on the already congested Junction 8 of the M20. This is also the main access to the widely visited Grade 1 World Heritage Building - Leeds Castle, a short distance from the site. On visitor event days the traffic stretches back for some distance and is co-ordinated by the Police and Kent Highways.
- c) The proposed development, given the huge warehousing elements for storage and distribution, would massively increase HGV traffic on many of the surrounding roads and through Maidstone. On the M20, West of Maidstone, the increase is estimated at over 24%. It therefore is contrary to and does not meet the Government aims for moving freight from roads to rail and against advice that such interchanges must have a strategic role in the national transport network. In this context it should therefore be located near to the M25 North of London. .

2. Traffic

- a) The 24hr operation of freight arriving and departing; the floodlighting and noise will all have a very detrimental impact on this very rural area. The applicants have not adequately addressed the concerns about the increase in local traffic and the significant number of employees travelling to work at all hours on narrow roads with poor transport links. They have produced totally unrealistic figures to support their case. The local roads are already congested and the proposed development would inevitably increase traffic, particularly HGV's, on the local road network, including residential roads such as Ware Street and busy Willington Street, to unacceptable levels.
- b) The B2163 which runs through Hollingbourne, past Leeds Castle and through residential areas of Leeds and Langley (one of the wards I represent), is a major concern. then crosses over the A274, one of the busiest routes in Maidstone. In 2007 official figures showed over 13,000 vehicles a day used the A274 through Sutton Valence, which has of course increased. The traffic in this area is of major concern and the roads are unsuitable even for the vehicles permitted less than 17ton limit. Larger HIV's from the continent are constantly getting stuck on these narrow roads.

- c) Operation Stack on the M20 has been with us for years and comes in to force some 8 -10 times a year through industrial action in France or at the ferry ports or just due to bad weather. It sometimes lasts for weeks and has a major impact on this location with HGV traffic backing up from Dover to Junction 8. This is also the Junction at which traffic is diverted on to the A20 through to Ashford. This proposal will considerably exacerbate this problem and will bring this operation to a standstill. Traffic on local roads increases as people try to find alternative routes.

3. Alternative Sites

- a) The applicant has not adequately assessed alternative sites for a road/rail freight interchange and has made no convincing case for this location, or for allowing commercial development to be permitted in a SLA in this sensitive location. The recently approved rail freight developments at Howbury Park, Shellhaven and elsewhere, make this proposal unnecessary. The use of the facility has not been fully clarified and there is a danger of this outline planning, if approved, being sold on to become merely a local road freight depot and car park and a huge ugly Industrial estate at the entrance to historic villages set at the edge of the county town.
- b) The proposed development would impact on the strategic gap between Medway and Maidstone, contravening local planning policy.

4. Noise

The proposed development being a 24hr 7 days a week operation, would give rise to an unacceptable increase in noise from trains, cars, HGV's, cranes and refrigeration units, particularly at night, when the railway has spare capacity for freight use.

5. Visual Intrusion

The whole of the proposed development would be visually intrusive in a rural SLA at the foot of the North Downs AONB. It will be viewed from far away on the North Downs and the noise, traffic and the floodlighting would be particularly polluting. It would adversely affect the tranquillity of the surrounding villages and will impact on Bearsted Green Conservation Area, the many listed buildings and importantly on the wider setting of Leeds Castle

6. Loss of Landscape & Trees

The proposed development would involve acres of hard landscaping and the loss of many trees, which is unacceptable in a Special Landscape Area, The environmental damage to this important area of countryside would be massive – as evidenced by the studies of the local ecology and wildlife. This will irrevocably change and damage the rural environment in this location. It will result in the irreversible loss of a large swathe of countryside.

7. Conclusion

We consider that the sheer size, scale and density of these proposals are unbelievable and completely out of place in an SLA close to an AONB. Most of the 13 parishes I represent as a Borough and County Councillor are against this application. For the above reasons and on behalf of the residents I represent, we consider that outline planning permission should be refused.'

7.36.2 A total of **2,442** letters of representation have been received in response to the publicity given to the application. By far the majority with the exception of two letters raise objections to the development. The general grounds of objection are summarised below;

7.36.3 ENVIRONMENTAL IMPACT

- Impact on SLA (Special Landscape Area)
- Pollution and health concerns
- Light pollution
- Noise and Smell Pollution/Impacts
- Impact on Strategic Gap
- Development on a greenfield site/loss of open space
- Impact on views from and on Area of Outstanding Natural Beauty (AONB)
- Out of character with village character/conservation areas and setting of listed buildings
- Visual impact
- Impact on countryside/Rural character
- Loss of trees
- Impact on ecological value
- Loss of agricultural land
- Impact on bridleways/footpaths/rural lanes
- Alterations to topography
- Potential for flooding/impact on drainage and/or water table
- Add to carbon footprint/global warming
- Archaeological assessment inadequate

7.36.4 SUITABILITY AND LOCATION OF THE PROPOSAL

- No need for proposal
- Practicality of the proposal (road to freight and back to road)
- Alternative sites more appropriate
- Overdevelopment of the site/size and scale of development
- Bearsted already impacted by CTRL and M20
- Proximity and closeness to townships

7.36.5 INFRASTRUCTURE

- Out of date/Incorrect data in traffic reports
- Increased traffic/insufficient infrastructure will lead to congestion and poor levels of highway safety
- Increased railway traffic
- The implications of Operation Stack have not been considered
- Changes to railway bridges between Bearsted and Ashford
- These will have to be altered
- Rail line inadequate/poor access by public transport
- Lack of parking for employees/residents
- Lorry parking

7.36.6 ECONOMIC/EMPLOYMENT

- Devaluation of property/difficulty selling in future
- New workforce will need to be brought in (not local with a follow-on impact on the area).
- Any jobs that will be created are not needed in area (low skilled)/will not be filled by locals
- Loss of tourism

- Predicted work numbers will not be met
- Fears the local workforce will not be utilised for construction

7.36.7 LEGISLATION & POLICY

- Not designated in local plan (LDF)
- Core strategy should be completed as matter of urgency
- Contrary to government policy (taking lorries off the roads)
- Not designated location in Regional Plan or Kent & Medway Structure Plan

7.36.8 OTHER

- Problems with illegal immigrants
- Impact on quality of life/loss of amenity
- Terrorist target/increased crime
- Demand for services
- Fears the facility will be converted to an industrial estate (applicant doesn't want rail)
- Proposal not viable
- Adverse impacts on horse riders
- Materials used/poor design
- Bearsted will be devastated
- Potential for prostitution/drugs and other issues
- Pressure on schools
- Overshadowing of properties/solar impacts
- Privacy impacts
- Against human rights
- Further pressure for housing in Bearsted
- Area used as warehousing
- Impact on medical facilities due to increased accidents
- Storage of dangerous substances?
- Adjacent to site of 'Special Scientific Interest'

7.36.9 In support of the application the need to get freight off the roads and onto rail and the resultant environmental benefits that will accrue have been cited. In addition, it is argued that if MBC were to grant permission, they would be in a better position to negotiate the provision of the necessary infrastructure such as the Leeds/Langley bypass and other necessary mitigation to offset the impact of the development than if the application was refused and subject to an appeal, where it could well be allowed 'in the national interest' without any of these other safeguards.

7.36.10 As a result of the re-consultation exercise and further publicity on the additional Environmental Statement information the Council has received approximately **3500** further representations in the form of letters, pro-forma replies and e-mails.

7.36.11 The majority of the letters state that having reviewed the additional information, the objectors maintain their previously expressed objections to the proposed development on the grounds summarised above.

7.36.12 A significant proportion of the letters raise serious concerns about the highways impact of the development in terms of road safety and congestion, the impact on the countryside and the adjacent AONB and safety and security issues generally. Many question the financial and business case for the development particularly bearing in mind current

economic conditions and cannot see the need for such a facility here given the planning permission that has been granted at Howbury Park, Slade Green, Bexley some 30 miles from this site and close to the M25.

8: POLICIES

8.1 Introduction

8.1.1 This section identifies the policy framework for the decision, and is structured around the various sources of policy to be considered. Firstly, in section 8.3 national policies and statements in relation to rail freight and SRFI; secondly in section 8.4, other aspects of national and regional policy are reviewed; and thirdly, in section 8.5 locally specific development plan and other policies are considered. In section 9.1 relevant appeal decisions are reviewed leading to the identification at section 9.2 of a substantive policy framework to be applied in the decision making.

8.2 Development Plan and material considerations

8.2.1 In the determination of a planning application, S38 (6) requires that:-

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the planning Acts, the determination must be in accordance with the Plan unless material considerations indicate otherwise.'

8.2.2 The development plan comprises the Kent and Medway Structure Plan 2003 (KMSP) and "saved" Maidstone Borough Wide Local Plan 2000 (MBWLP). However, other material considerations include the national Planning Policy Statements and Guidance such as PPS1, 7, 12, and PPG4 and 13, and in this instance, other government policies and strategies directly related to rail freight and SRFI. The importance of the latter has been underlined in recent appeal decisions on SRFI proposals. Also material, are the "emerging" development plan policies in the form of the Regional Spatial Strategy (RSS) (known as the draft South East Plan) and the Maidstone LDF Core Strategy. The RSS includes the Government's own Proposed Changes to the Plan (July 2008) which includes up to date and specific policy likely to be adopted shortly and which now carries very considerable weight and it is understood that the RSS will be adopted sometime in the Spring 2009. The RSS will replace the KMSP and form part of the Development Plan once adopted. The LDF is at an earlier stage of production and has far less weight in the likely timescale of the decision.

8.3 Policy in relation to rail freight and Strategic Rail Freight Interchanges

UK national rail freight policy

8.3.1 Over the past decade, a number of European Commission and national transport policy documents have included support for increased rail freight and, in some cases, have supported the general location and form of new rail linked distribution facilities. From the Department for Transport (DfT), the aspiration to support freight on rail was initially set

out on the 'New Deal for Transport' White Paper (1998) and confirmed in 'The Future of Transport' White Paper (2004), both of which made a commitment to sustained high levels of investment to enable intermodal transport. These documents provide general support for modal shift from road to rail based distribution. 'The Future of Transport' White Paper states that sustainable freight transport should focus on approaches which offer the best outcomes for the economy, society and the environment, and where appropriate, financial support could be offered, such as the Freight Facilities Grant.

8.3.2 'Sustainable Distribution, A Strategy' (1999) offers further detail on the Government's approach, and it remains current national policy regarding sustainable distribution. The strategy is to secure the sustainable distribution of freight in the UK, including:

- greater emphasis on planning for regional and local freight distribution and revised planning guidance to encourage the shipment of more goods by rail and waterborne transport;
- incentives through grant schemes to construct rail freight facilities;
- setting up the Strategic Rail Authority (SRA), with a duty to promote rail freight.

8.3.3 The SRA published its Freight Strategy in May 2001. This was based on the results of a computer model of the UK supply chain (the GB Freight Model) to help to determine where Strategic Rail Freight Interchanges (SRFI) should be located in order to help achieve the modal shift that Government desired.

Definition of an SRFI - SRA Strategic Rail Freight Interchange Policy

8.3.4 The SRA 2004 policy document defines an SRFI and the function of a national network of SRFI as follows:

"A Rail Freight Interchange is a facility at which freight can be transferred between modes, mainly to facilitate its primary trunk journey from A to B. A Strategic Rail Freight Interchange is a facility which optimises the use of rail in the freight journey and minimises the secondary distribution leg by road. The best use of rail is in the long-haul element or the primary trunk journey, linking, as necessary, with other modes for the secondary leg of the journey. Strategically located interchanges are required to allow the best use of rail in national freight movements (paragraph 4.1)".

8.3.5 The SRA policy suggests that, in size, an SRFI is likely to be between 40 and 400 hectares. (Other important criteria are expanded upon below.)

8.3.6 SRA's policy on rail freight was further reinforced in its document of March 2004; this document remains the key Government policy statement on SRFI. This policy document stated a requirement for three or four SRFIs in London and the wider South East supplemented by smaller facilities within the M25 and elsewhere in the region. The policy assumed a network of rail connected terminals throughout the country able to support the SRFIs. The Railways Act 2005 brought a number of changes to the railway industry including the dissolution of the SRA but

subsequently, in order to clarify their position, the Department for Transport (DfT) issued an open letter in October 2005 stating that the SRA's policy relating to the location and form of new rail linked distribution facilities, remained relevant strategy. It remains so, specifically ..."chapters 4,5,6 and 7".

8.3.7 Chapter 4 of the policy document defined what the SRA viewed as Strategic RFIs. RFIs are large distribution parks, comprising intermodal facilities serving distribution centres located within the park, possibly including rail served warehousing, and other sites in the wider region. Strategic RFIs will be the locations for National Distribution Centres (NDCs) and Regional Distribution Centres (RDCs), and consequently they will be occupied by large logistics service providers, manufacturers and retailers.

8.3.8 Road will remain the dominant mode of transport to/from RFIs, particularly for the onward distribution to end users. **Strategic RFIs are therefore seen as large scale distribution activity that happens to be rail linked, and not simply a rail freight terminal.** Section 4 also indicates the likely scale and locational requirements for strategic RFIs, which reflect that:

- they involve large structures and machinery with 24 hour working arrangements; they are not suitable to be located near to such as residential which may be sensitive to the impact of noise and movements (7.24)
- they are appropriately located relative to the markets they will serve, which will largely focus on major urban centres, or groups of centres, and key supply chain routes. The strategic nature of Strategic RFI and their successful operation as part of a co-ordinated network are reliant on proximity to key business markets. This locational relationship is material to the potential of Strategic RFI to successfully convert current road-freight journeys to rail - optimising the use of rail for the primary trunk leg and minimising the secondary distribution leg by road (4.25).
- An increasingly important determining factor in the effective siting of Strategic RFI, is the presence of an available and economic workforce. Picking, handling and administrative functions of major distribution operations remain relatively labour intensive, often employing significantly more people than many factory or manufacturing developments, where automated production has largely replaced traditional manpower (4.26).
- Traditional prime distribution locations are, on occasion, being passed over for what were previously considered more secondary locations. When major distribution facilities can employ well in excess of 1,000 people, the economics of access to a reliable and skilled workforce, employable at economical cost, is of high importance (4.27).

8.3.9 Chapter 5 sees the role of Strategic RFI as critical to achieving freight transport modal shift and environmental benefits. Left unchecked, growth of road freight will have significant impact in raising air pollution,

greenhouse gas emissions and noise pollution (5.2), with the transport system being the third largest and fastest growing source of greenhouse gas in the UK (5.3) according to DEFRA. Government aims to transform the transport system to tackle pollution, congestion and to reduce greenhouse gas emission. The Sustainable Distribution Strategy desires for 80% growth in rail freight (5.7) on the premise that rail freight emissions can be seen as materially lower than those from HGV, ranging from 9 to over 14 times less than road based freight movements (5.12). In relation to the role of Strategic FRI in this transformation, paragraph 5.13 notes:

To gain the environmental, sustainability and economic benefits which can arise from rail freight, essential infrastructure, including Strategic RFI, must be set in place. Without such intermodal access points to and from the rail network, the ability of rail to remove freight traffic from roads will be materially restricted, as will be the clear environmental, sustainability and economic benefits associated with this modal shift..

8.3.10 Chapter 6 considered research into the need for Strategic RFI, 6.5 it notes:

It is the case, therefore, that closer proximity of business to a rail servicing facility will reduce transport costs and, so, enhance the viability and competitive attraction of rail over road. The location of interchange facilities in relation to ultimate journey origin or destination is critical, therefore, in making the rail option attractive to business customers. The siting of Strategic business activities, and vice versa, is key to facilitating rail freight use.

8.3.11 And 6.6:

The criticality of the provision and location of Strategic RFI is made more clear when it is recognised that the greater part of the growth in rail freight necessary to deliver Government targets can only come from containers, general freight, premium logistics and other new markets whose distribution choices and the option of rail will be significantly influenced by the efficiency of rail and the road/rail interchange element. These are markets which are currently heavily reliant on road freight.... analysis has indicated that only about one third of rail freight growth could come from the more traditional bulk commodities Research accepted by the SRA indicted that London and the South East could contribute about 17% of rail freight growth in the general freight market with sufficient Strategic RFI capacity in place. This required capacity would be met by three or four new Strategic RFI in the region, supplemented by smaller locations within the M25 ring. The qualitative criteria to deliver the capacity mean that suitable sites are likely to be located where the key rail and road radials intersect with the M25 (6.9-10).

8.3.12 Chapter 7 considers the delivery of Strategic RFIs. The document states that Regional Planning Policy and Regional Transport Policy must set the policy context for the guidance of local level polices for RFIs and that regional planning policy should identify suitable areas.

8.3.13 *The key factors in considering site allocations include (7.8):*

- *Suitable rail and road access - on rail freight routes with capacity and avoiding congestion.*
- *With good access to motorway junctions, primary and trunk roads;*
- *Ability for 24/7 working;*
- *Adequate level site area and potential for expansion;*
- *Proximity to workforce;*
- *Proximity to commercial customers, both existing and potential.*
- *(Noting the potential to change to rail achieved by close proximity);*
- *Fit with primary freight flows in the area;*
- *Ability to contribute to the national network by filling 'gaps' in provision (see Section 6); and*
- *Fit with SRA strategies, including the Freight Strategy, Route Utilisation Strategies and*
- *Regional Planning Assessments.*

8.3.14 In addition to locational policies for the development of Strategic RFI, in all circumstances, regional policy must include criteria for the assessment of rail freight and Strategic RFI's developments. These should reflect local circumstances but also fully take on board the support for rail freight and Major Freight Interchanges in the Government's Sustainable Distribution Strategy and recognise the environmental and economic gains which will accrue from a modal shift of freight from road to rail. The characteristics of Strategic RFI in Section 4 and Appendix B must be recognised in such assessment criteria. (7.10)

8.3.15 Policy should not predetermine the outcome of applications for new or expanded Strategic RFI, but should present the tools to allow planning authorities to consider proposals in a constructive and informed manner. These should include provision for achieving the required balance where there are conflicting interests, as set out in Government advice on Sustainable Distribution (see Appendix D). *Relevant considerations will include (7.11):*

- *The reduction in road freight movements (number, frequency and journey lengths) arising from the proposal, including the future potential to effect modal shift;*
- *Contributions towards improvements in air quality and greenhouse gas emissions (existing and potential), perhaps measured as 'lorries off-road';*
- *The potential to fit with national/SRA strategies, including those for rail freight. A clear distinction in evaluation should be given to proposals directly satisfying SRA strategies and policies. The SRA should be consulted on the alignment of Strategic RFI proposals with its strategies;*
- *Satisfaction of other Government policy on matters such as the re-use of brown field sites, where possible, concentrating development at accessible locations, the focusing of freight development away from congested and residential areas encouraging the full and efficient use of existing interchange facilities, promoting of economic advantage including reductions in road congestion; and*
- *Fit with Green Belt and countryside policies, noting the potential for exceptional circumstances to be proven where fundamental policy objectives are not compromised and the long term environmental gains are taken into account.*

- 8.3.16 The SRA clearly see SRFI as an economic tool too. They also advise that Regional planning policy should also incorporate Strategic RFI in its guidance on the location of major employment development, directing businesses with freight activity to Strategic RFI as preferred employment locations. This approach will facilitate the modal shift to rail, which will be more difficult to achieve if solely road-based employment sites continue to be promoted via planning policy. Strategic RFI are not simply rail features but an integral part of planning for sustainable employment growth and development (7.14).
- 8.3.17 At the more local level, Local Development Plans and Local Transport Plans should similarly clearly indicate their consideration of both rail freight and Strategic RFI in policy development, include policies for the constructive assessment of Strategic RFI's proposals and identify and safeguard sites or areas for their development. The steer will be expected to emerge from regional policies with local policies and proposals providing greater contextual detail and site specification. However, the criteria and key factors outlined above will also be applicable at the local level (7.16).
- 8.3.18 Local level planning should, where appropriate, build Strategic RFI's potential into its employment policies and site allocations. Major employment uses should be encouraged to locate where their freight movements can, either currently or in the future, be served by rail. In this respect, **Strategic RFI should not simply be seen as rail specific activities, but a key element of planning for employment development** (7.18).
- 8.3.19 In these respects, the SRA would strongly advise that promoters have regard to the following general considerations in putting together Strategic RFI proposals, plus any particular and material local issues (7.27):
- ***Rail servicing and the potential to deliver a modal shift from road to rail.*** *The promotion of freight by rail in preference to road is a clear Government objective and Strategic RFI proposals should aim to deliver and facilitate this modal shift. The potential of a proposal to effect modal shift at the start and over time will be an important consideration;*
 - ***Compliance with planning policies in site search and selection.*** *The Government promotes the re-use of urban and brown field sites and the concentration of development. There are also policies protective of open countryside and designated areas. Site search must aim as far as possible to satisfy such policies and, where a possibly non-compliant location presents the preferred option, this must be fully justified and supported in submissions to the planning authority;*
 - ***Impact on environmental, residential and other amenities.*** *The site selection process should have full regard to the local impact of Strategic RFI proposals. The Government promotes a balance in its Sustainable Distribution Strategy and it must be expected that site search should, other things being equal, aim to minimise any harmful impacts. This analysis will also include, however, an*

assessment of the environmental gains which might be generated by the proposal; and

- **Compliance with site or area allocations.** *Where the planning system has identified locations for Strategic RFI's development but an alternative site is proposed, it will be necessary to illustrate how the allocation fails to satisfy Government rail freight objectives and the operational requirements of Strategic RFI. It would also be appropriate to indicate how the alternative location would better meet these requirements and/or deliver other gains such as those for highway congestion, environment or residential amenity. In the case of such scheme proposals outside planning allocations, the fit of both with the SRA Freight Strategy and other guidance will be a material consideration.*
- **The promotion of appropriate design** *to allow the Strategic RFI to best fit local circumstances.*

8.3.20 Promoters are also urged to liaise with Network Rail and the SRA and have regard to their strategies and policies in respect of the ability of the railway network to accommodate the proposal. Particular issues will include line capacity, congestion and the ability to achieve appropriate track access.

8.3.21 The role of the SRA has now been taken over by the DfT.

Recent Policy - Network Rail, RUS and DaSTS

8.3.22 The report from the Council's advisors – Jacobs Consulting – on Rail Logistics addresses operational rail policy in more detail. Network Rail policies include the Route Utilisation Strategy (RUS) programme for the development and delivery of timetables, infrastructure maintenance and renewals for the network over the long term. Three RUS are particularly relevant to KIG: the Freight, South London and Cross-London RUS.

8.3.23 The Freight RUS, published in March 2007, brings together in one document the key strategic issues facing the future of rail freight and identifies a strategy for accommodating growth and changes in current demand on the complete UK rail network. The strategy has been developed with the full involvement of the freight operators and other key industry players. In meeting future expected rises in demand, the strategy considers the ways in which the existing network can facilitate additional freight traffic, as well as recommending network enhancements where these are necessary and have a positive business case.

8.3.24 One of the key demands of the rail freight industry has been for gauge enhancement, primarily to allow greater access to the network for the increasingly common 'high cube' 9'6" containers that require W10 gauge capability if they are to be conveyed on standard flat wagons. This strategy recommends the enhancement of a number of routes to allow W10, but not the rail route from Ashford to the proposed site, which is currently only able to operate at a more restricted W9 gauge.

8.3.25 Network Rail produced an update to their Strategic Business Plan in April 2008, relating to the development of the Strategic Freight Network (SFN) set out in the DfT's July 2007 White Paper 'Delivering a sustainable railway'. The intermodal network anticipated in 2030 relates to major flows between the ports of Felixstowe, Southampton and the Thames

Ports and the major conurbations outside London. This reflects a growth in the current pattern of movements and assumes that ports in the south and east will maintain their dominance. The report showing the core and diversionary routes of the SFN, indicate both the Ashford Line to London and the line via Tonbridge and Redhill to Reading as strategic routes both with potential for W10 upgrade.

'Delivering a Sustainable Transport System' (DaSTS) and emerging National Policy Statement

- 8.3.26 In December 2008 Government published a review of national transport policy for establishing a Strategic Freight Network (SFN) through the DfT's 'Delivering a Sustainable Transport System' (DaSTS) process. The DaSTS consultation process is to be completed by the end of 2009 contributing to the development of a National Policy Statement on National Networks. The DaSTS references to the development of a further high speed rail line (HS2), primarily for passenger transport and proposes a national Strategic Freight Network to W10 gauge, and specifically identifies the London to Kent Ports as a strategic national corridor, for all modes and for both passenger and freight use. Similarly, an alternative route from Dover to London (via Ashford, Tonbridge and Redhill and bypassing Hollingbourne) is also identified as a route of strategic importance to freight – this could then join the existing W10 rail freight network on the West Coast Main Line (WCML) to the Midlands and beyond. A related Government publication of January 2009, Britain's Transport Infrastructure - High Speed Two summaries the position:

"20.The Government is also investing in a Strategic Freight Network to promote rail freight. This will comprise a core network of enhanced trunk rail routes, linking key freight origins and destinations, including major ports, freight terminals and distribution depots. These strategic routes will be capable of accommodating more and longer freight trains, with the objective of providing through-running, 7day/24 hour network capability. They will have the ability to handle greater loading gauge, including 'high cube' container traffic from key ports and larger European loading gauge wagons on a route from the Channel Tunnel to the Midlands. The Strategic Freight Network will also promote increased use of electric freight traction. "

- 8.3.27 **The DaSTS process, could potentially lead to future investment along the identified corridors and directly influence where RFI are best located. On the one hand the DaSTS could potentially lead to future investment along corridors which may make new sites viable and operable as RFI, and on the other hand, reduce the relative attractiveness of others that are currently operable.** In this respect, decision on the location of SFRI before the strategy is finalised could be considered premature. It is understood that the Government's strategy should be clear by the end of this year and incorporated into the new National Planning Statement, 'National Networks', in late 2009. The NPS will provide the policy regime for the new Infrastructure Commission that will consider future planning proposals for 'Nationally Significant Infrastructure' (Part 3 section 26 of the Planning Act 2008).

Regional Spatial Strategy (RSS) – Government Proposed Changes to the Draft South East Plan (July 2008)

8.3.28 The South East England Regional Assembly has been developing the draft South East Plan since 2004 as the Regional Strategy (RSS) for the South East – ultimately for adoption by the Secretary of State. It will provide the Region's planning and transport policies up to 2026. The Deposit Draft of the Plan was approved by the Regional Assembly and submitted to Government at the end of March 2006. There followed a period of public consultation (April to June 2006), and the independent Panel 'Examination in Public' (EIP) from November 2006 to March 2007. The Panel Report was published in August 2007, and the Government published its proposed changes for consultation in July 2008. Consultation on the changes closed in October 2008 and it is expected that the Plan will be published by the Secretary of State during the spring of 2009. The Plan will replace the existing Regional Planning Guidance of March 2001, Regional Transport Strategy and the County Structure Plans for the South East. However, work on a replacement Regional Strategy will commence in 2010 under new arrangements following the Sub National Review whereby SEEDA and a new Joint Local Authorities Board assume regional plan making powers from SEERA.

8.3.29 Particularly relevant policies to rail freight, taken from the Government's proposed changes, are:

8.3.30 ***Policy T11 (Rail Freight)***

The railway system should be developed to carry an increasing share of freight movements. Priority should be given in other relevant regional strategies, local development documents, and local transport plans, to providing enhanced capacity for the movement of freight by rail on the following corridors:

- ***Southampton to West Midlands***
- ***Dover/Channel Tunnel to and through/around London***
- ***Great Western Main Line***
- ***Portsmouth to Southampton/West Midlands.***

8.3.31 ***Policy T12 (Freight and Site Safeguarding)***

Relevant regional strategies, local development documents and local transport plans should include policies and proposals that:

- ***Safeguard wharves, depots and other sites that are, or could be, critical in developing the capability of the transport system to move freight, particularly by rail or water;***
- ***Safeguard and promote sites adjacent to railways, ports and rivers for developments particularly new intermodal facilities and rail related industry and warehousing, that are likely to maximise freight movement by rail or water; and***
- ***Encourage development with a high generation of freight and/or commercial movements to be located close to intermodal facilities, rail freight facilities, or ports and wharves.***

8.3.32 ***Policy T13. (Intermodal Interchanges)***

The Regional Assembly should work jointly with DfT Rail and Network Rail, the Highways Agency, Freight Transport Association and local authorities, to identify broad locations within the region for up to three intermodal interchange facilities. These facilities should have the potential to deliver modal shift and be well related to:

- Rail and road corridors capable of accommodating the anticipated level of freight movements
- The proposed markets
- London

8.3.33 Supporting text notes:

"8.37 Work undertaken by the former SRA identified the need for between three and four inter-modal interchange terminals to serve London and South East England. Areas of search for potential sites should be identified in partnership between rail and road network operators, local authorities and the logistics industry. Potential sites for new intermodal interchange terminals will need to meet a number of criteria. In particular they must:

- **be of sufficient size and configuration to accommodate an appropriate rail layout, transfer operation and value added activities**
- **be already rail connected or capable of rail connection at a reasonable cost**
- **have adequate road access or the potential for improved road access**
- **be situated away from incompatible land uses.**

8.38 Suitable sites are likely to be located where the key rail and road radials intersect with the M25"

8.3.34 The South East Plan also includes a strategy for the location of economic development. In particular Policy RE6 requires national, regional and local partners to address structural economic weaknesses to release the economic potential of those areas that are underperforming. In the coastal belt, defined as including Kent Thames Gateway and East Kent & Ashford:

"Guided by sustainable development principles, local partners will promote the economic potential of the international gateways of the Ports of Southampton, Portsmouth, Dover, the Medway Ports, the Channel Tunnel and Southampton Airport to maximise business opportunities in the surrounding areas."

Kent and Medway Structure Plan

8.3.35 The Kent and Medway Structure Plan (adopted in 2006) is expected to be replaced by the RSS South East Plan during 2009 and it is not certain whether it, or selected saved polices, will be part of the development plan when a decision is made on the KIG planning application. The following polices are pertinent:

- 8.3.36 **Policy TP13: Rail Freight and Handling Facilities**
Development which will encourage the transfer of freight from road to rail, including the development of freight handling facilities, will be permitted unless there is overriding conflict with other planning and environmental considerations. If necessary conditions will be imposed on planning permissions in order to maximise the amount of non-road borne freight movements.
- 8.3.37 **Policy TP20: Gateway Function of the Ports (part)**
Proposals for the development which will enable the growth of trade at Kent and Medway ports and wharves will be supported provided that:
- **the proposals maximise the potential for passenger and freight traffic to be accommodated by rail**
 - **there are no overriding adverse economic, social and environmental impacts**
- 8.3.38 **Policy TP23: Major Distribution and Transshipment Centres**
Proposals which encourage the transfer of freight from roads to rail, between road and air or between road and sea or river, which are designed and landscaped to a high standard, will be supported. This will include the following locations (in summary):
- **Sheppey**
 - **North of Sittingbourne**
 - **Thamesport**
 - **Dover**
 - **Dover Western Docks**
 - **Kent International Airport**
- 8.3.39 **The provision of an inland inter modal interchange to serve the Channel Tunnel, or a major new distribution and transshipment centre elsewhere in Kent, will be permitted only where:**
- **the site is easily accessible to the trunk road system and served by rail sidings and/or water.**
 - **strong evidence is provided that the proposal is necessary and viable, and will not have any significant adverse impact on the local highway network.**
 - **there are no significant adverse effects on the local economy, countryside character or the environment, including the Kent Downs Area of Outstanding Natural Beauty.**
- The long-term use of the rail facility, as an integral part of the operation of the site, should be secured.**
- 8.3.40 The Structure Plan therefore supports the transfer of freight to rail but recognises that the provision of intermodal land uses must take in to account planning and environmental considerations. The development of ports is linked to maximising the use of rail. Provision is made for of distribution and transshipment sites at or near the international gateways.

- 8.3.41 Specifically, the plan sets conditions for the provision of an inland inter modal interchange to serve the Channel Tunnel, or a major new distribution and transshipment centre elsewhere in Kent. These conditions include strong evidence of the need and viability of such proposals. The plan amplifies these concerns as follows:

Section 8.54

There is concern that an inland inter-modal freight interchange serving cross-Channel traffic but located relatively near to the tunnel portal in Kent could fail to encourage freight to switch from road to rail because of its planned location. Proposals in Kent will be weighed against their environmental and transport impacts together with the need for the development and its viability. There will need to be firm evidence that the rail facilities at such sites will be used.

Rail Freight Strategy- Transport for London 2007

- 8.3.42 TfL set out a rail freight strategy in August 2007. The strategy outlines how TfL believes rail freight should develop in London over the next 10 years.

The particular relevant policies encourage three types of development:

- Large, new, multimodal distribution centres on the periphery of London, adjacent to the M25 or motorways radiating out of London to allow rail to develop its role in the primary retail distribution market.
- Facilities to support international freight using HS1; the main markets which could benefit are primary retail, automotive and white goods.
- Smaller, single-user freight terminals, generally offering basic functions for bulk businesses, particularly in the construction and waste sectors, concentrating on local markets.

- 8.3.43 TfL have identified the need for an extensive modern rail facility on the DIRFT model. This would allow international freight activities to agglomerate around the HS1 connection at Barking (Ripple Lane).

Conclusions on the Substantive Policies for Strategic RFI

- 8.3.44 The original purpose of a network of SRFI as defined by the SRA has been endorsed by DfT:

A Rail Freight Interchange is a facility at which freight can be transferred between modes, mainly to facilitate its primary trunk journey from A to B. A Strategic Rail Freight Interchange is a facility which optimises the use of rail in the freight journey and minimises the secondary distribution leg by road. The best use of rail is in the long-haul element or the primary trunk journey, linking, as necessary, with other modes for the secondary leg of the journey. Strategically located interchanges are required to allow the best use of rail in national freight movements.

- 8.3.45 It is evident that there is strong Government policy support for the creation of an improved rail freight network with the appropriate location of Strategic RFI, nationwide and specifically in the South East region.

However, this support is not unqualified, the SRA's 2004 statement and subsequent statements endorsed by DfT and through the RSS consistently point to a criteria for the suitable location of Strategic RFI based on the above referenced documents and including the following:

- SRFI should be located so to optimise the use of rail and minimise the secondary distribution leg by road, with a network of strategically located interchanges to facilitate best use of rail in national freight movements.
- A clear overall requirement that SRFI proposals must produce road to rail freight modal shift and reduce road movements arising from the proposal.
- SRFI proposals must achieve contributions towards improved air quality, greenhouse emissions and lorries off-road.
- The location of suitable proposals should fit well with wider transport strategies and network plans, with a location and access to an appropriately gauged and served part of the rail network.
- Important new guidance on the shape of the emerging national network between the Dover crossing and around to London and beyond will emerge through the National Networks National Policy Statement at the end of the year and is as yet unclear.
- This important new guidance will enable the RSS guidance to be prepared on the general location of SRFI to meet this requirement (Policy T13 refers).
- It is essential that sites offer good proximity to markets to minimise onward deliveries, probably by road, and access to economic and available workforce .
- The importance of Strategic RFI sites proposals as part of a national network strategy of modal shift offers the potential for exceptional circumstances to be identified that overturn high order constraining policies such as for Greenbelt. However, wider fundamental policy objectives must not be compromised and the long term environmental gains outlined above must be proven in order to benefit from this support.
 - The need for SRFI does not override a general need to satisfy Government policy for a balanced sustainable development approach and to comply with other planning policies and strategies.
 - The general location of Strategic RFI should be determined both as an instrument of sustainable economic development strategy as well sustainable transport strategy.
- The SRA identified a requirement for "3 to 4" SRFIs to serve London and the wider South East, and more recently the RSS has derived from this a requirement for "up to 3" in the region, located most likely where the rail and road radials cut the M25. These facilities should have the potential to deliver modal shift and be well related to:
 - Rail and road corridors capable of accommodating the anticipated level of freight movements
 - The proposed markets
 - London

- 3 to 4 SRFIs.
- Provision for appropriate SRFI sites should be made through the RSS and LDFs.
- In addition to the above factors guiding the general location of SRFI, sites should:-
 - be capable of working 24/7 and away from sensitive uses,
 - be well placed and capable of access to affordable and available workforce by sustainable transport means,
 - preferably on brownfield sites
 - be protective of countryside and other designated areas of environmental, and landscape quality and planning constraint.

8.4 **Other aspects of sustainable planning policy**

8.4.1 The site stands in the countryside adjacent to an Area of Outstanding Natural Beauty. It is therefore the intention to set out general planning policies and those related to employment, the countryside, and the sustainable development strategy for the region and Maidstone.

Planning Policy Statement 1 (PSS1)

8.4.2 PPS1 sets out the Governments objectives for the planning system and states:

“Sustainable development is the core principle underpinning planning. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations.”

8.4.3 The Government sets out four aims for sustainable development in its 1999 strategy, which are:-

- social progress which recognises the needs of everyone;
- effective protection of the environment;
- the prudent use of natural resources; and
- the maintenance of high and stable levels of economic growth and employment.

8.4.4 It states further that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:-

- making suitable land available for development in line with economic, social and environmental objectives to improve peoples quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside and existing communities.

8.4.5 In relation to Development Plans and the protection and enhancement of the environment it states:-

“The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas.

Planning Policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. A high level of protection should be given to most valued townscapes and landscapes, wild life habitats and natural resources. Those of national and international designations should receive the highest level of protection.

8.4.6 In relation to sustainable economic development it states:-

“The Government is committed to promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all and that planning authorities should recognise that economic development can deliver environmental and social benefits, recognise the wider sub-regional, regional and national benefits of economic development and consider these alongside any adverse local impacts. Ensure that suitable locations are available for industrial, commercial, retail, public sector tourism and leisure developments so that the economic economy can prosper. Ensure that infrastructure and services are provided to support new and existing economic development and housing.”

8.4.7 In relation to delivering sustainable development it says the general approach in preparing Development Plans should be to provide sufficient land of a suitable quality in appropriate locations to meet the expected needs for housing, for industrial development, for the exploitation of raw materials such as minerals, for retail and commercial development and for leisure and recreation taking into account issues such as accessibility and sustainable transport needs, the provision of essential infrastructure, including sustainable waste and management and all with a need to avoid flood risk and other natural hazards. Address on the basis of sound science the causes and impacts of climate change, the management of pollution and natural hazards, the safeguarding of natural resources and the minimization of impacts from the management and use of resources.

PPG4 – Planning for Industry

8.4.8 One of the main Government key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives. PPG4 addresses this although it will be shortly replaced by PPS4 – which is similar in its objectives. Economic Growth and high quality environment have to be pursued together. In relation to locational factors its states:

8.4.9 (Locational demands of businesses are therefore a key input to the preparation of Development Plans. Development Plan policies must tackle account of these needs at the same time seek to achieve wider objectives in the public interest.

8.4.10 Development Plans offer the opportunity to:-

- encourage new development in locations which minimize the length and number of trips especially by new development;
- encourage new development that can be served by more energy efficient means of transport. This is particularly important in the case of offices, light industry or development and campus style

development;

- discourage new development where it would be likely to add to unacceptable congestion;
- locate development requiring access mainly to local roads away from trunk roads to avoid unnecessary congestion on roads designed for longer distance movement.)

8.4.11 It goes on to state more generally that preparation of Development Plans is now the main mechanism by which major new development proposals can be assessed alongside the road transport improvements needed to serve them and by which transport proposals can be linked to the development opportunities they create. The Governments policy set out in this common inheritance and subsequent White Papers is to seek to control emissions of green house like gases which lead to global warming. Locational policies and Development Plans can help to achieve that objective through reducing the need to travel and encouraging development in all areas that can be served by more efficient modes of transport such as rail or water including coastal shipping. Local Planning Authorities should consult the British Railways Property Board to help identify potential development sites such as old goods yards and depots or other land adjacent to track.

8.4.12 It continues that some types of modern distribution facility have a low density of employment and are served by a very large number of lorries. Retail distributors for example depend on efficient distribution systems and require strategic locations capable of serving regional, national and European markets. Extensive well planned out of town distribution parks can offer economies of scale and consequent benefit to consumers or business supplied. Sites for such development are best located away from urban areas where the nature of traffic is likely to cause congestion and wherever possible should be capable of access by rail and water transport. Such sites should be reserved for those warehousing uses which require them and not released for other uses unless there is a clear surplus of suitable sites in the area, and no realistic prospect of development for that purpose in the foreseeable future.

8.4.13 The guidance continues that in rural areas applications for development necessary to sustain the rural economy should be weighed with a need to protect the countryside in terms of for example, its landscape, wildlife, agriculture, natural resources, and recreational value.

8.4.14 In relation to speculative development it says few firms especially small ones can afford to build their own premises and developers who provide unit factories, offices and other premises for small firms are contributing to the expansion of the economy and of employment. Planning applications for speculative development should be considered on their land use planning merits; Authorities should not normally seek to investigate whether the developer already has particular prospective purchasers or tenants, this will seldom be a material consideration.

PPS7 – Sustainable Development in Rural Areas

8.4.15 In relation to rural areas the Governments key objectives stated in this PPS are:-

1. To raise the quality of life and environment in rural areas through the promotion of inclusive and sustainable communities, sustainable economic growth and diversification. Good quality sustainable development that respects and where possible enhances local distinctiveness and the intrinsic qualities of the countryside and continued protection of the Open Countryside for the benefit of all with the highest level of protection for our most valued landscaped and environmental resources.
2. To promote sustainable patterns of development, focusing most development in or next to existing towns and villages preventing urban sprawl.
3. Discouraging the development of Greenfield land and where such land must be used ensuring it is not used wastefully promoting a range of uses to maximise the potential benefits of the countryside fringing urban areas providing appropriate leisure opportunities to enable rural and urban dwellers to enjoy the wider countryside.

8.4.16 Whilst the site does not lie in the AONB it lies in the foreground of it and forms part of its setting. AONBs have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of natural beauty of the landscape and the countryside should therefore be given great weight in planning policies and development control decisions in these areas.

8.4.17 In relation to local landscape designations the Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally.

PPS9 – Biodiversity and Geological Conservation

8.4.18 Biodiversity and Geological Conservation recognises that networks of natural habitats provide a valuable resource they can link sites of biodiversity importance and provide routes or stepping stones for migration, dispersal and genetic exchange of species in the wider environment. Local Authorities should aim to main networks by avoiding or repairing the fragmentation and isolation of natural habitats through policies and plans. Such networks should be protected from development and where possible strengthened by or integrated within it. This may be done as part of a wider strategy for the protection and extension of open space and access routes such as canals and rivers including those within urban areas.

8.4.19 In relation to species protection certain plant and animal species including all wild birds are protected under the Wildlife and Countryside Act 1981. Other species such as Badgers are protected by their own legislation. In addition other species have been identified as requiring conservation action as species of principal importance for the conservation of biodiversity in England. Local Authorities should take measures to protect the habitats of these species from further decline through policies in Local Development documents, and that they should

ensure that these species are protected from the adverse effect of development.

PPG13 – Transport

8.4.20 This document sets out the Government objective in relation to transport which is to:-

- integrate planning and transport at national, regional, strategic and local level;
- promote more sustainable transport choices for both people and for moving freight;
- promote accessibility to jobs, shopping, leisure facilities, services for public transport, walking and cycling;
- reduce the need to travel especially by car.

8.4.21 In relation to freight the PPG states that the Government has set out its policy for framework on freight in its Sustainable Distribution Strategy. While road transport is likely to remain the main mode for many freight movements land use planning can help to promote sustainable distribution including where feasible the movement of freight by rail or water in preparing their Development Plans and in determining planning applications Local Authorities should:-

- identify and where appropriate protect sites and routes both existing and potential which could be critical in developing infrastructure for the movement of freight such as major freight interchanges including facilities allowing road to rail transfer or for water transport and ensure that disused transport sites and routes are not unnecessarily severed by new developments or transport infrastructure;
- in relation to rail use this should be done in liaison with the SRA which is best placed to advise on the site and routes that are important to delivering the wider transport objectives;
- where possible, locate developments generating substantial freight movements such as distribution and warehousing particularly of bulky goods away from congested central areas and residential areas and ensure adequate access to trunk roads;
- promote opportunities for freight generating development to be served by rail or waterways by influencing the location of development and by identifying and where appropriate, protecting realistic opportunities for rail waterway connections to existing manufacturing, distribution and warehousing sites adjacent or close to the rail network, waterways or coastal/estuarial ports; and
- consider uses on disused transport sites consider uses related to sustainable transport first before other uses.

Sustainable Communities Plan – 2034

- 8.4.22 Predating the RSS, Government identified three Growth Areas areas in the region with a plan of action for a highest priority for accelerated new development. These were at Milton Keynes/South Midlands, Ashford and Thames Gateway. Subsequent policies took this forward and the RSS identifies five Regional Hubs within these Growth Areas, including three in Kent at Ebbsfleet, Medway and Ashford.

Regional Economic Strategy 2006-2016 and future Single Regeneration Strategy

- 8.4.23 The replacement of the RSS will be in 2010 following the adoption of the RSS (South East Plan) by the Secretary of State later this year. This will update the current regional planning, transport and regional housing strategies and integrate with the Regional Economic Strategy (RES). Work on the integrated regional strategy will begin in 2010.

- 8.4.24 Some pertinent elements of the current RES are:-

- 8.4.25 *Objective: Global Competitiveness Targets*

2 Knowledge Transfer and Business Expenditure on Research and Development.

Increase the proportion of businesses in the South East reporting R&D links with universities from 11% in 2005 to 15% by 2016, and increase business expenditure on research and development in the South East from 3.2% of Gross Value Added in 2003 to 4% by 2016.

4 Infrastructure.

Secure investment in infrastructure priorities to maintain international economic competitiveness.

- 8.4.26 *Objective: Smart Growth Targets*

8 Transport.

Reduce road congestion and pollution levels by improving travel choice, promoting public transport, managing demand and facilitating modal shifts.

9 Physical Development.

Ensure sufficient and affordable housing and employment space of the right quality, type and size to meet the needs of the region and support its competitiveness, and create the climate for long-term investment through the efficient use of land resources, including mixed-use developments.

- 8.4.27 *Objective: Sustainable Prosperity Targets*

11 Climate Change and Energy.

Reduce CO2 emissions attributable to the South East by 20% from the 2003 baseline by 2016 as a step towards the national target of achieving a 60% reduction on 1990 levels by 2050, and increase the contribution of renewable energy to at least 10% of energy supply in the South East by 2010 as a step towards achieving 20% by 2020.

14 Sustainable Communities.

Enable more people to benefit from sustainable prosperity across the region and reduce polarisation between communities.

8.4.28 In relation to a spatial approach, the RES identifies 8 diamonds and investment for growth, which are:-

- Basingstoke
- Brighton and Hove
- Gatwick Diamond
- Milton Keynes and Aylesbury Vale
- Oxford/Central Oxfordshire
- Reading
- Thames Gateway Kent (including Medway and Ebbsfleet)
- Urban South Hampshire (including Portsmouth and Southampton)

8.4.29 In addition, it identifies a number of Gateways which in Kent are:-

- Medway / Sheerness
- Manston
- Dover
- Folkestone
- Ashford

8.5 **Locally specific policy**

RSS, the South East Plan – Government’s Proposed Changes, July 2007

8.5.1 RPG9 remains in force as the adopted regional strategic plan together with the regional transport strategy. It will shortly be replaced by the emerging RSS which contains highly pertinent policies for the scale and nature of development in Maidstone compared to the Sub Regions and Growth Areas in Kent. Maidstone is identified as being in the Rest of Kent sub region.

8.5.2 Policy SP1 of the South East Plan identifies the nine sub regions for growth and regeneration. It states that this will require coordinated effort and cross-boundary working to better align economic and housing growth, deliver adequate infrastructure in a timely manner and to plan for more sustainable forms of development. The sub regions and the policy forms area:-

SUB REGION	POLICY FOCUS
1. South Hampshire	Growth and Regeneration
2. Sussex Coast	Regeneration
3. East Kent and Ashford	Regeneration (East Kent) and Growth Area (Ashford)
4. Kent Thames Gateway	Growth and Regeneration
5. London Fringe	Growth
6. Western Corridor & Blackwater	Growth and

Valley	Regeneration
7. Central Oxfordshire	Growth and Regeneration
8. Milton Keynes & Aylesbury Vale	Growth Area
9. Gatwick	Growth and Regeneration

8.5.3 The two nearest Sub-Regions to Maidstone are East Kent and Ashford, and Kent Thames Gateway. These are both included in the Government’s Growth Areas identified in the Sustainable Communities Plan. Specifically, Kent Thames Gateway is identified for “Growth and Regeneration” and Ashford for “Growth”. Supporting text of the Plan at paragraphs 4.1 and 4.2 notes that different parts of the region often have distinctive set of issues that diverse needs should be to be addressed through joint working across local authority boundaries and that there should be a “sharper focus” to development strategy to help support economic competitiveness of the region overall whilst at the same time ensuring the spread of the benefits of more prosperous areas around the rest of the south east region.

8.5.4 Under Policy SP2, Maidstone urban area is identified one of 22 Regional Hubs, and as a New Growth Point and so is accorded a priority for growth – but lower priority than that for the Growth Areas. Policy SP2 addresses the Regional Hubs identifying them as centres for urban centre focussed development to exploit public transport:

8.5.5 **POLICY SP2: REGIONAL HUBS**
Relevant regional strategies, Local Development Documents and Local Transport Plans will include policies and proposals that support and develop the role of regional hubs by:

- **Giving priority to measures that increase the level of accessibility by public transport, walking and cycling**
- **Encouraging higher density land uses and/or mixed land uses that require a high level of accessibility so as to create “living centres”**
- **Giving priority to the development of high quality interchange facilities between all modes of transport**
- **Focusing new housing development and economic activity in locations close to or accessible by public transport to hubs**

8.5.6 The reasoning for Maidstone’s designation is summarised as: “The county town of Kent serving as the focus for administrative, commercial and retail activities. Well related to strategic rail and road networks. Interchange point between intra and local rail services.”

8.5.7 The scale of overall development in Maidstone compared to the Rest of Kent, the Growth Areas of Kent Thames Gateway and Ashford is outlined in Tables H1a and b of Policy H1 in terms of housing. The Government’s Proposed Changes to Policy H1 sets higher regional housing provision than the previous version for 2006-2026. LPA should facilitate delivery of at least 662,500 net additional dwellings, of which:

8.5.8 **Sub-Region/ Rest of area dpa total provision**

East Kent & Ashford	2,835	56,700
Kent Thames Gateway	2,607	52,140
Rest of Kent	1,444	28,880
REGIONAL TOTAL	33,125	662,500

8.5.9 That is to say the Sub Regions identified for regeneration and growth receive around double the housing growth of the remainder Rest of Kent area in the period 2006-26. Reflecting the Regional Hub status - around 38% of the housing development in the Rest of Kent area is identified for Maidstone:

8.5.10 Following on from Policy H1:

POLICY AOSR6 sets out the scale and location of development in the Rest of Kent area to include:

District /Part	dpa	total provision
Maidstone	554	11,080
Sub-area total	1444	28,880

8.5.11 The clear distinction in the economic roles of Rest of Kent and the two Kent Growth Areas is made clear in the interim employment figures (Table 6.1) for all the Sub Regions and Rest of areas in the plan. Ashford and East Kent is set a figure of 50,000 jobs and Kent Thames Gateway a figure of 58,000 (for the period 2006-26), a total of more than three times that for Rest of Kent and with a ratio of above 1:1 of new jobs for each new dwelling (see targets above). By comparison, Maidstone sits in the Rest of Kent area with an overall jobs figure of 15,000 (for 2006-16) providing for a ratio of nearer 0.52:1 new jobs for each new dwelling (subject to review), reflecting the existing tighter labour market of the more affluent parts of Kent and the relative economic restraint compared to the areas planned for of growth and regeneration. If there were a pro-rata distribution of employment based on dwelling numbers in the Rest of Kent area, Maidstone's share of the employment figure would be growth of 5,700 jobs (2006-2016).

8.5.12 (Indeed, the very latest advice from SEERA to LDF plan making authorities published in April 2009 is that the provisional employment figure for Maidstone Borough should be a marginally smaller figure of 5,267 compared to a total Rest of Kent figure of 14,994 for the period 2006-2016. These "Interim Jobs Numbers" are the best available but must nevertheless are presented and are to be treated with caution. They are trend based and do not take account of local policy aspirations and are based on Experian Business Strategies Local Markets database (LMD), the approach used by SEEDA in submissions made to the South East Plan Inquiry.)

8.5.13 However, as one of the New Growth Points (required to deliver a 20% uplift on historic RPG9 housing targets), Maidstone is a focus for relative growth in the context of the Rest of Kent area and it has a particular economic role as County town of Kent. The two Regional Hubs - Maidstone and Tonbridge-Tunbridge Wells are identified as accessible settlements of regional significance with Maidstone identified as having the potential to accommodate significantly higher levels of development

during the Plan period than other urban settlements located outside the sub-regional strategy areas. Policy AOSR7 sets out the strategy for Maidstone Hub and makes clear the selective focus to be applied to this additional growth:

The Maidstone policy – a policy balance

8.5.14

POLICY AOSR7: MAIDSTONE HUB

The Local Development Framework at Maidstone will:

- (i) **Make new provision for housing consistent with its growth role, including associated transport infrastructure**
- (ii) **Make new provision for employment of sub-regional significance, with an emphasis on higher quality jobs to enhance its role as the county town and a centre for business. The concentration of retail, leisure and service uses at the centre will allow close integration between employment, housing and public transport**
- (iii) **Confirm the broad scale of new business and related development already identified and give priority to completion of the major employment sites in the town**
- (iv) **Make Maidstone the focus for expansion and investment in new further or higher education facilities**
- (v) **Support high quality proposals for intensifying or expanding the technology and knowledge sectors at established and suitable new locations**
- (vi) **Ensure that development at Maidstone complements rather than competes with the Kent Thames Gateway towns and does not add to travel pressures between them**
- (vii) **Avoid coalescence between Maidstone and the Medway Gap urban area.**

8.5.15

"25.31 Maidstone is the county town of Kent, and serves as the focus for administrative, commercial and retail activities. It is designated as a hub under Policy SP2 of this Plan as it is well related to strategic rail and road networks and serves as an interchange point between intra and local rail services. It also offers opportunities for some new housing development. An indicative 90% of new housing at Maidstone should be in or adjacent to the town. Associated infrastructure to support growth should include the South East Maidstone Relief Route and Maidstone Hub package. Local Authorities should investigate any the need to avoid coalescence with the Medway Gap urban area."

8.5.16

Complementing clauses vi and vii of AOSR7, Policy KTG1 in the adjacent Kent Thames Gateway, emphasise, "as a first priority, make full use of previously developed land before greenfield sites", economic growth and "make progress in the transfer of freight from road to rail, by improving the links between international gateways and the regions, including freight routes around London. ...whilst . .. protecting from development the Metropolitan Green Belt, the AONB and avoid coalescence with adjoining settlements to the south....".

8.5.17

Furthermore KTG2 states:

8.5.18

POLICY KTG2: ECONOMIC GROWTH AND EMPLOYMENT

The development of the economy in Kent Thames Gateway will be dynamic and widely based ...the roles of the main economic locations will be promoted and developed as follows:

- (ii) **major sites in Thameside with access to M25 and the national rail network will continue to develop a mix of employment uses, including offices, regional distribution and manufacturing.**

8.5.19 In summary, clearly, Maidstone is identified for additional but focussed, growth, to realise specific objectives and opportunities and “complement rather than compete” with areas identified for accelerated and an overall greater scale of economic growth and regeneration.

East Kent and Coastal Towns

8.5.20 In relation to East Kent and Ashford, Policy EKA1 sets the strategy and states:-

“The sub-region should exploit the potential for housing and business at locations served by the CTRL domestic services, especially at Ashford. It will build on the distinct economic roles of each area:

- (i) Ashford, as a Growth Area, with high-speed rail links to London and Europe should develop as an office, research and business node, providing market growth for the sub-region as a whole, and opportunity for large investments that need an expanding workforce.*
- (ii) The coastal towns, especially Dover should develop their international gateway roles and diversify and enlarge their research and manufacturing base.*
- (iii) Canterbury should develop links between university research and business, and continue as a commercial and cultural centre of international historic importance.*

8.5.21 *New development will be primarily accommodated through the expansion of Ashford and at the other main settlements. The unique heritage and environment will be protected and promoted for its own sake, and to foster the economic success of the sub-region. The accessibility to and within the sub-region should be improved to allow each area and its functions to more readily benefit the whole of the sub-region.”*

8.5.22 In relation to the Coastal Towns of Kent, Policy EKA4 states:-

“Local authorities and development agencies will work together to encourage new economic impetus throughout the coastal towns including the following:

- (i) regeneration measures will create high quality urban environments within the coastal towns*
- (ii) concentrations of employment in small businesses, education, culture and other services are encouraged, notably in central Folkestone, Margate and Dover*
- (iii) the economy of Thanet will be developed and diversified through provision of a full range of accessible local services, a regional role*

for Kent International Airport (Manston), expansion of Port Ramsgate as Kent's second cross Channel port and continued inward investment in manufacturing and transport, notably aviation and marine engineering

- (iv) the Port of Dover and Eurotunnel have potential to generate freight handling and tourism*
- (v) further growth will be encouraged and supported at the large-scale pharmaceutical manufacturing and research plant at Sandwich*
- (vi) the regeneration of former colliery sites has attracted manufacturing and food processing and their transformation should be completed including mixed-use expansion of Aylesham*
- (vii) the smaller towns of Deal, Faversham and Herne Bay and Whitstable should develop stronger local service functions and mixed employment uses of a scale and character suitable to their size*
- (viii) new measures to increase local employment will be required in Shepway to coincide with the decommissioning of nuclear power at Dungeness in the short term and around 201*

A broad balance between new housing and new jobs will be sought at each urban area."

Gateway Role and the Port of Dover

- 8.5.23 In relation to the Gateway role and the Port of Dover, Policy EKA5 states:-

"Improved education, skills and housing are essential to the urban renaissance of the coastal towns. Deprivation and exclusion must be tackled.

All the coastal areas require greater economic diversity and better access to London and beyond. Thanet is a major urban area that requires a much larger economic base. Dover, Folkestone and Hythe are major urban areas that require stronger business and community services. Channel Tunnel Rail Link (CTRL) domestic services, and investment in the infrastructure through and beyond Kent, are vital to achieving this.

The smaller historic towns of Deal, Faversham, Herne Bay and Whitstable have strong urban character. They are attractive locations that need more local employment, but they will not achieve this unless public transport links and local services are maintained and improved.

Policy SP4: Regeneration and Social Inclusion is also particularly relevant."

AONB and Landscape

- 8.5.24 The Government proposes to amend Policy C3 of the South East Plan to read:

"High priority will be given to conservation and enhancement of natural beauty in the region's Areas of Outstanding Natural Beauty and planning decisions should have regard to their setting."

- 8.5.25 The South East Plan does not provide for the designation of areas of sub

regional landscape protection, such as the *Special Landscape Area* that covers part of the KIG site and designated by the Kent and Medway Structure Plan.

- 8.5.26 The Government does propose to change Policy C4 (formerly C3) to state that planning authorities and other agencies in the plans and programmes:

"should recognise and aim to protect and enhance the local distinctiveness of the region's landscape, informed by landscape character assessment" and "Local authorities should develop criteria based policies to ensure that all development respects and enhances local landscape character..."

Maidstone Borough-wide Local Plan 2000

- 8.5.27 The final element in what constitutes the Development Plan, as previously defined, is the saved policies of the Maidstone Borough-wide Local Plan (MBWLP) as adopted in 2000 and saved in September 2007. The saved elements of the Local Plan will subsist until replaced by the emerging Maidstone Local Development Framework (LDF). The Core Strategy document is not now expected to be adopted until 2011.

- 8.5.28 In practical terms it must be borne in mind that saved policies that are not directly consistent with the South East Plan (and PPS) when adopted later this year cannot be expected to attribute significant weight in terms of s.38(6). This would apply to ENV 34 in particular. Emerging LDF policies that are consistent with the RSS will be attributed increasing weight.

- 8.5.29 The Local Plan contains no specific policies on Freight Interchanges, but the saved policies include countryside protection policies and policies relating to areas designated as AONB and SLA. Policy ENV28, whilst pre-dating PPS7 has been retained as part of the Development Plan (with Government approval) and is relevant to the consideration of applications for new development in the countryside. ENV31 has a degree of consistency with South East Plan AOSR7 and attributes weight.

- 8.5.30 Policy ENV28 seeks to restrain harmful development in the countryside which is recognised as a finite resource that has come under increasing pressure for development and change, whilst at the same time encouraging diversification to sustain the rural economy. Prime-facie, the current proposals do not fall within any of the permitted exceptions set out in the policy.

- 8.5.31 **'POLICY ENV28: THE COUNTRYSIDE IS DEFINED AS ALL THOSE PARTS OF THE PLAN AREA NOT WITHIN THE DEVELOPMENT BOUNDARIES SHOWN ON THE PROPOSALS MAP.**

- 8.5.32 ***IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA OR THE AMENITIES OF SURROUNDING OCCUPIERS, AND DEVELOPMENT WILL BE CONFINED TO:***

- (1) **THAT WHICH IS REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE AND FORESTRY; OR**
- (2) **THE WINNING OF MINERALS; OR**
- (3) **OPEN AIR RECREATION AND ANCILLARY BUILDINGS PROVIDING OPERATIONAL USES ONLY; OR**
- (4) **THE PROVISION OF PUBLIC OR INSTITUTIONAL USES FOR WHICH A RURAL LOCATION IS JUSTIFIED; OR**
- (5) **SUCH OTHER EXCEPTIONS AS INDICATED BY POLICIES ELSEWHERE IN THIS PLAN.**

8.5.33 **PROPOSALS SHOULD INCLUDE MEASURES FOR HABITAT RESTORATION AND CREATION TO ENSURE THAT THERE IS NO NET LOSS OF WILDLIFE RESOURCES.'**

8.5.34 Policy ENV31 defines a Strategic Gap to stop urban coalescence and this concept is carried forward into AOSR7 of the RSS.

8.5.35 **POLICY ENV31 DEVELOPMENT WHICH SIGNIFICANTLY EXTENDS THE DEFINED URBAN AREAS OR THE BUILT UP EXTENT OF ANY SETTLEMENT OR DEVELOPMENT, WITHIN THE STRATEGIC GAP AS DEFINED ON THE PROPOSALS MAP WILL NOT BE PERMITTED.**

8.5.36 The qualities behind the reason for the designation of the Special Landscape Area are recognised in the Landscape Character Strategy 2003. This designation has attracted support in previous appeal decisions. Policy EN34 states:-

8.5.37 **IN THE NORTH DOWNS, GREENSAND RIDGE, LOW WEALD AND HIGH WEALD SPECIAL LANDSCAPE AREAS, AS DEFINED ON THE PROPOSALS MAP, PARTICULAR ATTENTION WILL BE GIVEN TO THE PROTECTION AND CONSERVATION OF THE SCENIC QUALITY AND DISTINCTIVE CHARACTER OF THE AREA AND PRIORITY WILL BE GIVEN TO THE LANDSCAPE OVER OTHER PLANNING CONSIDERATIONS.**

8.5.38 The emerging LDF will be supported with evidence including an update Landscape Character Strategy compliant with PPS7. GOSE have agreed to the saving of ENV34 until this is adopted and it should be accorded qualified weight until the new policy regime is in place.

Maidstone Local Development Framework - Draft Core Strategy (Preferred Options)

8.5.39 The Draft Core Strategy (Preferred Options) was published for consultation purposes in January 2007, considering the period until 2026, the time-horizon of the South East Plan. This set:

- A vision for the Borough of Maidstone
- Strategic Objectives which follow from the vision. Many of these are aspirational and may not wholly depend on the Council or the planning system to be delivered.
- policies which will deliver the vision and objectives and apply to the whole of Maidstone Borough.
- Key Diagram, showing broad locations for strategic development, major constraints and main patterns of movement

- 8.5.40 The objectives of the draft Core Strategy covered four main themes from which the strategic policies flowed:
1. Creating Prosperity
 2. Making Quality Places
 3. Enhancing the Environment
 4. Increasing Social Well-being
- 8.5.41 The Core Strategy preferred option Key Diagram indicated some areas that are within the current application site, including areas indicated 'as an area of search for development sites,' and also parts as an 'area of search for a green space network' to be protected as part of a network of multifunctional open space. This area of search for development is presented expressly as being some five times bigger than the net development area required to meet housing and employment development targets, it did not imply that the whole, or part of the land, be allocated or is appropriate for development.
- 8.5.42 The Core Strategy was predicated on a housing growth target of 10,080, consistent with the Council's New Growth Point bid and the earlier draft RSS South East Plan as recommended by the Inspectors after the Examination in Public. However, the Preferred Option testing assessed options in terms of the ability to plan for a higher figure and planning strategy beyond 2026 (Background Document BD2 refers). The Plan and the more recent Maidstone Economic Development Strategy both include reference to a target of 10,000 additional jobs (by 2026) as an aspirational target to achieve "prosperity" and a "step change" in the provision of local high quality jobs. This would lead to improved sustainability by reducing the need to commute out of Maidstone for higher paid and better quality work, which would strengthen the local economy and role of the County town and improve local prosperity. The employment figure of 10,000 should be regarded as a maximum, particularly in the light of KCC population projections (taking account of an aging population, the formation of smaller households and a new housing target of 11,080) indicating a growth in Maidstone Borough's workforce of only 4,700 by 2026.
- 8.5.43 Formal public consultation was undertaken on the Draft Core Strategy which concluded on 23 March 2007. The Council received numerous representations, the majority offering qualified support for the general strategy. These were reported to the Local Development Document Advisory Group in the early summer of 2007. No specific responses have been made to the representations received, but it was agreed that various further studies are required to address the concerns raised. The LDF Core Strategy – January 2007 stands as the Council's preferred option, but carries little weight.
- 8.5.44 Significantly, one of the representations was from KIG Ltd and so the further work being undertaken includes consideration of the case for inclusion of an allocation for an SRFI and certain wording changes is made to accommodate this. The representations are set out in **Appendix A**. The KIG planning application was submitted in October 2007 and this has affected progression of the Core Strategy.

A comprehensive list of policies

8.5.45 This report has focussed on rail freight policy and emerging South East Plan policies. Other development plan policies are also important and a schedule of the relevant policy documents and Development Plan policies is set out in **Appendix C**.

8.6 **Sustainable Community Strategy**

8.6.1 The Sustainable Community Strategy 2009-2020 (SCS) was adopted by the Council on 22nd April 2009 and its purpose is to set the overall strategic direction and long term vision for the economic, social and environmental well being of a local area – typically for 10-20 years – in a way that contributes to sustainable development in the UK. The SCS sets the direction and framework for the next generation of plans and strategies moving forward. It is the overarching plan, and the Local Development Framework, should express its requirements spatially.

8.6.2 The Strategy sets out the Vision for the Borough and the objectives, and actions to achieve that Vision. It identifies that new development should aid the regeneration of the urban area, and the countryside should be protected (para 3.2.6 of the SCS).

9: APPEAL DECISIONS

9.1 **Planning appeals decisions on SFRI**

9.1.1 There are three appeal decisions relevant to the determination of this application. The first is the appeal by Argent for road and rail freight interchange facilities, distribution units and transit facilities at Colnbrook on the west side of London. That site stands in the Green Belt. In this decision the Secretary of State agreed that there was a policy need in that the Government was seeking to encourage the transfer of freight transport from road to rail. In part this is a response to European policy to promote cross frontier rail transport and a need is also made clear in the strategic rail authorities' freight strategy and strategic plan. The issue of quantity need was considered as well and this concerned the future amount of freight likely to be transported to and from this proposals catchment area and the proportion of that freight which would be captured by the proposed development. The Secretary of State concluded that the train capacity of about 14 trains daily would be necessary to make the scheme work.

9.1.2 In this proposal, 25% goods into, and 8.2% goods out from the warehouses, would be carried by rail. A high proportion of the warehouse space would actually be used for road to road distribution purposes. The Secretary of State considered that by permitting this scheme, it could be perceived as contributing to Government policy, but he was of the view from his consideration of other sites that there is not a clear or compelling need in the sense of a situation requiring relief and that some aspects of the appellant's case were unconvincing. The Secretary of State's overall conclusion was that there was a need to strike a balance between the Green Belt and sustainable transport interests. The Secretary of State considered that the proposal would be inappropriate development in the Green Belt and would harm the

openness of the Green Belt. At the same time, there were positive aspects including sustainable transport benefits. However, the Secretary of State considered that the positive aspects were not so substantial or certain to amount to very special circumstances to outweigh the objections or constitute material considerations of such weight as to indicate that he would determine the planning appeal other than in accordance with the Development Plan. This appeal pre-dates the SRA's SRFI Policy and was dismissed.

- 9.1.3 The second relevant appeal is the Secretary of State's decision on land adjacent to the south eastern train depot, Slade Green, Bexley (Howbury Park) dated the 20th December 2007. This site was again in the Green Belt. In balancing a decision on this proposal, the Secretary of State agreed that it would be in conflict with the Development Plan in so far as it constitutes inappropriate development in the Green Belt, that it would cause substantial harm to the Green Belt and that warehouses would be built in an area where they are not contemplated when there is sufficient other employment land available in the borough of Bexley. The Secretary of State also agreed that it would be in conflict with the requirement of the existing London Plan, that any site for a SRFI should be wholly or mainly on previously developed land. The Secretary of State considered that the fundamental issues were whether the proposal was in line with PPG2 and the Development Plan, and whether any harm was clearly outweighed by very special circumstances.
- 9.1.4 The Secretary of State considered that there were a number of benefits to this scheme which included the reduction in CO² emissions, the benefits generated by employment at the site and the net benefits to nature conservation interests. The Secretary of State, however, considered that the ability of this proposal to meet the part of London's need for 3-4 SRFI's is the most important consideration to which she afforded significant weight. She also afforded considerable weight to the lack of alternative sites to meet this need.
- 9.1.5 In summary, the Secretary of State's view was that in this case the benefits of the proposal constitute very special circumstances and are sufficient to clearly outweigh the harm to the Green Belt and other harm. She therefore considered that the proposal complies with Green Belt policies of the Development Plan. The Secretary of State considered the proposal complies with the Development Plan in other respects.
- 9.1.6 The third relevant appeal decision is dated the 1st October 2008 and is for a refusal to grant planning permission for a strategic rail freight interchange comprising an intermodal terminal, and rail and road served distribution units at a former aerodrome in the upper Colney Valley, Hertfordshire. This site is again in the Green Belt. The Secretary of State's conclusion was that in this case, the development would constitute inappropriate development in the Green Belt and would therefore be in conflict with national and local policy and, in line with the guidance set out in PPG2, the Secretary of State attached substantial weight to that harm.
- 9.1.7 In this case, the Secretary of State took the view that whilst the impact on the landscape would be mitigated to some degree by mounding and planting, the proposal would have a substantial impact on the openness

on the Green Belt and harm on this account could not be mitigated. She was also of the view that it would result in significant encroachment into the countryside and would contribute to urban sprawl. The Secretary of State was also of the view that there would be some harm to the setting of St Albans. The Secretary of State in this appeal also considered the issue of prematurity and she did consider that a refusal of planning permission for the appeal proposal, on prematurity grounds, would lead to a substantial delay in providing SRFI's to serve London and the south east, contrary to the Government's declared aim of increasing proportion of freight moved by rail.

9.1.8 On the issue of alternative sites, she commented that the former SRA's SRFI strategy, does not give locations for the three or four SRFI's required to serve London and the South East, and that there is no evidence to support this appellant's assertion that the SRA identified Radlet as one of these locations. The Secretary of State's view was, as this site was a Green Belt location, whether or not the need which the proposal seeks to meet could be met in a non Green Belt location or in a less harmful Green Belt location, is a material consideration. The Secretary of State did take the view that it was sensible and pragmatic in this instance to restrict the search for alternative sites to an SRFI at Radlet, to broadly the north west sector. The Secretary of State however considered that the applicant's alternative sites assessment was materially flawed and its results were wholly unconvincing and that little reliance could be placed upon it.

9.1.9 The overall conclusion in relation to this appeal was that the proposal did not comply with the Development Plan as it was inappropriate development in the Green Belt and that it would also cause substantial further harm to the Green Belt. She also identified limited harm from conflicts with the Development Plan in relation to landscape and visual impact and highways, but considered that they would be insufficient on their own to justify refusing planning permission. The Secretary of State was not satisfied that the appellants had demonstrated that no other sites would come forward to meet the need for further SRFI's to serve London and the South East. Having balanced the benefits of the proposal against the harm to the Green Belt, she concluded the benefits of the proposal taken either individually or cumulatively, would not clearly outweigh the harm to the Green Belt and did not constitute very special circumstances.

9.1.10 The Secretary of State also commented significantly that she considered the need for SRFI's to serve London and the south east is a material consideration of very considerable weight and, had the appellant demonstrated that there were no other alternative sites for the proposal, this would almost certainly have led her to conclude that this consideration, together with the other benefits she had referred to above, were capable of outweighing the harm to the Green Belt and the other harm which she has identified in this case.

9.2 **Summary – the substantive policy framework to be applied to the decision**

9.2.1 The approach should be one of determining the application in accordance with the development plan policies by establishing whether the proposal

is in accord, and testing the impact against development plan policy to establish if objectives are achieved and where harm would be caused. Then to consider whether other material benefits including a need for SRFI might override policy. It is clear from recent appeal decisions for SRFI that where the case is demonstrated, such proposals are capable of overriding high order policies such as Greenbelt.

- 9.2.2 Growth in and around Maidstone urban area is highly constrained by the surrounding countryside, much of which is of a high quality, and constrained by environmental constraint policies. In addition there is the need to prevent coalescence and urban sprawl, and protect local character. There are significant policies constraining development in the area that need to be overcome, these provide the framework for assessing harm/impact. Policies are both generic and site specific; ENV28, AONB designation and protection policies of residential amenity, heritage, archaeology, transport and travel, employment, ecology and environment.
- 9.2.3 This proposal is put forward as an SRFI. The former SRA strategy is clearly accorded government support. The South East Plan (T13) and the KMSP (TP23) offer support and criteria for the location of SRFI. SRFI are part of the freight transport strategy to reduce greenhouse gases and other environmental problems provided a modal shift to rail is achieved.
- 9.2.4 The substantive policy on SRFI and rail freight is summarised at para 8.3.44 and should be applied. The South East Plan identifies the need for up to 3 SRFI, most likely where the rail and road radials intersect with the M25.
- 9.2.5 Substantive policy also identifies need for 3 to 4 SRFI in London and the wider South East, operating as part of a national network. The level of rail use can be expected to increase over time as networks develop, and that the sites should also be accessible by road freight.
- 9.2.6 SRFI should be compatible with wider government policy and should not cause overriding harm. Regional and national strategy places brownfield regeneration before Greenfield sites, and identifies Growth Areas for major development before areas of relative restraint.
- 9.2.7 The Regional Spatial Strategy and the Regional Economic Strategy in effect direct economic development to either specific sub regions or the economic diamonds. Maidstone Borough is not one of the sub regions identified for growth, or an economic diamond. In addition, both Strategies identify Gateways in Kent, and the South East Plan specifically identifies the potential expansion of Dover as a Gateway. Maidstone Borough is not identified as a Gateway. Maidstone is plainly identified in the RSS as having a role in delivering economic and housing growth but this role is very different from that of the nearby Growth Areas at Ashford and Kent Thames Gateway. Development in the urban area of Maidstone should "complement rather than compete" with these areas (RSS Policy AOSR7). Economic development strategy for Maidstone is for "high quality proposals for intensifying or expanding the technology and knowledge sectors at established and suitable locations", expanding further and higher education, supporting the function of the town for business, a Principal (retail) Centre, and the County town of Kent. This is consistent

with the LDF Core Strategy preferred option. Whilst there is no specific target as yet, an employment growth figure of more than 5,000 until 2016 and over the 20 year plan period, an aspirational and focussed level of 10,000 jobs will be appropriate, conditional on these delivering stated policy objectives. This level of employment growth will exceed the growth in resident labour supply.

- 9.2.8 There are important emerging development plan policies in the form of the RSS and Maidstone LDF. Government policy favours decisions on SRFI being made through the RSS and LDF. Furthermore, there is also an emerging National Policy Statement relevant to the location of SRFI and the national rail freight transport network on which these will be located. This raises the question whether decision on the application would be premature in relation to the LDF, regional strategy and national policy.
- 9.2.9 The position of the Core Strategy as a consultation draft is set out in paras 8.5.39-8.5.45. It requires amendment in relation to responding to the representations received and new evidence collected. A Submission draft is likely in late 2010 and adoption in 2011. In relation to Government guidance on national transport corridor policy, the National Policy Statement (NPS) is not likely to be available until the latter part of this year.
- 9.2.10 The policy for the framework the decision can be regarded as comprising two parts; a statement of objectives for the area to which the proposals should contribute, and a criteria that proposals for successful SRFI should satisfy:

Objectives

- Maidstone is identified as an area of relative restraint compared to the areas identified to accommodate significant levels of economic growth. Development should be sharply focussed within these areas. Additionally, Maidstone is not identified as a 'gateway' for freight.
- A ratio of new employment and housing for the Rest of Kent area substantially below that of around 1:1 identified for the Growth Areas. This recognises the role, population change and environmental constraints in the area as well as the positive application of the "sharper focus" of development growth advocated by the RSS.
- Maidstone is identified as a Growth Point. However, this growth is conditional and should be focussed to achieve objectives to be included in the Maidstone LDF that respond to RSS Policy AOSR7:
 - To make provision for housing, transport infrastructure and employment consistent with it's growth role
 - Provide urban focussed employment of sub-regional significance with an emphasis on higher quality jobs to enhance its role as the County town and a centre for business with a concentration on retail , leisure, services closely integrated between housing and public transport

- Creation of major new employment sites in the town, with a focus on new further or higher education provision, intensifying and expanding technology and knowledge sectors
- Ensure that development should complement rather than compete with the Kent Thames Gateway Towns where growth should be “sharply focussed” and avoid adding to travel pressures
- Coalescence between urban areas should be avoided, continuing the strategic gap approach, protect the setting and extent of the AONB and countryside.

SRFI Criteria

9.2.11 There is emerging, a consistent and substantive policy framework for identifying the scale of requirement, general location and siting of SRFI in the South East region. This will only be finally determined with the production of the NPS on National Corridors and the RSS review responding to that (Policy T13 refers). However, it is evident from both SRA policy and draft South East Plan Policy that substantial further work is necessary to identify sites. In addition, further Government advice is awaited. Policy is therefore uncertain but it can be distilled from existing Policy that:-

- A clear overall requirement that SRFI proposals must produce road to rail freight modal shift and reduce road movements arising from the proposal.
- SRFI proposals must be optimally located for the use of rail in the freight journey and minimise the secondary distribution leg by road, to achieve contributions towards improved air quality, greenhouse emissions and lorries off-road.
- The location of suitable proposals should fit well with wider transport strategies and network plans, with a location and access to an appropriately gauged and served part of the rail network.
- Important new guidance on the shape of the emerging national network between the Dover crossing and to and around to London and beyond will emerge through the National Policy Statement at the end of the year and is as yet unclear.
- Important new guidance required by Policy T13 of the RSS on the general location of SRFI to meet this requirement is awaited.
- It is essential that sites offer good proximity to markets to minimise onward deliveries, probably by road, and access to economic and available workforce .
- The importance of Strategic RFI sites proposals as part of a national network strategy of modal shift offers the potential for exceptional circumstances to be identified that overturn high order constraining policies such as for Greenbelt. However, fundamental policy objectives must not be compromised and the long term environmental gains outlined above must be proven in order to benefit from this support.

- The need for SRFI does not override a general need to satisfy Government policy for a balanced sustainable development approach nor complies with other planning policies and strategies.
- The general location of Strategic RFI should be determined both as an instrument of sustainable economic development strategy as well sustainable transport strategy.
- Within the current planning horizon there is a requirement for up to 3 SRFIs in the South East region, located most likely where the rail and road radials cut the M25. These facilities should have the potential to deliver modal shift and be well related to:
 - Rail and road corridors capable of accommodating the anticipated level of freight movements
 - The proposed markets
 - London
- Provision for appropriate SRFI sites should be made through the RSS and LDFs.
- In addition to the above factors guiding the general location of SRFI, sites should:-
 - be capable of working 24/7 and away from sensitive uses,
 - be well placed and capable of access to affordable and available workforce by sustainable transport means,
 - preferably on brownfield sites
 - be protective of countryside and other designated areas of environmental, and landscape quality and planning constraint.

10: PLANNING CONSIDERATIONS

10.1 Introduction

- 10.1.1 The Planning and Compulsory Purchase Act s38 (6) requires, 'that in the determination of a planning application, if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise'.
- 10.1.2 The Development Plan comprises the Kent and Medway Structure Plan 2003 (KMSP) and saved Maidstone Borough-Wide Local Plan 2000. The RSS (South East Plan), when adopted later this year, will replace the KMSP and form part of the Development Plan, and already has considerable weight as it has been the subject of public examination and comment by the Secretary of State. Other material considerations include National Planning Policy Statements and Guidance, such as PPS7, 12 and PPG4 and 13. In addition, other Government policies and strategy, directly related to rail freight and SRFI's are important material considerations. It is clear from examining recent appeal decisions on SRFI's that the Government attaches considerable weight to its guidance (such as the SRA's policy) on SRFI's. Other material considerations

include the LDF Core Strategy, but at present this is a consultation draft and is of limited weight.

10.1.3 The central issue in relation to this proposal is whether it is in accord with policy, whether there are special circumstances which need to be considered as material considerations and whether the degree of benefit that it creates outweighs the Development Plan Policy Framework.

10.1.4 The draft South East Plan Policy (T13) says that there is a need for up to 3 SRFIs to serve the south east planning region, this view draws on the SRA's view of the requirement for 3 to 4 SRFIs to serve London and the wider South East. They should be located adjacent to London and to the market. In the commentary on the policy, the RSS states that they should be most likely located where the rail radials cut the M25. It is therefore the intention to examine first the proposal site.

Access to the Rail Network

10.1.5 From a rail operational perspective, the Hollingbourne site is well located alongside an existing mainline railway with direct routing to the Channel Tunnel and routes to the Midlands and the North through London. The freight routes appear to have capacity for more freight services without introducing unacceptable impacts on passenger services in the area.

10.1.6 The route to which the Hollingbourne site would be connected is currently gauge cleared to W9, allowing 9 ft. high intermodal units to be conveyed on standard flat wagons. The more sought-after larger standard intermodal units of 9ft 6in height can be conveyed within this gauge if low platform wagons were employed. However, there are a relatively small number of these wagons available today and the technology has both operational and commercial shortcomings. The KIG proposal would be unlikely to be capable of ever receiving rail freight in pan-European continental gauge wagons without very major changes to the configuration of passenger platforms as well as other obstructions on the route. Furthermore, the promoter does not propose any gauge enhancements. However, clearance to the current preferred national rail freight gauge of W10 on the route between the Channel Tunnel and Hollingbourne could be achievable if structures were amended and would allow 9 ft. 6 ins. high intermodal units to be conveyed on standard wagons, but the applicant has not shown that they intend to pay for such works and what the costs are. In addition there are no plans from Network Rail to upgrade the existing gauge of the route to W10 in either direction from the site. In addition, because of the restricted height of some structures, the site is unlikely to be ever able to service 'piggy back' wagons carrying a loaded road trailer on a rail wagon as favoured in some parts of Europe. Furthermore, the applicant is not proposing that this site should be directly connected to the HS1 route (which is technically capable of carrying all gauges of wagon found in Europe). TfL proposes SRFI to serve London, and initial freight services are in preparation using HS1 to terminate at Barking to serve London markets.

10.1.7 Whilst a facility at Hollingbourne would be able to intercept trains (with up to W9 gauge wagons) coming from the Continent, the gauge limitations to the site mean that there is no operational rationale for them to do so. If trains can reach the site, then they can travel through

into the rest of the UK rail network, closer to their final destination. Even if the line were cleared to W10 gauge, the same would be true for these larger units too.

10.1.8 In addition, in terms of engineering works, the Swanley to Ashford line currently has scheduled closures for maintenance at night, one week in four. During these weeks, existing Channel Tunnel freight services are diverted via Paddock Wood and Redhill. The one week in four closures, would effectively sever night time access to Hollingbourne. Its location towards the middle of the Ashford to Swanley route will not make diversion a trivial issue, resulting in trains reversing or having to take long diversionary routes. This may have an impact on the level of lorry traffic that is generated by the site.

10.1.9 In conclusion on this issue, it is clear that the site can be connected to the Maidstone East railway line and that there is freight capacity on the rail network. The proposed SRFI is capable of accepting W9 wagons, but cannot accommodate W10 or 'piggy back' wagons without works to the railway, which the Applicant has not shown that it is their intention to carry out. Additionally, this site is not connected to HS1. Even though the site can accommodate W9 wagons, and the network could be altered to accommodate W10 wagons, there is no operational rationale for them to stop at Hollingbourne, when they can travel into the rest of the UK and closer to their final destination. This has the benefit of reducing onward lorry miles.

The Rationale for the Proposal

10.1.10 The Council sought the advice of Jacobs Consultancy on the market case for the proposal and the prospect of modal shift to rail. Their conclusions are set out below.

The Proposal

10.1.11 The applicant's concept is that KIG would be provide:

- primarily a location for National Distribution Centres (NDC), expected to take up two-thirds of the warehouse floor space
- Regional Distribution Centres (RDC) would take up the remainder
- an intermodal terminal for the transfer of principally containers between road and rail.

10.1.12 The main rationale by the applicant for the proposal is its location on the road and rail routes to the Continent. The intermodal combinations envisaged by the applicant can be summarised as:

- the termination of Channel Tunnel trains at KIG and the onward movement of their freight by road or rail;
- the interception of continental HGV traffic at KIG and the onward movement of their freight by road or rail from National Distribution Centres; and
- the attraction of domestic freight trains to service RDC's at KIG.

10.1.13 The rail traffic to the site is envisaged by the applicant in documents submitted with the application as follows:

8.3 trains per day from Europe through the Channel Tunnel [and]
4.8 trains per day from British origins.”

- 10.1.14 Elsewhere the applicant provides a different view of the balance of rail movements, but from the documents submitted with the planning application, Jacobs calculate that the applicant envisages that units carried by rail would account for 18.7% of the combined road and rail traffic at Hollingbourne including empty vehicles, or 22% of unit loads carried.

With Respect to Policy

- 10.1.15 Jacobs have reviewed relevant planning policy, and rail industry strategy and note that:

- The required role of an SRFI: The applicant’s concept for the proposed Kent International Gateway could meet the definition of an SRFI in form and function, but also requires modal shift to be secured, and road and rail transport to be optimised.
- The wider requirement for a national network of SRFI: The government strongly supports the shift of freight transport from road to rail as exemplified in recent industry strategies. Policy provides very broad locational advice and requires that the SRFI within the network should be optimally located from the perspective of achieving modal shift. The SRA strategy and the Government’s proposed changes the South East Plan suggest a requirement for up to 3 to 4 in London and the wider South East.; and
- Considerations in locating SRFI: National policy requires implementation of an SRFI network to be consistent with regional and local planning policy. Proposals need to be tested against a number of detailed criteria on site characteristics and wider area economic and planning needs. The SRA strategy and the Government’s proposed changes the South East Plan suggest that SRFI’s are likely to be located where key road and rail radials intersect with the M25. Recent planning appeal decisions appear to give weight to this consideration.

- 10.1.16 The applicant does not demonstrate a business case in detail, and Jacobs have used their own analysis to test the proposal against the main policy criteria for SRFI’s.

With Respect to Rail Technical Issues

- 10.1.17 Jacobs have considered the extent to which the proposed rail freight operations could be achieved in terms of:

- the capacity of the Ashford-Swanley freight route for additional trains;
- the connection of the terminal to the existing mainline;
- the rail structure gauge (i.e. clearance) and the different wagon types that could be used; and
- access from the site at Hollingbourne to the wider railway network

- 10.1.18 From a railway operational perspective, the Hollingbourne site is well located alongside an existing mainline railway, with a direct route to the Channel Tunnel, and routes to the Midlands and the North. The physical connection of the terminal to the Ashford – Maidstone line appears feasible.
- 10.1.19 The freight route appears to have capacity for more freight services without introducing unacceptable impacts on passenger services in the area. Access for maintenance possessions will be required but is not expected to cause insurmountable problems, albeit the location is not ideal in terms of the availability of suitable diversionary routes.
- 10.1.20 The route to which the Hollingbourne site would be connected is currently gauge cleared to W9, allowing 9' high intermodal units to be conveyed on standard flat wagons (or 9'6" on Megafret wagons). Larger units could be conveyed within this gauge if low platform wagons were employed. There are relatively small numbers of these available today and the technology has both operational and commercial shortcomings.
- 10.1.21 While the proposed terminal at Hollingbourne would be physically able to intercept trains coming from the continent, there is no operational rationale for them to do so, in that there are no gauge or capacity constraint reasons to stop. If trains can reach the site they can travel through into the rest of the UK rail network, potentially closer to their final market destination.
- 10.1.22 Within the existing W9 gauge KIG would not be able to receive rail freight in continental gauge box wagons, or as piggy back trailers, because of the clearance of station platforms on the route and some overhead structures.
- 10.1.23 W10 clearance of the route between the Channel Tunnel and Hollingbourne would allow 9'6" high intermodal units to be conveyed on all wagons but the likely capital costs involved and who would fund such works remain unclear. Jacobs believe that the applicant has not proposed to fund any rail gauge improvements.
- 10.1.24 There are no immediate plans from Network rail to upgrade the existing gauge of the route in either direction from the site.
- 10.1.25 Jacobs believe it would not be feasible to make a new direct access to the Channel Tunnel Rail Link (High Speed 1) in Kent for freight. Use of the CTRL for freight may be limited to high value time-sensitive goods in view of the higher access charges expected on this route and possible weight restrictions.
- 10.1.26 Access to/from the CTRL for freight will be possible at Barking in London.

With Respect to Freight Distribution Needs and Trends

- 10.1.27 The NDC/RDC distribution model remains at the centre of most distribution strategies. This pattern of stock replenishment is referred to as 'centralisation', and in 2007 some 94% of goods were "centralised" by the major grocery retailers.

- 10.1.28 Between 1997 and 2007, the average size of new warehouses of 10,000 m² and over rose from 22,800 m² to 28,900 m². There are few companies demanding the very largest units, and these are mainly the large grocery retailers.
- 10.1.29 Global sourcing, with increased supply lead times, increasing product line proliferation, and consolidation within the logistics industry, have resulted in relatively few major logistics operators.
- 10.1.30 Businesses do not need to be located on a rail-served distribution park to use the intermodal facilities, and rail connected warehouses do not have to be part of a rail-served distribution park, as they can also be stand alone facilities. However, there are potential operational advantages of location within a rail-served distribution park.
- 10.1.31 Most existing rail terminals do not have co-located NDC/RDC facilities. For an NDC located at KIG, directing traffic through existing rail terminals, for onward transport by road to their ultimate destination, would necessitate double handling, with transfer between road/rail both at KIG and the inland rail terminal.
- 10.1.32 New rail served distribution parks being developed by major logistics developers are typically much larger than existing sites and include a much higher level of rail connected warehousing than earlier sites.
- 10.1.33 However, new proposals tend to be located near London or in the Midlands, which is the established preferred location for NDC's. They are not generally in the regions identified by MDS as the most likely destinations for rail services from NDC's at KIG to RDC's in the north or Scotland.

With Respect to Market Assessment for Rail Freight

The existing cross Channel market

- 10.1.34 Unitised freight traffic transported by rail through the Channel Tunnel is now very low, and we estimate 1-2 trains per day with an average of 25 freight units per train. The Tunnel is designed for through rail services to maximise the cost advantage of rail over long distances, with no freight handling capacity at the Kent terminal.
- 10.1.35 The existing rail freight through the Channel Tunnel is mainly low value semi-bulk products – examples include steel and bottled water, and specialised traffic such as car parts. The applicant envisages a wider role for rail in unitised and general freight, in competition with road transport.
- 10.1.36 The current cross-Channel road freight from Dover and the Channel Tunnel shuttle that KIG aims to intercept is roll-on, roll-off traffic that uses this more expensive crossing to secure reliable door-to-door transit. KIG is unlikely to attract this traffic because it would incur additional handling costs, increased travel time and delivery uncertainty.
- 10.1.37 The KIG proposal seeks to capture cross Channel traffic mainly in the form of containers via the intermodal terminal. Significantly, there is

virtually no cross Channel container traffic through Kent at present. The flows of unaccompanied and containerised cross Channel freight sent directly to ports in Yorkshire, the North East and Scotland are much greater than the traffic volumes from Dover.

- 10.1.38 Containers are delivered through the deep-sea ports, principally Southampton and Felixstowe. These ports are connected by both road and rail links into the heart of the UK. Unaccompanied trailers from the Continent primarily use the North Sea ports and complete their journeys by road.
- 10.1.39 For KIG to attract container or trailer traffic and transfer it to cross Channel rail it must compete with these sea routes outside Kent, as well as direct road and rail transport from Dover and the Tunnel. The applicant's proposal therefore requires changes in the way traffic is handled on the cross Channel routes.

Viable rail distance

- 10.1.40 In forecasts of traffic for the Department for Transport the average length of haul for rail freight from ports in the UK was 330km. For rail journeys from KIG to be viable, the average length would need to be longer to offset the need for additional handling between rail and road.
- 10.1.41 Only 11% of lorries using the port of Dover are UK/Ireland registered. With road costs adjusted for continental fuel and wage costs, the distance at which rail becomes cheaper than road is about 240 km with one intermodal transfer. If the ultimate destination requires a road delivery, as is likely to be the case from Hollingbourne, a second intermodal transfer is needed and the breakeven distance for rail is up to 500 km. A low level of return-loads, or shorter trains because of low demand, will also increase the distance at which rail is viable.
- 10.1.42 Only the most northerly regions (North East, Yorkshire and Humberside and Scotland) are likely to be an economic distance for rail from KIG.

Costs of transfer to rail

- 10.1.43 Jacobs have compared the unit costs of road and rail transport between KIG and each region of Great Britain. On the basis of these transfer costs alone, road is the least cost option between KIG and London, the South East, East of England and the South West. Rail direct is the least cost option for all other regions.
- 10.1.44 The transfer of cross Channel road traffic to rail as envisaged by the applicant, is the most costly transport arrangement from KIG to all regions except Scotland, for which road direct is more costly.
- 10.1.45 Overall there are rail options with lower transport costs than road transport, but these are not widely used for general and unitised freight because of factors such as speed, punctuality, ease of organisation and flexibility, which favour the use of road.

The Prospects for National Distribution from KIG and modal shift to rail

- 10.1.46 Jacobs have estimated the costs of importing a standard container from the continent via alternative routes from Kent (to the Midlands or Barking in London) including the onward national distribution costs by road. These are costs that would be considered by the operator of a National Distribution Centre seeking a location in Kent or elsewhere.
- 10.1.47 A national distribution function at Hollingbourne is likely to be very limited given its peripheral location in the domestic market. Jacobs' analysis of distribution costs from alternative sites indicates clearly that national distribution from Hollingbourne would be more expensive than from a more central area of England.
- 10.1.48 If a train from the Continent can reach Hollingbourne there is no operational restriction on it continuing to the rest of the UK mainline rail network. Breaking the rail journey at Hollingbourne would incur extra handling costs that reduce the commercially viable market for onward distribution by rail.
- 10.1.49 For freight traffic assumed to stop at KIG, the most costly transport option would be to transfer freight for national distribution from road to rail. This suggests that on cost alone, KIG would not shift cross Channel road traffic to rail - it would be cheaper for traffic using KIG to continue by road. It would be cheaper still for traffic arriving at KIG by rail to continue by rail.
- 10.1.50 The estimated costs for national distribution are lowest for both road and if freight traffic does not stop at KIG at all, but proceeds direct to an NDC located in the Midlands.

The prospects for rail freight at KIG

- 10.1.51 At present rail freight via the Channel Tunnel is at a low level, but the applicants for KIG envisage a considerable increase in this traffic. The cross Channel freight that can be captured by rail is determined by the volume and character of the commodities transported as well as by transport costs.
- 10.1.52 There is a potential market for additional rail freight traffic between the Continent and the UK. However rail costs dictate that Channel Tunnel trains will continue to a terminal near to the ultimate destination of their freight.
- 10.1.53 KIG is not well located to attract traffic from deep-sea ports, nor to distribute freight nationally. The KIG proposal depends on its claim to shift cross Channel road freight to rail. While the development of a network of SRFI increases the scope for rail connected origins and destinations, it also means that KIG would compete with other sites for a viable share of cross Channel freight.
- 10.1.54 Jacobs have assessed the market shares of a number of SRFI's assumed to be operating in London and the wider South East, on the basis of minimising lorry mileage for onward distribution. An SRFI at Hollingbourne could be expected to receive about 11% or less of the cross Channel freight into the wider South East in competition with other sites.

- 10.1.55 The NDC function of a site at Hollingbourne will be very limited given its peripheral location. If all of the potential market for cross Channel rail traffic were realised, there may be potential for Hollingbourne to attract some cross Channel rail freight predominantly for the regional South East market.
- 10.1.56 With a network of SRFI's in the South East around London, Hollingbourne could have potential for about 2-3 trains each day. However, onward transport would be by road - there would be no "modal shift" to rail for such traffic leaving Hollingbourne.
- 10.1.57 In the longer term, and provided a national network of SRFI's were in place, Hollingbourne functioning principally as an RDC could attract a further 2-3 trains each day from NDC's or other sources in mainland UK. However, onward transport would again be by road.
- 10.1.58 Hollingbourne is not well placed to serve the region in this way, being in a relatively peripheral location.

With Respect to Market Perceptions of Location and Design

Rail industry and property market location preferences

- 10.1.59 Jacobs' discussions with the freight industry stress the importance of access to deep-sea ports and to minimise the cost of UK domestic distribution. The two major rail freight companies operating into the UK see no advantage in the Hollingbourne location.
- 10.1.60 Jacobs' conclusions on the property market for large warehouses and rail connection have been informed by data supplied by King Sturge. Kent has attracted some large warehouses but the M20 area has not been a significant distribution location.
- 10.1.61 Given the final destinations for goods in London and the South East, an SFRI location, as part of a network, would be more ideally sited closer to London, closer to the M25, and north of the Thames.
- 10.1.62 Gerald Eve property consultants have stated :
- "Kent ranks second to bottom of all UK regions in terms of attractiveness as a national distribution centre"
- 10.1.63 It is likely that the greatest demand for NDC sites will continue to be north of the M25, where forward movement to the rest of the country is more economical. For example, within the maximum permitted time before a lorry driver must take a break, 88 percent of the UK population can be reached from Daventry and only 61 percent from KIG.

Scale and design

- 10.1.64 There will often be significant operational changes and investment required by businesses in moving to the use of rail freight, and SRFI's need to be suitable for road based distribution, providing the opportunity

for future conversion from road to rail.

- 10.1.65 The proposed development at Hollingbourne of 112 hectares would be one of the largest in the UK, but in the correct location would not be a excessive size for modern freight industry requirements.
- 10.1.66 The warehouses proposed at KIG tend to be square in plan compared to the industry standard, and the site has a high level of development for its size. While at outline application stage this does not undermine the principle of a rail interchange and rail connected warehousing on the site, it does suggest that changes to the design would be necessary to meet occupier requirements.

With Respect to Road Traffic Impact

- 10.1.67 There can be no certainty about traffic impacts without clarity about the function of the site. In Jacobs' view the proposed function of the Hollingbourne site with two-thirds NDC and one-third RDC, is unlikely to be realised.
- 10.1.68 Jacobs estimate is that KIG at Hollingbourne, would function principally as an RDC and could attract 2-3 trains each day from the continent, and possibly in the longer term if there were a network SRFI's an additional 2-3 trains each day from NDCs or other sources in mainland UK.
- 10.1.69 In contrast the applicant envisages in documents submitted with the planning application some 13 trains/day (8.3 on average to and from the Continent and 4.8 to and from the UK). This inherently suggests that traffic would be added to the Kent road network at KIG, given the greater inward flow of rail freight than leaving the site for inland destinations.
- 10.1.70 The applicant's own uncertainty about the role of the development has made the estimation of modal shift to rail very difficult to determine. It is however clear that it should not be assumed that KIG will have any effect on achieving modal shift in the M20 corridor or beyond.
- 10.1.71 Based on the planning application there would be 3,404 HGV moments each day, which is 4.3 times as many units by road than by rail.
- 10.1.72 Whatever the warehouse size and turnover assumptions, the capacity of the rail handling facilities at KIG, particularly the intermodal terminal, is understood to place a limit on the volume of goods that could be received/dispatched by rail.
- 10.1.73 The rail services have little impact on the calculated lorry movements, reducing them at most by 9.6%. The largest rail component is the intermodal function, and if there were any doubt about the operational attractiveness of this service then the rail element is seriously threatened.
- 10.1.74 The most sensitive assumption for traffic generation is the function of the warehousing. If the warehousing were to operate 100% RDC rather than NDC, then because of the higher turnover of goods lorry traffic could double.

10.1.75 Jacobs believe than RDC's would primarily be served by NDC's and other sources in the region and elsewhere in the UK, and to a lesser extent from the continent. Much of the natural increase in demand for freight to regional distribution sites over a wide area would need to be diverted to Hollingbourne, in order to make it a commercial success. As such, this would lead to a significant concentration of traffic to/from the north on the M20.

10.1.76 Jacobs have measured the potential traffic impact if the site were fully developed but with only a niche NDC function occupying 10% of the proposed floor area. The traffic would then be:

Road traffic (two-way/per day)	5,780 lorries
Rail traffic (two-way/per day)	182 units

10.1.77 This is nearly twice the volume of HGV set out in the application and underlines the need for a full explanation and careful assessment of the users and the function of the site. These conclusions are borne out by Faber Maunsell on behalf of the Highway Agency.

With Respect to The Potential for a Shift from Road Freight to Rail

10.1.78 Jacobs consider that the applicant's analysis of modal shift in the Transport Supplementary Information is materially flawed, particularly in the choice of the alternative terminals against which KIG is tested, and the demand matrix chosen for modelling. The applicant has not demonstrated which markets KIG would serve, and that it does so in an optimal way.

10.1.79 The applicant has not compared KIG to the other sites that could realise the draft South East Plan Policy and SRA strategy for up to 3 to 4 sites in London and the wider South East.

10.1.80 There would be no merit in onward rail transport from KIG if the subsequent road leg to final destination, and the greater volume of road traffic sent direct from KIG, are both less efficient than distribution from alternative locations.

10.1.81 Jacobs have modelled the likely impact on the road network of a national distribution centre at Hollingbourne compared with alternative sites with 2 trains per day arriving via the Channel Tunnel with freight for national distribution by road. The sites are Daventry, and sites in London and the wider South East at Barking/Dagenham, Colnbrook, Hollingbourne, Howbury Park, Radlett, Redhill and Ashford.

10.1.82 With the exception of a site at Ashford, which is more geographically peripheral than Hollingbourne as a national distribution centre, Jacobs calculate an average saving per HGV movement of at least 29 km for each of the London and wider South East sites compared with Hollingbourne, and a saving of over 100km for distribution from Daventry in the Midlands.

10.1.83 Jacobs have calculated the road and rail costs from the alternative sites, plus the value of environmental benefits from saved lorry miles. From this they conclude that a daily train load with 30 units distributed

nationally by road through an NDC at Hollingbourne would cost about £350,000 more each year than distribution through a site located in the Midlands, and receiving trains direct from the Channel Tunnel.

10.1.84 In addition to suitable location in relation to London, the ports and other markets, an evenly spread network of SRFI is needed to minimise the onward road leg of distribution within the wider London and South East region. This suggests a mix of sites such as Howbury Park, Dagenham/Barking, Radlett and Colnbrook.

10.1.85 The Applicant has stated that, in terms of modal share:-

- NDC - 31% from 13 loaded trains a day
- RDC - 13% from 6 loaded trains a day

Overall split 22% by rail.

10.1.86 On the basis of the work carried out by Jacobs, they estimate that because it will most likely primarily have an RDC function there would be two to three trains from the continent, giving an estimated rail share of 2.5%.

10.1.87 The Applicant has stated that the site would generate:-

3,404 HGV per day

This is on the basis of goods turning over once monthly in the NDC and once fortnightly in the RDC.

10.1.88 However, given than this site is unattractive as a NDC, if it were used as a RDC, the likely lorry generation would be as follows:-

Totally RDC floorspace:-

No rail	6,300 HGV per day
Some rail	6,150 " " "

10% of floorspace NDC	5,700 HGV per day
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10.1.89 If the site were used as a RDC primarily for the distribution of fresh goods, the turnover could be weekly, which in effect would double the HGV traffic for those elements affected.

10.1.90 In examining these conclusions against SRA guidance, it is evident that the use of this site by rail freight will be limited and that the activity will be primarily road based. As such this proposal does not optimise the use of rail in the freight journey and does not minimise the secondary distribution leg by road. This development is therefore primarily for warehousing for which there is no policy justification.

10.1.91 There is a recognised need for SRFIs but the location of an SRFI at Hollingbourne is contrary to RSS and Kent Structure Plan policies. There is not a need for it in this location and it will not perform a NDC function as the Applicant suggests, it will perform a regional distribution centre function. As such it will not achieve the benefit of a reduction in onward

lorry miles. Additionally the level of traffic generated by the development will be far in excess of that projected and stated by the applicant. Other SRFI locations including Howbury Park which already has consent, will deliver it better.

Alternative Sites

10.1.92 Turning to the issue as to whether the Policy requirement can be met by SRFI at other locations, the Regional Spatial Strategy identifies a need for up to 3 sites to serve the South East Region, and SRA guidance refers to 3 to 4 SRFI to serve London and the wider south east region. However, neither identifies specific locations. The Applicant has stated that there is a need for an SRFI in the M20 corridor and that the KIG site is the only available site. The Applicant's position that an SRFI is necessary within the M20 corridor is not justified by draft RSS Policy. It does not identify land in the M20 corridor for an SRFI. All it does do is to state that there should be enhanced capacity for the movement of freight by rail on a number of corridors, including Dover / Channel Tunnel to and through / around London (T.11).

10.1.93 On behalf of the Council, Jacobs examined a long list of 900 potential locations in the wider region, which was then filtered to a medium list of about 100 which were appraised in more detail and scored against planning criteria for SRFI in London and the South East. From this, a short list has been created. Jacobs advise that:-

10.1.94 "While we have not discussed this possible use with either land owners or developers, most of the sites have been identified for transport and distribution development, and some have been actively promoted for SRFI use. The planning application for an SRFI at Howbury Park has been approved. The short list for detailed testing was:

- Barking/Dagenham
- Colnbrook
- Howbury Park
- Radlett
- Isle of Grain
- Shell Haven (Thames Gateway)
- Elstow
- Bourne Wood (Swanley)

10.1.95 Our conclusions on the short list are as follows:

Barking, Howbury Park, Colnbrook and Radlett would realise the regional network of 3 to 4 SRFI envisaged by the SRA, being of adequate size located near intersection points of the M25 with radial routes.

10.1.96 In addition Shell Haven could have a wider role in modal transfer and distribution than solely handling imported containers.

10.1.97 The Isle of Grain is unlikely to provide a wider role modal transfer and distribution.

Elstow provides an example of a site within the South East but further from London, which provides cost advantages for national distribution

similar to that enjoyed by sites in the Midlands. However, we do not recommend it as part of the South East network in view of its unsuitable location for regional distribution and the advanced stage of other development plans.

- 10.1.98 Bourne Wood is located in the M20 corridor close to the M25 adjacent to Swanley. Although rail access northbound may not be possible, it has the potential to receive Channel Tunnel trains and is within the M20 corridor. However, we do not recommend it as part of the South East network because of the uncertainty of access and delivery, and planning objections shared with the KIG site.
- 10.1.99 If KIG were to be developed in addition to these sites, provision of SRFI would exceed that required by policy. Further, there would be a particular concentration to the east and south east of London (Barking, Howbury Park and KIG). While the applicant presents high level forecasts suggesting a greater need than 3 to 4 SRFI, the application fails to demonstrate a commercial need for rail freight at the site based on commodities or potential users. We therefore consider that there is unlikely to be a case for KIG in addition to the 'shortlisted' package, which contains sites all of which perform better than KIG in the appraisal ranking.
- 10.1.100 On the planning filter KIG scores worse than any of shortlisted sites. This is due to it being on land not previously developed and close to an AONB, and in it being too far from the M25 to fit well with the SRA regional network concept. One respect in which KIG does compare well is in it being outside the Metropolitan Green Belt. There is a natural conflict between being well suited for London markets and the M25 and being within the Metropolitan Green Belt, and it has been recognised by planning inspectors that Green Belt development for SRFI can sometimes be allowed provided negative impacts are mitigated through landscaping and design restrictions. So, for example, development on the Green Belt has been allowed at Howbury Park.
- 10.1.101 On rail operational grounds, KIG potentially has some advantage over short-listed sites in Kent, with a slightly superior gauge (W9 rather than W8 or less). The applicant has not, however, demonstrated how this gauge may attract specific flows to KIG, given that neither W9 nor W8 can take the larger intermodal units or ISO containers on standard wagons. Further, a superior W10 gauge is available from East Coast ports to Barking or Dagenham and an even larger European gauge (UIC GB1) available on the high speed link (HS1), which would enable high speed Channel Tunnel freight trains to travel as far as Barking. We therefore do not consider that a practical gauge advantage has been demonstrated for KIG.
- 10.1.102 KIG is also on a route with guaranteed freight paths from the Channel Tunnel as far as Wembley. While this is beneficial, the applicant does not demonstrate that best use of these paths is achieved by stopping trains at KIG rather than travelling further into the UK. Our commercial analysis demonstrates that for national distribution of Channel Tunnel goods a site in the Midlands would be preferred. KIG has poor accessibility to deep sea ports, in contrast to Barking.

- 10.1.103 We have compared the sites on commercial grounds, considering transport costs plus any subsidy which might be available for wider economic benefits. For distribution of Channel Tunnel traffic nationally, KIG compares unfavourably with all short listed sites except for Shell Haven. For distribution of goods received via Shell Haven the disadvantage of KIG is more extreme except in comparison to other Kent coast locations. KIG appears more attractive for regional distribution than for national, but the cost differences between sites per unit are often relatively small.
- 10.1.104 Our comparison of the capital costs of developing sites indicates that while KIG offers some cost savings through the site not being previously developed, this outlay saving is negligible as part of either the overall scheme costs or the costs of transporting goods through the site.
- 10.1.105 In our approach, we have taken the view that implementing government strategy on rail freight (including the corridor described in the South East Plan as 'Dover/Channel Tunnel to and through/around London') requires consideration of a much wider geographical area than is considered in detail by the applicant. Overall, we consider that on planning, rail operational or commercial grounds, there appears not to be a case for including KIG within the package of sites we have identified, either in addition to or instead of our one of our short listed sites. We hence conclude that KIG appears to be an inferior location compared with our preferred sites to provide the required SRFI's in London and the South East."
- 10.1.106 The applicant for KIG cited as evidence to the Howbury Park Inquiry that the KIG proposal would be complementary to Howbury Park because the latter was primarily promoted as a regional distribution centre while KIG was primarily a national distribution centre and that they would not be in competition.
- 10.1.107 However, Jacobs' analysis concludes KIG would be primarily an RDC. There would therefore be direct competition between Howbury Park and KIG. There is clearly an approved alternative to KIG at Howbury Park which is 49 km away and well related to the M25, London and the market. However, it is recognised that Howbury Park only has the capacity for W8 wagons. Barking has no SRFI proposed but is well located to HS1 to perform that function.
- 10.1.108 The need for such a large regional distribution centre has not been demonstrated. At this location it will result in minimal modal shift, will not reduce onward lorry miles and will generate increased lorry movements and there are alternative sites where national and regional policy and objectives can be met.
- 10.1.109 However, even if there were no other locations to meet the requirements for the provision of up to 3 SRFI, this is not the optimum location for the proposed development, as it does not optimise the use of rail, and does not minimise the secondary distribution leg by road. Additionally, as set out later in the report, it creates significant harm, therefore the Council would raise objection, even in the absence of alternative sites.

10.2 **Employment and economic impacts**

- 10.2.1 The draft RSS (Government's Proposed Changes to the South East Plan) identifies sub regions where economic growth and regeneration should take place, and Maidstone is not located in the identified sub regions. In addition, the South East Plan identify Thames Gateway towns and Ashford and East Kent as the areas to accommodate economic growth in Kent, and identifies Dover as having a 'gateway' function in relation to freight transport and modal shift. It does not identify Maidstone as having a freight gateway function.
- 10.2.2 The Regional Economic Strategy identifies a number of economic diamonds where investment to promote regeneration and growth should take place. In addition, it identifies 5 gateways, including an inland gateway at Ashford. Maidstone is neither identified as an Economic Diamond nor Gateway in this strategy.
- 10.2.3 Additionally, the Kent and Medway Structure Plan identifies in Policy EP4, the locations of strategic importance for Business, Industrial and Distribution Uses. These are located in the Thames Gateway or East Kent.
- 10.2.4 Maidstone is identified as a New Growth Point and the town as a Regional Hub and Principal Centre where there is a need to create a 'sustainable community' with an accelerated provision of housing balanced with employment and other services. The very latest SEERA advice to Local Authorities in April 2009 includes projections that identify the need for 5,267 new jobs by 2016 in Maidstone. This advice acknowledges that there is scope for a higher provision to achieve focussed policy objectives. These objectives are clearly set out in Policy AOSR7 which identifies Maidstone as a Regional Hub and states that the Maidstone LDF will:-
- (ii) Make new provision for employment of sub-regional significance, with an emphasis on higher quality jobs to enhance its role as the county town and a centre for business. The concentration of retail, leisure and service uses at the centre will allow close integration between employment, housing and public transport.
 - (iii) Confirm the broad scale of new business and related development already identified and give priority to completion of the major employment sites in the town.
 - (iv) Make Maidstone the focus for expansion and investment in new further or higher education facilities.
 - (v) Support high quality proposals for intensifying or expanding the technology and knowledge sectors at established and suitable new locations.
 - (vi) Ensure that development at Maidstone complements rather than competes with the Kent Thames Gateway towns and does not add to travel pressures between them.
- 10.2.5 On the basis of these policies, it is clear that there should be a focus to growth in employment to balance the accelerated provision in housing and provide both in a manner that is environmentally sustainable. There is also the need to rebalance the weaknesses of Maidstone's economy.
- 10.2.6 In relation to the availability of workforce, the Environmental Statement submitted with the planning application suggested Medway would provide

a high proportion of the workforce for KIG. This view is amended in the more recent report by HDS, which suggests 56% of the KIG workforce could be expected to come from within Maidstone and 14% from Medway, with the remainder dispersed among neighbouring towns.

10.2.7 HDS argue that existing unemployment plus the workforce housed in the new dwellings proposed for Maidstone (in its role as a New Growth Point), will supply the workforce needed for KIG. Commuters to London might also be attracted by the higher skilled jobs at KIG. In HDS' view there is no reason why overall, KIG should attract a higher level of in-commuting than existed in general in 2001.

10.2.8 The two reports submitted by HDS on the socio- economic impacts of KIG explain the assumptions used to estimate that there would be 3,500 jobs on the site when fully developed. The authors defer to other reports by MDS Transmodal on the mix of NDC and RDC operation on the site.

10.2.9 The Council employed Nathaniel Lichfield and Partners to provide an assessment of employment and economic impacts:-

"Local Economy

10.2.10 The labour catchment area for the KIG proposals is an area which has performed reasonably well in recent years but with variations across it. The main strengths of the Maidstone economy are: a resident labour force with above average job skill levels and qualifications; a reasonable level of new firm formation; and a reasonable match between resident's skills and local jobs resulting in low unemployment. However, potential weaknesses include:

- Relatively low employment growth generally;
- Very low levels of industrial employment;
- Over-reliance on public sector employment;
- Below average representation in the more dynamic growth sectors such as financial and business services;
- A below average proportion of knowledge-based industries; and
- Below average wage levels for local jobs.

10.2.11 Medway has relatively high unemployment and Maidstone draws significant in-commuters from both it and Tonbridge and Malling.

Distribution Sector

10.2.12 Distribution / logistics is a growth sector with a high proportion of full-time jobs, but a high proportion of jobs in it are in lower-skilled occupations with lower average wage levels than knowledge based sectors.

10.2.13 Employment densities for strategic warehousing vary greatly, with a general range between 80-130 m² per job. Such densities are significantly below other B class employment uses.

10.2.14 Strategic rail freight interchanges have been developed at various locations beside major distribution facilities, although access to the

strategic road network remains as an important factor and rail freight is only utilised by a small proportion of operators on these sites.

Employment Impacts

10.2.15 Based on analysis by NLP, the main employment impacts of the KIG proposals would be:

- Between 2,840 – 4, 340 net additional direct operational jobs based on the KIG site;
- A further 670 – 1,-2- indirect operational jobs based elsewhere in the local economy;
- 1,600 – 2,200 person-years of temporary construction employment spread over 7 years of more.

10.2.16 The applicant's estimates are within this range of job generation. Where within this range the actual outcome will lie, will depend on the types of occupiers attracted; a high proportion of food distributors of Royal Mail type operations, for example, would result in a figure closer to the higher estimate of 4,340 jobs.

10.2.17 The proposals have potential to generate a high proportion of full-time jobs, probably over 88% of the total. They could also provide jobs at a range of skill levels although more than 75% would be expected to be in lower skill groups. The mainly distribution sector jobs would tend to produce average wages slightly below that of manufacturing jobs and significantly lower than the average for office based sectors, although some individual distribution job types can provide comparable wages to other sectors.

Labour Supply

10.2.18 In terms of labour supply available for KIG, there is a very limited readily available labour supply living within walking distance of the site, reflection a partly rural area with relatively low unemployment and high economic activity rates; a low proportion of local residents are currently in lower-skilled occupation common to the rail freight/distribution sector.

10.2.19 There is more potential labour within a reasonable cycling distance of the site, including some areas of higher unemployment such as Park Wood but the number of unemployed workers seeking distribution-type jobs would still be relatively low relative to KIG job numbers.

10.2.20 Within the wider labour catchment, there is a much greater potential supply of unemployed workers and about 40% (4,110 persons) are seeking jobs in the main distribution occupations although a large proportion of these live in Medway, some distance away and this implies a need for long distance car-based commuting.

10.2.21 A very high proportion would be required of the 4,110 unemployed local workers in the labour catchment area that are seeking the general types of lower level jobs that KIG could provide if the KIG site is to be able to meet its requirement for workers with relevant skills.

- 10.2.22 This job requirement should be seen in the context of the longer time period over which the KIG scheme will become operational, when unemployment levels are likely to be significantly lower than the present levels associated with the current national recession. Furthermore, there continue to be unfilled vacancies in the Maidstone area in occupations related to the distribution sector and indications of more recruitment difficulties for them in the Kent and Medway area than in other parts of the country.
- 10.2.23 Over the next 10 years or so when the KIG scheme would be developed and occupied, available forecasts indicate that the labour supply from which KIG could expect to draw workers will grow much less than job demand, while other major developments in Maidstone and the Thames Gateway will compete with it for workers. This suggests that the KIG may find it hard to obtain sufficient workers locally but could also result in workers being drawing away from established local firms or from developments planned in the Kent Thames Gateway.
- 10.2.24 Overall, the analysis suggests that it may be difficult to fill the likely amount and type of jobs that the KIG proposal will generate from areas close to the site which would allow non-car travel to work journeys. It also appears likely that many KIG workers would have to be drawn from a wider area than Maidstone, with potentially a need to recruit from beyond its normal labour catchment area.

Contribution to Strategic Economic Aims

- 10.2.25 The analysis of policy objectives indicates that the KIG proposals are unlikely to significantly exacerbate existing economic weaknesses in Maidstone. However, they have potential to worsen labour shortages in some sectors or increase longer distance commuting in to the area. At the same time, KIG also appears to unlikely to deliver substantial economic benefits to Maidstone in terms of addressing existing weaknesses, adding to the area's existing economic strengths of supporting economic aims.
- 10.2.26 KIG is unlikely to increase local employment opportunities in higher-skilled knowledge sectors, widen the range of jobs or help raise skill levels of residents to any great extent. Neither will it focus new development at a major transport hub, nor within the urban area, and it does have potential to compete with other growth areas in Kent. Indeed, it appears to conflict with the aim of avoiding major new land releases for employment use, other than some for higher-quality uses.
- 10.2.27 Whilst KIG would deliver additional jobs to the area, this would involve significant release, with only moderate economic return, of greenfield land that may be better used to meet other Core Strategy needs, or provide for a wider and better range of employment in the longer term. By catering for a strategic regional need, it is less well related to the specific employment land needs of Maidstone.
- 10.2.28 A major distribution/rail freight facility has potential to support other industrial sectors in the area to some extent through improving the efficient distribution of goods. However, the nature of the KIG proposals,

geared more to national and regional distribution, are less likely to provide such local benefits.

- 10.2.29 The KIG proposals could also be regarded as seeking to attract investment to Maidstone that may be needed more by, and better match, the labour needs in areas of the Kent Thames Gateway, where large brownfield sites are being promoted for employment uses including distribution development.

Land-Use Implications

- 10.2.30 Consideration has been given to any effects of the KIG proposals on other uses of land in the area, and whether it may preclude more beneficial uses.
- 10.2.31 The site is within an area currently being considered for future development as part of the emerging Core Strategy for Maidstone. In future, this location may benefit from a new southern link road, which may in turn increase the potential for development in this location. As a motorway junction location, the KIG site could prove attractive for a range of alternative employment uses, although some types of alternative development on the site could face the same drawbacks as the KIG proposals.
- 10.2.32 It seems likely that the Junction 8 site would eventually attract interest for a mix of employment development, including a business park and warehousing uses, both of which would benefit from the good strategic road access. A business park alone on such a large site would be a longer-term option at such time as other existing business park developments are nearly full and subject to future market demand. Development of distribution uses would probably serve a strategic national/regional demand, rather than any specific needs of local firms. However, a smaller amount of other B class uses on part of the site could generate as many jobs as KIG.
- 10.2.33 The site is less suited to housing development given its remoteness from services, existing residential areas and poor public transport and would not benefit from a motorway junction to the same extent as employment uses.
- 10.2.34 Overall, this site offers potential for some form of alternative development if the KIG proposals did not proceed. Such development may be longer term than the current KIG scheme but has potential to provide more employment and a wider range of job types.

Ancillary Facilities

- 10.2.35 From experience elsewhere, the nature of rail freight operations is unlikely to attract other types of processing or value-added activity to the site or surrounding area to a significant degree. There may be scope to attract some servicing/maintenance activities, such as a small rail maintenance facility, although this is not typical of the industry and depends on the needs of individual operators at the KIG site.

- 10.2.36 There appears to be limited scope for significant levels of other types of developments or industries to be supported in the local area by the SRFI development although some warehousing operators could include modest amounts of value-added activities within their own buildings.
- 10.2.37 Development of the KIG site may stimulate some other, largely unrelated developments on nearby sites, such a small hotel or café/restaurant, but these are more likely to be attracted by a location at a strategic road junction than by an SRFI and associated distribution uses.
- 10.2.38 An overall conclusion would be that the scale and nature of economic benefit associated with the KIG proposals would not produce major benefits to the Maidstone economy, nor do much to support the Borough's current economic objectives. While there would be some benefits in job provision for lower skilled workers, this would require a large amount of land and is still likely to require longer distance commuting of labour from elsewhere. There is also some potential for this scheme to compete for labour with established smaller industrial firms in the area."

Summary

- 10.2.39 The South East Plan, the Regional Economic Strategy and the Kent and Medway Structure Plan identify the locations where economic growth and regeneration should take place, thus identifying the framework for development. This is primarily aimed at the Growth Areas or those areas suffering decline. In addition, these plans identify the gateways, including for freight.
- 10.2.40 Maidstone is not identified as a sub region identified for economic growth, or an economic diamond. Additionally, it is not identified as a freight gateway. The location of 362,000 sq.m. of warehousing in a 'Gateway' at J8 would be contrary to these policies as it has not been identified as a location for economic growth or Gateways. Its location as proposed will undermine the thrust of these policies and affect the ability to regenerate the areas identified in the Strategies and Plans. The KIG proposals could also be regarded as seeking to attract investment to Maidstone that may be needed more by, and better match, the labour needs in areas of the Kent Thames Gateway, where large brownfield sites are being promoted for employment uses including distribution development. It is therefore contrary to the Policies of these Plans and Strategies.
- 10.2.41 As the employment structure of the proposal is weighted towards unskilled employment, it will not result in higher quality jobs or employment in the Town, contrary to Policy AOSR7 of the RSS. An overall conclusion would be that the scale and nature of economic benefit associated with the KIG proposals would not produce major benefits to the Maidstone economy, nor do much to support the Borough's current economic objectives. It would create jobs for lower skilled workers but this would require a large amount of land and require longer distance commuting of labour from elsewhere. There is also some potential for this scheme to compete for labour with established smaller industrial firms in the area.

10.1.42 Additionally, the proposal is located outside the urban area, in a location which is not identified for development in AOSR7. There is additionally an inadequate supply of labour in this location, and the proposal will result in inward commuting primarily by road, which is contrary to Policy AOSR7 of the South East Plan and the advice contained in PPG13.

Prematurity

10.2.43 Policy AOSR7 identifies that the Maidstone LDF should make provision for employment with an emphasis on higher quality jobs and that development should be located on major employment sites in the Town. This emphasis on the need to regenerate sites in the Town is borne out in the Kent and Medway Structure Plan. Additionally in order to create a 'sustainable community' the Council is seeking to balance housing provision with employment provision. Through the Economic Development Strategy, the Council is seeking to increase the skills and wage level in the local economy.

10.2.44 The KIG proposal would provide employment in a location where there is an inadequate labour supply and by the emphasis on low skilled jobs, would exacerbate an existing weakness in Maidstone's economy. Further, the proposal would consume the identified potential for employment floorspace in Maidstone. The implication of this is, that if the Borough Council is to achieve regeneration in the Town Centre and provide higher quality jobs, it would need to allocate further land for employment with consequences for housing and infrastructure provision.

10.2.45 The development of this proposal without examining:-

- the balance between employment and housing provision,
- its impact of this scale of greenfield development on the regeneration of employment sites in the Town,
- the utilisation of a very substantial part of available highways capacity in the area,
- the impact on the ability to attract higher paid employment, and
- the desirable location and extent of employment in the Borough,
- its impact on the stated objectives of regenerating the adjacent sub regions identified for growth and regeneration

is inappropriate, and contrary to Policies SP1, SP2, KTG2, EKA1, EKA4 and AOSR7 of the South East Plan.

10.3 **Impact on the Highway**

10.3.1 The comments of the Highway Agency are set out in paras 5.45 to 5.46 of the report. It is their conclusion that the Appellant can 'offer appropriate and affordable mitigation measures, sufficient to mitigate the impact of the proposed development on the M20. Together with an appropriate Travel Plan and Construction Management Plan, such mitigation measures could provide the basis for the Appellant to overcome the adverse impact of the development on the Strategic Road Network'.

10.3.2 The views of Kent Highway Services are set out in paras 5.47.1 to 5.47.31. It is their conclusion that the traffic generated by this

development, in addition to the projected traffic flows of the future growth allocated to the Borough by the draft South East Plan, would have an adverse effect on the highway network and cannot be ameliorated. In addition, they consider that the proposal will lead to substantial inward commuting in an area which is not well served by public transport. In addition, they conclude that potential security measures could have an adverse effect on the free flow of traffic on the highway.

10.4 **Other Impacts**

10.4.1 The proposal is located in the open countryside, at the foot of the AONB, in a Special Landscape Area and adjacent to residential properties. It is therefore necessary to examine the proposal against the relevant Development Plan Policies and Government advice.

10.5 **Potentially harmful impacts**

a) Countryside policies and anti-coalescence policies

10.5.1 The site is located at the foot of the Kent Downs AONB, within a Special Landscape Area and within the open countryside which saved Local Plan Policy ENV28 seeks to protect. The Policy both seeks to resist inappropriate development and set criteria to guide appropriate development in the countryside. This is consistent with PPS7. The site also lies within a Strategic Gap protected by saved Local Plan Policy ENV32 to protect against urban coalescence with neighbouring urban areas. The importance of maintaining this separation is acknowledged and continued into the RSS at AOSR7.

10.5.2 National and local planning policies are very clear that highest priority should be given to the conservation and enhancement of AONBs. Government has confirmed that AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status, PPS7 confirms this. Whilst the proposed development is not within the Kent Downs AONB it lies in the foreground and an assessment of its impact on the setting of the AONB is therefore essential. Furthermore, the K&MSP TP23 makes it quite clear that the provision of an inland intermodal interchange should not have a significant impact on the Kent Downs, which is clearly not the case with this proposal.

10.5.3 The existing topography of the site is varied and is distinctive and undulating as described in section 2.

10.5.4 The physical development is described in section 3 – it is necessarily large and uncompromising in layout with very large buildings and a 6.5ha intermodal open storage area, all needing near level site access to the railway and extensive lengths of rail track. Achieving the development on this landscape is challenging. The Environmental Statement (ES) submitted with the application acknowledges that there will be an adverse impact on the Kent Downs. Such areas are landscapes of national importance.

10.5.5 This proposal in effect has a number of different impacts on the landscape, visual impact, physical impact, extension of built development and impact on hedges and trees and cultural heritage

b) Visual impact on the landscape

- 10.5.6 The scale of the proposal is such that it is inevitable that there will be a visual impact experienced from the wider surrounding area. The site is located adjacent to the Kent Downs AONB at the foot of the scarp slope of the North Downs themselves. Further to the north lies the Pilgrims Way on higher land but running along the foot of the steepest part of the scarp slope. Due to the alignment of that route as well as the intervening topography and woodland north of the M20 and CTRL, the site is not consistently visible from the Pilgrim's Way, however from higher up the scarp slope, views of the site are available and also from the Scheduled Ancient Monument of Thurnham Castle some 1.8 km north of the site and from the grounds of Leeds Castle. The development would reduce enjoyment of numerous public places (such as Bearsted Green and Bearsted Holy Cross) and public rights of way, some on the site itself and many within the AONB, including the Pilgrim's Way and the North Downs Way.
- 10.5.7 The applicants accept that 'the countryside character of the application site itself would without doubt change fundamentally as the result of the development,' but argue that due to the foreground woodland on the north side of the M20 and the topography of the area to the north of the M20 and CTRL that the wider impact of the development would be limited. They also state that the design of the development including the landscaping and roofing material has also sought to mitigate the impact of the development.
- 10.5.8 The Kent & Medway Structure Plan makes it quite clear that the provision of an inland intermodal interchange should not have a significant impact on the Kent Downs, which is clearly not the case with this proposal.
- 10.5.9 Four key adverse impacts have been identified in relation to these proposals, by the various Statutory Consultees and following assessment of the ES:
- Detrimental impact of a major development such as this on views to and from the Downs including extensive views from the scarp.
 - Detrimental impact on landscape character, particularly given the high sensitivity of the Downs.
 - Adverse cumulative impact of increased lighting and loss of dark skies.
 - Increased noise and further loss of important components of tranquillity which would have a detrimental impact upon the quality of the protected landscape and quality of life.
- 10.5.10 Significant areas of regrading, bunding and tree planting are proposed to help screen the development, many aspects of which are incongruous.

c) Physical Impact

- 10.5.11 The site is an important part of the setting of the Kent Downs. The landscape has a distinctive rolling topography and natural features, such as woodlands and hedges. The proposal in order to achieve a level site

results in the destruction of the topographic features and the creation of bunding. The destruction of the topography and the creation of substantial bunds will destroy the landscape and introduce significant features which are alien to the area. This destruction of the landscape and the resulting alien landscape in itself has an adverse impact on the countryside, the Special Landscape Area and the setting of the Kent Downs Area of Outstanding Natural Beauty. The impact of the development on the landscape is heightened when buildings and gantry cranes, all of significant mass and height, are constructed on it.

d) Urban Sprawl

- 10.5.12 The site also lies within the existing Strategic Gap. Whilst the draft Regional Spatial Strategy does not designate Strategic Gaps, the Maidstone specific policy AOSR7 promotes the retention of a 'gap' between Maidstone and the Medway Towns. This site lies in that 'gap' in the open countryside. The site is well contained by road and railways, it contains some buildings and dwellings but has largely the impression of open countryside. This development would introduce substantial development that would run from Bearsted to J8 at Hollingbourne, a distance of 2.5km. This would result in a visually sprawling development along the motorway and the A20 which would adversely affect the character of this area and the landscape, and erode any gap.

e) Impact on trees and hedges

- 10.5.13 The Applicant's tree survey gives an outline of the extent of tree cover within the proposed development area. It is clear from the survey that the trees have a specific landscape value. In particular, the survey noted that the woodland known as 'The Belt' (TPO No.16 of 2007) is an example of natural woodland with excellent habitat examples, containing a wide variety of native tree species of differing ages/ classes. At the time of inspection it was noted that the woodland floor was abundant in Bluebells and Wild Garlic. In addition, this woodland is classified as Ancient semi-natural woodland.
- 10.5.14 In order to mitigate the loss of so many trees a landscaping scheme is proposed which will take up to 10 years to achieve any significant screening value.
- 10.5.15 Whilst a number of protected trees are indicated to be retained on the site there is a question over how achievable this will be. It should also be noted that protected trees immediately adjacent to the site, as well as those shown to be retained will be obscured by the new structures and mounding, lessening their amenity value. Therefore, it will be difficult to resist any application for the removal of these trees in the future.
- 10.5.16 Within the site there are 8 Tree Preservation Orders covering a mixture of individual trees, groups of trees and woodland areas. Approximately 9.24 ha are woodlands and over 4 ha of those are shown to be removed to facilitate the development. In addition, a further 55 trees are shown to be removed. Of those proposed to be retained, without receipt of details of protection and relative arboricultural method statements, it is difficult to see how successful long term retention of many of these can be achieved.

- 10.5.17 The loss of such large numbers of trees would have a detrimental impact on the amenity and character of the landscape as well as the ecological benefits which are associated with trees and, in particular, woodlands.
- 10.5.18 The proposed landscaping scheme will provide an initial screening effect within 10 years. However, in order to attain the current levels of ecological maturity and woodland habitat it may take, subject to favourable conditions, in excess of 100 years.
- 10.5.19 The proposal would lead to a significant loss of trees, many of which have been considered to merit protection through Tree Preservation Orders and hedgerows of historical and/or ecological importance. Any protected and retained trees within and adjacent to the development site will be obscured by the proposal and suffer a consequent reduction in amenity value, thereby compromising their protection in the future. The loss of trees and hedgerows would result in harm to the character and amenity of the area.

f) Impact on Listed buildings, Conservations Areas and Scheduled Ancient Monuments

- 10.5.20 The proposal lies within an area characterised by considerable scenic and historic value.
- 10.5.21 The proposals will affect the settings of a number of listed buildings. Central Government advice on dealing with listed building matters is given in PPG15, paragraph 2.16 of which draws attention to the requirement for local planning authorities to have special regard to the desirability of preserving the settings of listed buildings as set out in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It states that:-
- 10.5.22 "The setting is often an essential part of the buildings character...Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, e.g. by new traffic routes, car parks or other developments."
- 10.5.23 The worst affected listed buildings as regards these proposals would be:-
- (i) Woodcut Farm (not even identified by the applicants as a listed building). This timber-framed farmhouse of early 17th Century date or possibly older is set on a ridge with extensive views over open land to the east – this land would be occupied by three large buildings plus ancillary structures, accesses and car parks, fundamentally altering the outlook from the listed building, adversely affecting its setting and destroying its contextual relationship with the landscape.
 - (ii) Barty Barn. This late 17th Century building is a rare example in this part of Kent of an original brick-built barn. Now converted to a dwelling, it sits on the edge of a substantial valley which it is proposed to cut and fill, with a very large building being sited

immediately adjacent which would dwarf the barn. It is suggested by the Applicant that Barty Barn should remain in residential use and not be allowed to fall vacant, but there is no suggestion of how this should be achieved, the setting of the building will be so fundamentally harmed that its future in residential use must be severely questioned and its future viability in any use be in considerable doubt. Its relationship with the surrounding landscape will be completely and irretrievably lost.

(iii) Barty House – this extended 18th Century house (now a nursing home) is likely to be affected to some extent by views of the development along the valley to its east.

10.5.24 Policy QL8 of the K&MSP states that the character of the settings of listed buildings will be protected and enhanced and that development which will adversely affect them will not be permitted. The development that is proposed will destroy the settings of these listed buildings (particularly Barty Barn and Woodcut Farm).

10.5.25 The two conservation areas in Bearsted will also be affected by the proposals. PPG15 advises on conservation area matters and paragraph 4.14 reminds of the requirement of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that the preservation or enhancement of the character or appearance of a conservation area is a prime consideration for local planning authorities. It states that it “should also, in the Secretary of State’s view, be a material consideration in the planning authority’s handling of development proposals which are outside the conservation area but would affect its setting, or views into or out of the area.”

10.5.26 From both the Bearsted Green and Bearsted Holy Cross Conservation Areas, the development would be visible and have significant impact on views towards the North Downs which are important features contributing to the character of these areas. This is clearly shown on the photomontages now submitted by the applicant, which also show that one of the very large buildings proposed will form a backdrop behind the listed oast complex sited to the east of Bearsted Green, thus adversely affecting its setting. The photomontages also illustrate that in general the landscaping proposals will not hide the massive structures proposed.

g) Impact on Archaeology

10.5.27 The Vale of Holmesdale has been attractive for settlement since the earliest times and prehistoric trackways run its length, the most well known of these being the Pilgrims’ Way. Archaeological work undertaken in advance of the construction of the Channel Tunnel Rail Link has proven the area to be extremely rich in previously unknown archaeological sites including evidence of Bronze Age, Iron Age, Roman and Saxon settlement. Thus, although very little in the way of archaeological remains has so far been recorded within the site boundaries, this is largely because of a lack of archaeological investigation in the past rather than an absence of any archaeological evidence. In the light of the sites revealed by the Channel Tunnel Rail Link investigations, the potential for the application site to contain further rich archaeological evidence must

be considered to be high. This view is shared by the County Archaeologist.

- 10.5.28 Central Government advice on dealing with archaeological matters within the planning process is given in PPG16. Paragraph 21 of this PPG suggests that where " early discussions...indicate that important archaeological remains may exist, it is reasonable for the local planning authority to request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken."
- 10.5.29 Early discussions were held between the applicant's archaeological consultants and the County Archaeologist prior to the submission of the application. The County Archaeologist provided detailed advice on what was necessary in the way of an archaeological assessment which included a thorough desk-based study to be followed by a number of on-site surveys including field walking, geophysical survey, topsoil testing, metal detecting and a settings impact assessment, all of which would inform a further programme of trial trenching which would also be needed prior to determination of the application.
- 10.5.30 The archaeological assessment work submitted with the application falls far short of the specification provided by the County Archaeologist, being essentially confined to a desktop study which failed to consult all the sources set out in his detailed advice. None of the fieldwork identified by the specification appears to have been undertaken.
- 10.5.31 Paragraph 22 of PPG16 states that "...if necessary, authorities will need to consider refusing permission for proposals which are inadequately documented". It is the view of the County Archaeologist and Maidstone Borough Council Officers that this case falls into this category and should therefore be refused on this ground alone. Support for this action is also given by Policy QL7 of the Kent and Medway Structure Plan which states that important archaeological sites and their settings will be protected and, where possible, enhanced and that where important or potentially important archaeological remains may exist, developers will be required to arrange for archaeological assessment and/or field evaluation to be carried out in advance of the determination of planning applications.
- 10.5.32 English Heritage agrees with this view and has concluded that insufficient information has been provided by the applicant in order to be able to assess the impact of the proposals on the historic environment and that the application should not be determined until such information has been supplied.
- 10.5.33 Given the complete remodelling of the landscape which the proposals entail, with extensive cut and fill, large building platforms, etc. damage to any archaeological remains will be extensive and irreversible and the preservation of any important archaeology extremely difficult, if not impossible, to achieve.
- 10.5.34 Paragraph 27 of PPG16 points out that if nationally important remains were to be discovered there should be a presumption in favour of their physical preservation in situ – i.e. a presumption to refuse proposals which would involve significant alteration or cause damage or have a

significant impact on the setting of visible remains. Without the survey work which the applicant was asked to provide, it is not possible to determine whether such damage would occur. It should be noted however that the setting of the nearby Scheduled Ancient Monument of Thurnham Castle ("visible remains") will be significantly affected, the whole of the proposed development being open to view from its prominent site on top of the Downs escarpment.

- 10.5.35 Archaeological "sites" should not be viewed as isolated points of interest. They form part of an overall historic landscape which exists both in and time dimensions and forms a context for each individual site. There is therefore a need for a historic landscape analysis to be carried out as part of the impact assessment for the proposals. This is implied as part of the specification of works set out by the County Archaeologist where it is stated that historic landscape impacts should be assessed in terms of the loss of natural features, such as woodlands, and of man made features that constitute the character of the area such as boundary features, trackways and agricultural buildings.
- 10.5.36 In view of the severe impacts on the historic and natural landscape, the settings of listed buildings, scheduled ancient monuments and conservation areas and given the lack of adequate archaeological assessment, it is considered that these proposals are wholly unacceptable and contrary to existing Government Policy and advice, policies of the existing Development Plan and the emerging South East Plan.

h) Ecology and Habitat

- 10.5.37 The applicants have undertaken ecological investigation and survey work, much of which is still ongoing however. The comments of Natural England and Kent Wildlife Trust are set out earlier. The Council's advisors on biodiversity and ecology also cover this issue.
- 10.5.38 Having assessed the ES and the submitted later additional work, it is still not proven that the development would secure sufficient mitigation to compensate for the loss of the existing habitat. There is also concern that the provisions of PPS9 which seek to secure enhancement of biodiversity have largely been ignored.
- 10.5.39 Advice to the Council is that the current application may be refused on the following grounds:
- A significant amount of ecological survey information remains outstanding (as detailed in Section 12, paragraph 14) without which a sound and robust assessment of the full ecological impacts cannot be made. If this proposal was to go ahead, there is a risk that unknown significant impacts could occur to a range of species.
 - A significant loss of important wildlife habitats will ensue from the proposed scheme. Woodland loss (4.4ha), half of which is semi-natural woodland, cannot be replaced to full ecological function for a period of approximately 50 to 100 years, despite the extensive tree and scrub planting proposed. This will impact a range of notable woodland fauna as discussed above. Species-rich hedgerows (290m), solitary mature trees (55 individuals), ephemeral/ruderal

habitat (4.6ha) and arable habitat for brown hare and some farmland birds such as skylark (80ha) will be completely lost and not replaced or compensated for under the current proposals.

- National, Regional and Local planning policies indicate that the combination of inadequate survey data upon which to make a decision, and the acknowledged significant losses of habitat area, mature habitat connectivity and notable species make the proposal unacceptable in its current form.

i) Hydrology

- 10.5.40 The applicants have still to submit further detailed Hydrogeological assessment and information on the impact of the development on water quality and groundwater. This study is linked to the issues of ecology and biodiversity and the impact of the development on the streams that cross the site as well as downstream of the site towards the River Len.
- 10.5.41 The objections of the Environment Agency and the concerns of Mid Kent Water have not been addressed in that there is insufficient information to demonstrate that ground water and groundwater quality will not be adversely affected or that the changes in the drainage regime of the site will not have an adverse impact on surface water run-off from the site. Changes in the flow rates of the streams could also have implications for the ecology and biodiversity of the streams within the site and downstream closer to the River Len – this is addressed in part of the next section.

j) Impact of Noise and Vibration

- 10.5.42 The applicants contend that whilst accepting the facilities will be used on a 24 hour/7-day per week basis, that they have designed the scheme to mitigate the impact of noise and light pollution through the location of loading areas, and the juxtaposition of buildings.
- 10.5.43 The Council employed RBA Acoustics to carry out an acoustic assessment of the predicted noise and vibration levels resulting from both the construction phase of the facility and its future operation, and to comment on the Rail Logistics rationale produced by Jacobs and the noise assessment carried out by RPS for the applicant and submitted in the original environmental statement. They have referred to and used appropriate and current methodology throughout their reports.
- 10.5.44 They have measured and assessed noise at 5 locations situated nearby to the proposed location and then predicted that the effect of the construction phase would be severe at all locations. They also concluded that operational noise in the intermodal area would have a negative impact at all localities, with complaints likely at some 55 properties during day time and 60 properties during night-time operation. On site road and rail noise was also considered and at three of the five locations it was predicted that a cumulative impact of both would be moderate – severe at night and two moderate impacts during daytime operation. There was only a slight impact predicted for off site road and rail movements. Apart from the location at Thurnham Road, it was predicted that there would be a moderate – severe night-time cumulative impact of all sources, but only at two sites during the daytime.

- 10.5.45 RBA carried out a review of the *Strategic Rail Freight Interchange in Kent: logistics* produced by Jacobs Consultancy. This review has highlighted that the original rail use of the facility is over optimistic and that there is likely to be an increased number of HGV movements, up to as much as 11,000 movements per day. This would have a moderate – severe impact at three locations for night-time road movements and at two locations day time, especially if the movements were doubled or trebled. The effect of a phased construction over a period as long as 7 years should not have an extra impact on that already mentioned, provided that sufficient mitigation is incorporated, such an example would be the proposed acoustic screening which is not expected to be constructed until the final phase resulting in residents to the west of the site being afforded little acoustic protection from the intermodal area.
- 10.5.46 RBA broadly agree with the approach taken by RPS but consider that they have taken a more optimistic, rather than a worst-case, approach. RBA consider that noise from the intermodal area should have been considered as industrial noise. They carried out a BS 4142 assessment which identified that complaints would be likely at around 60 receptors. RBA consider that this omission may be an underestimation of the overall cumulative impact of this development.
- 10.5.47 The conclusions of the noise and vibration assessment of both the construction and future operational phases of the proposed Kent International Gateway development are detailed as follows:

“The scale of the development is such that residual impacts during the construction phase will occur on 157 occasions during weekend working. Such intensive disruption of the amenity of local residents is considered to be unacceptable and grounds for refusal.

Noise arising from the operation of the Intermodal Area has been determined as resulting in levels that are likely to cause complaint from residential occupants of receptors including Mallings Drive and Roundwell. Under no circumstances can noise arising from the operation of the Intermodal Area be mitigated, this is considered to be unacceptable and therefore a major reason for refusing this application.”

10.6 **Impact of Lighting**

- 10.6.1 In order to assess the impact of the lighting of the proposed scheme, the Council sought the views of a Lighting Consultant whose views are as follows:-
- 10.6.2 “Before making comments, I would just point out a couple of significant discrepancies in the information submitted:-
- a) Table 7.1 on p3 of the Applicant’s information - although the title refers to the ILE (2005) document, the figures quoted in the fifth column for 'Source Intensity before curfew' are in fact taken from an earlier edition, and the recommendations are now generally lower:

E1	2.5 (<i>was 0</i>)
E2	7.5 (<i>was 20</i>)
E3	10 (<i>was 30</i>)
E4	25 (<i>was 30</i>)

This means that there is a much greater constraint on the intensity limits from a distant viewpoint in Environmental Zones E2 - E4 than the Applicant has quoted.

- b) Table 7.6 on p34 of the Applicant's information - the mounting height quoted for lighting on the gantry cranes is 30m, whereas in para 7.6.7 it is stated as 25m. Are the lights in fact to be mounted 5m above the tops of the cranes?

- 10.6.3 Since the Applicant has endeavoured to demonstrate compliance with the ILE Guidelines, I will comment first on the four aspects of light pollution to which the document refers:-

Sky Glow

- 10.6.4 This is defined by the ILE in terms of the maximum upward light percentage, and there is no doubt that the luminaires and mitigation measures described in section 7.6 of the Environmental Statement, will meet the criteria for direct upward light emission. However this is not the whole story - a large proportion of the sky glow from a lighting installation is caused by light reflected upwards from the ground and building surfaces, even though the hardstandings might be "finished in low-reflectance black-top". There is bound to be a considerable amount of upward reflection from the total of 536 luminaires proposed for the operational installation.

Light Spill

- 10.6.5 The unwanted spillage of light onto specific adjacent premises is fairly easy to control by means of the design, positioning and shielding of luminaires, and the Applicant appears to be aware of the issues involved.

Glare

- 10.6.6 Defined in terms of the 'Source Intensity' of each and every luminaire visible from sensitive viewpoints outside the site, this aspect of an installation is the one which usually causes the most nuisance. As well as loss of amenity to neighbouring dwellings and visitors to the AONB, the presence of high intensity discharge lamps on roads and gantry cranes close alongside the unlit motorway is almost certain to be distracting, or even 'disabling', to drivers. At the necessary mounting heights of 10m - 30m, no amount of screening vegetation will prevent this. We cannot fully assess this at present because the submission does not give sufficient details of location and orientation.

Light Trespass

- 10.6.7 Defined as "light into windows", this is usually the result of high 'source intensity' in the direction of neighbouring dwellings. Again, the lack of luminaire location details precludes objective assessment.

- 10.6.8 These forms of light pollution were considered above in relation to the permanent operational installation, but are also likely to occur during the construction phase, particularly since this is planned to continue for up to seven years. Although it is proposed to stop work at 18.00 hours (what about movement of the workforce off the site?), there is bound to be a certain need for security lighting all night, every night, and this by its very nature is likely to be more glaring than the operational installation.
- 10.6.9 In conclusion it must be appreciated that the effects of light pollution are cumulative. No matter how well the luminaires are designed and installed, it is impossible to make any bright light mounted at significant height completely invisible, because dust and moisture in the atmosphere will always create a "halo" of reflected light around each lantern, visible from a considerable distance. The overall effect of both this and the 'sky glow' would be in direct proportion to the total quantity of individual light sources.
- 10.6.10 An illuminated facility of the size proposed would therefore have a hugely "urbanising" effect at night on the character and amenity of the rural Special Landscape Area within which it would be built, and in consequence would impact on the AONB for which the SLA is supposed to be a "protective foreground".
- 10.6.11 In conclusion, it is considered that the lighting proposed will have an adverse effect on the countryside and the setting of the AONB, and an adverse effect on residential amenity and users of the adjacent highway.

10.7 **Air Quality**

- 10.7.1 There is an outstanding request for information from the applicant to conduct an assessment of Air Quality
- 10.7.2 Environmental Health have raised concern that the number of vehicle movements is likely to have an adverse effect on local air quality levels for local residents. In addition to the numbers of HGVs entering and leaving the site, there is also the effect of shunting rail traffic within the site, particularly as it is likely that these vehicles are diesel powered. It is the slow-moving, braking and accelerating vehicles that tend to produce the most pollution.
- 10.7.3 The applicant needs to quantify the effect of how these numbers of vehicular movements will affect pollution levels, in particular PM10 and Nitrogen Oxides. These levels will then be assessed against the Government's Air Quality Strategy and our own LAQM process. If the levels found do exceed the levels for these pollutants, a review of our AQ strategy may then be necessary to include this area within the existing urban-wide Air Quality management Area, as currently it is not included.
- 10.7.4 The other concern is that an increased level of traffic along the M20 and possibly in the town centre too, will have a knock-on effect for residents living close to the other junctions in the Borough and destinations.
- 10.7.5 It is recommended that the application is refused until such an assessment has been carried out.

10.8 **Security**

10.8.1 The site lies adjacent to the M20, A20, HS1 and the domestic rail link. Additionally it is adjacent to a residential area and major visitor attractions and facilities. In the view of the Kent Police this proposal would have a number of impacts in relation to crime and traffic management. However, they are of the view that a number of these impacts could be mitigated by condition if consent is granted.

10.8.2 However, as a transport facility, the terrorist threat to this proposal is classified as 'severe' and the risk is assessed as being ongoing for at least a generation. Given the location of this site adjacent to international routes and adjacent to residential properties, it is considered on security grounds that this is an inappropriate location for this development.

10.8.3 Additionally, whilst there is an in-principle security objection, the application fails to address how the 'severe' potential terrorist threat will be mitigated. The mitigation measures would have a significant impact and would affect the overall design and layout of the proposal which may affect the Applicant's ability to implement the current proposal and for the local authority to adequately assess the proposal. In the absence of this information, it is considered that the proposal is unacceptable.

11: **CONCLUSION**

11.1 The draft Regional Spatial Plan identifies the need for up to 3 SRFI to serve the South East Region and states that they are likely to be located where the road and rail radials cut the M25. This proposal does not meet that guidance, as it is 35 km from the M25.

11.2 The Applicant has identified the proposal as a Strategic Rail Freight Interchange. However, following the analysis of the proposal, the facility does not optimise the use of rail in the freight journey and does not minimise the secondary distribution leg by road. The proposal is for warehousing, for which no Policy justification exists in this location.

11.3 It does not meet the SRA Policy objectives in that:-

- it is poorly located to the market,
- it does not use brownfield land,
- it is in conflict with countryside policies to protect landscape quality, against urban sprawl and those protecting designated areas including the setting of the AONB and Conservation Areas,
- as a 24/7 industrial activity it is poorly related to sensitive residential areas,
- it is poorly located to suitable workforce,
- it is not a level site and will require extensive regrading and the creation of unsympathetic landscape features,
- the site is tightly constrained by the juxtaposition of the topography, adjacent motorway, railway, roads and residential areas, so that there is no potential for additional rail use of the site over the levels proposed initially achievable nor for any expansion of the site,
- it achieves minimal modal shift,
- the site is not optimally located to provide the function of an SRFI, and

- it does not optimise the use of rail in the freight journey or minimises the secondary distribution leg by road, or contributes to a network of strategically located interchanges as required, to allow the best use of rail in national freight movements.

11.4 The Applicant has not demonstrated that there is a need for, warehousing in this location or for an SRFI. As a facility it is unlikely to function as an NDC, but may provide a Regional Distribution Centre. On this basis it will be primarily road based, and will fail to reduce onward lorry miles which is contrary to the requirement of Government guidance.

11.5 This site is in the countryside and at the foot of the North Downs. This proposal will destroy the existing landscape, affect the setting of the Area of Outstanding Natural Beauty and introduce sizeable structures into the landscape which will have adverse affect on the landscape and the adjacent conservation area.

11.6 In addition, the proposal will have an adverse impact on employment in the area because of the structure of the local employment market.

11.7 Additionally, it will introduce development adjacent to sensitive properties and, noise from the intermodal area with the movement of containers, will adversely affect those properties.

11.8 The Council has identified alternative locations where SRFI could be provided to meet the draft South East Plan requirements. However, as this proposal creates significant harm and does not optimise the use of rail or minimise secondary distribution by road, it is considered that, even if there were no alternative locations for this use, this proposal is unacceptable.

11.9 Additionally, the applicant has failed to provide sufficient information to adequately deal with archaeology, ecology, hydrology and highway matters and, until these issues are resolved, these remain as potential reasons for refusal.

11.10 As the proposal is contrary to policy and there are no other material considerations to outweigh the Development Plan policy, if the Council had been able to determine the proposal, it would have refused it on the following grounds. By necessity some of the grounds cover issues where the Appellant has provided inadequate information.

12: RECOMMENDATION

- (i) That if the Applicant had not appealed on the grounds of non determination, the Council would have refused the application for the following reasons:-

Reasons for Refusal

1. The proposal is contrary to the SRA criteria for the location of SRFI and Policy T13 of the draft South East Plan, Policy TP23 of the Kent and Medway Structure Plan, and the guidance contained in PPG4 and PPG13 in that:-

- the site is not well related to:-
 - the proposed markets
 - London
 - where the key rail and road radials intersect with the M25
 - it will not result in a significant modal shift of freight from road to rail, or reduce onward lorry movements,
 - it is located adjacent to incompatible residential uses,
 - the site is not previously developed land and the proposal conflicts with countryside and AONB policies.
 - the site is not needed to meet SRA and Government policy for the provision of SRFI in London and the wider South East.
2. There are suitable sites elsewhere that can (a) meet policy requirements for the provision of 3 to 4 SRFI sites to serve London and the wider South East, and (b) that that satisfy the policy criteria guiding the location of SRFI sites located in the region; set out in draft South East Plan Policy T13, and the SRA's SRFI Policy (2004), as endorsed by Government.
 3. The Applicant proposes to erect in the open countryside 373,746 sq.m. of warehousing and other commercial floorspace, at a location not identified as priority for economic growth, contrary to Policies SP1, KTG2, EKA1, EKA4, EKA5 and AOSR7 of the draft South East Plan*, and Policy TP23 of the Kent and Medway Structure Plan. No justification for the development has been made to outweigh policies directing economic development elsewhere and the strategy for urban regeneration in the South East region.
 4. The proposal is located on a greenfield site at the foot of the Kent Downs Area Of Natural Beauty (AONB), within a Special Landscape Area (SLA), in the open countryside and within a designated Strategic Gap. The proposal will introduce a built development of an obtrusive scale and form, on to an undulating and highly constrained site in a valued landscape, including mitigation measures that are unsympathetic to the landscape and surroundings. The proposed development will cause serious harm by:
 - adversely affecting the strategy for the management of the urban form, countryside and land,
 - the development of fresh land in the countryside,
 - the physical destruction of key characteristics of the site, including its topography, drainage and vegetation and therefore the character of the landscape in a designated SLA and the foreground setting to the AONB
 - the erosion of the designated area of Strategic Gap, contributing to inappropriate coalescence of settlements and creating urban sprawl,
 - visual intrusion in the landscape including significant visual harm to the setting of the AONB and heritage features, and
 - conflict with the aim of enhancing the quality of the landscape on the primary transport routes and the key strategic approaches to Maidstone town,
 - reduce the enjoyment of numerous Public Rights of Way including the Pilgrim's Way and the North Downs Way,

and therefore the proposal will significantly damage the countryside contrary to Policies CC6, C3, C4 and AOSR7 of the draft South East Plan, Policies EN1, 3, 4, 5, 13 and QL1 and 9 of the Kent and Medway Structure Plan, ENV21 and ENV28, 31 and 34 of the Maidstone Borough-Wide Local Plan and the guidance contained in PPS7 and the SRA Strategic Rail Freight Interchange Policy. No justification has been made to outweigh the policies and guidance that seeks to protect the countryside, the AONB and SLA, and to prevent urban sprawl.

5. The proposal will result in the provision of employment in a location where there is an insufficient supply of labour locally. This will seriously impact on local businesses and will result in considerable inward commuting to an area that is not readily serviced by public transport. This will result in increased car journeys, contrary to the advice contained in PPG13 and EP3 of the Kent and Medway Structure Plan and Policies T1, SP1, SP2, RE3 and AOSR7 of the draft South East Plan.
6. The proposal will result in the creation of a major new centre of employment to the east of Maidstone, and would be in addition to the established policy for the provision of quality jobs in the town centre and elsewhere within the urban area. This will remove the ability of existing Plans and the Local Development Framework to determine the type of employment that should be provided and where it should take place. If the development were to take place, it would have a significant impact on the level and location of employment and consequently the scale of housing to be provided in the draft Core Strategy. It is therefore contrary to Policies SP2 and AOSR7 of the draft South East Plan and Policies EP2 and EP4 of the Kent and Medway Structure Plan, and Policies ED1 and ED2 of the MBWLP.
7. The development and the use of the site for 24 hours a day, 7 days a week, will result in levels of noise which will cause complaint, nuisance and harm to the amenities of nearby residential properties and is therefore unacceptable and contrary to Policy CC6 of the draft South East Plan and Policies N5 and N6 of the Kent and Medway Structure Plan and the guidance contained in PPG24. In addition, the Applicant has failed to undertake appropriate BS4142 assessments of the impact of industrial noise generated by the operations on the site upon residential areas to the south and west. This will cause significant complaint, nuisance and harm to the amenity of occupiers.
8. The development and use of the site for 24 hours a day, 7 days a week, will result in such a level of lighting that will have a highly damaging urbanising impact, and adverse effect on the character of the countryside and the setting of the AONB, as well as affect residential amenity contrary to Kent and Medway Structure Plan Policies QL1, NR5, 6 and 7.
9. Insufficient information has been submitted to demonstrate that the development does not have significant impact on air quality, including within Air Quality Management Areas. In the absence of

this assessment the development would be contrary to Policies NR5, 6 and 7 of the Kent and Medway Structure Plan.

10. The proposal would result in the removal of over 4 hectares of woodland, an additional 55 trees subject to Tree Preservation Orders and hedgerows of important historic value and diversity; removing the contribution they make to the landscape and ecology. Additionally, any protected trees retained will be dominated by the built development and consequently, their protection in the future will be compromised. Therefore, the proposal will result in harm to the character and amenity of the countryside, contrary to Policy NRM4 of the draft South East Plan, Policy EN9 of the Kent and Medway Structure Plan and the guidance contained in PPS9 and ENV21 of the Maidstone Borough-Wide Local Plan.
11. The proposal, because of its scale and physical and visual impact, would severely harm the setting and the future viability of a number of listed buildings including Barty Farm Barn and Woodcut Farm which are situated close to the site boundaries, contrary to Policy QL8 of the Kent and Medway Structure Plan 2006, Policy BE7 of the draft South East Plan and advice given in PPG15. In addition, there would be an adverse impact on the settings of the Bearsted Green and Bearsted Holy Cross Conservation Areas by reason of visual impact, noise and lighting, contrary to Policy QL6 of the Kent and Medway Structure Plan 2006, Policy BE7 of the draft South East Plan and advice given in PPG15. In addition, the scale and nature of the proposals would result in a seriously adverse effect on the setting of the Scheduled Ancient Monument of Thurnham Castle, contrary to Policy QL7 of the Kent and Medway Structure Plan 2006, Policy BE7 of the draft South East Plan and advice given in PPG16.
12. The site lies in an area of proven archaeological potential and, in the absence of any detailed archaeological assessment, including fieldwork, to enable the impact of the development upon archaeological remains to be adequately judged, the proposals must be considered to be unacceptable. Determination of the application in advance of the provision of this information would be contrary Policies QL7 and QL9 of the Kent and Medway Structure Plan 2006, Policy BE7 of the draft South East Plan and advice given in PPG16.
13. The proposal will result in a significant loss of important wildlife habitats that cannot be replaced or compensated for under the current proposals. This acknowledged significant loss of habitat area and habitat connectivity for notable species make the development unacceptable in the form proposed, and contrary to the provisions of Policy EN8 and EN9 of the Kent and Medway Structure Plan 2006, Policy NRM4 of the draft South East Plan and the guidance contained in PPS9 and Circular 06/2005.
14. Furthermore, a significant amount of ecological survey information remains outstanding without which a sound assessment of the full ecological impacts cannot be made. If this proposal was to go ahead, there is a risk that unknown significant impacts could occur to a range of habitats (including water courses) and species therein. Approval of the application in the absence of the necessary

information is unacceptable and contrary to the provisions of Policy EN8 and EN9 of the Kent and Medway Structure Plan 2006, Policy NRM4 of the draft South East Plan and the guidance contained in PPS9 and Circular 06/2005. The information required is:

1. **White-clawed crayfish** surveys downstream of the site (e.g. River Len).
 2. Additional **bat** surveys:
 - Harp netting and/or detailed activity surveys of The Belt woodland
 - Hibernation survey in Building 1 and 5
 - Full survey of Building 10
 - Tree roost potential survey in Common Wood.
 3. **Aquatic Invertebrate** surveys within site and downstream (recommended three visits to each water body).
 4. Detailed **saproxylic terrestrial invertebrate** surveys of woodland habitats, particularly in The Belt, and mature isolated trees.
 5. Drawings showing the location of sampling for **invertebrates** across the site, and the locations of notable species found.
 6. **Fish** surveys downstream of site.
 7. **Adder** surveys, ideally during emergence (from hibernation) period.
 8. **Reptile** surveys of woodland margins, pond margins, watercourse margins, and a sample of hedgerows across the site. Reptile surveys should extend to at least 15 suitable visits if presence is confirmed (with each survey area).
 9. Further **dormouse** surveys using a higher density of tubes/boxes in the woodland areas, and/or a longer period of survey.
15. Insufficient information has been submitted to demonstrate that the development would not have an adverse impact on groundwater and groundwater quality or result in unacceptable additional risk of flooding in the area. To permit the development in the absence of this information would be contrary to the provisions of policies NR8 and NR10 of the Kent & Medway Structure Plan 2006 and the advice in PPS25.
16. The level of traffic generated by the development in addition to the projected traffic flows of future growth allocated to the Borough by the draft South East Plan would have an adverse impact on the highway network and cannot be managed or mitigated. The local authorities consider that this would threaten delivery of the draft South East Plan targets and is therefore contrary to the guidance in PPS12 and PPS1, and Policies T1 and CC7 of the draft South East Plan.
17. The threat of terrorism in relation to transport links has been assessed as 'severe' and it is considered that this threat will face the UK for a generation to come. In the light of these assessments, it is considered that the provision of this facility immediately adjacent to International, National and Local Transport routes and the adjacent land uses is inappropriate and that for security reasons it is not considered a suitable location for this use, contrary to Policies SP1

and QL1 of the Kent and Medway Structure Plan 2006, and the advice in PPS1 and Safer Places: the Planning System and Crime Prevention (2004) and S17 of the Crime and Disorder Act.

18. Insufficient information has been submitted by the Applicant to determine how the potential threat of terrorism and crime will be mitigated within this development and the effect the mitigation measures will have on the design of the proposal and the ability of the Applicant to implement the permission if it were granted, and consequently the overall impact of the development, contrary to Policies SP1 and QL1 of the Kent and Medway Structure Plan 2006, PPG13 and the advice in PPS1 and Safer Places: the Planning System and Crime Prevention (2004) and S17 of the Crime and Disorder Act and Maidstone Borough-Wide Local Plan Policy ENV21.

N.B. Draft Regional Spatial Strategy - the South East Plan, Government Proposed Changes July 2008; policy numbering refers to that used in the Companion Guide version.

- (ii) That the Director of Prosperity and Regeneration be given delegated powers to:-
- (a) amend the grounds of refusal, should the Kent and Medway Structure Plan cease to have effect, because of the adoption of the South East Plan which will then become part of the Development Plan,
 - (b) agree in conjunction with the Chairman of the Planning Committee:-
 - 1. the terms of any Legal Agreement under the Planning or Highway Acts if the scheme is granted permission on Appeal,
 - 2. any appropriate Planning Conditions if the scheme is granted planning permission on Appeal.

APPENDIX A

KIG representations submitted on the Core Strategy (March 2007)

"In addition to the aim of attracting new high quality and skilled employment uses we consider that Core Strategy Objective 1 should recognise the valuable potential for attracting diverse types of employment by exploiting Maidstone's important locational assets. A particular example is the rare opportunity, identified by Kent International Gateway Limited (KIG) for a strategic rail freight interchange with associated distribution and commercial development presented by the coming together of key motorway and high quality rail connections at east of Maidstone.

We suggest that Option 1 be amended by the insertion of a new clause after the first so that the open section would read as follows:-

"To attract new high quality and skilled employment uses, to realise the potential for diverse economic and employment opportunities stemming from Maidstone's particular locational assets."

KIG Ltd also objected to Core Strategy Policy CS2. They stated that:-

"KIG supports the overall thrust of Policy CS2 in promoting Maidstone as a Growth Point for housing and commensurate provision for new employment opportunities including provision for at least a further 10,000 jobs in a range of sectors and locations.

Kent International Gateway also supports the strategic approach involving both urban consolidation and seeking a major focus for additional development to the east/south-east of Maidstone. In view of the very rare opportunity afforded by the intersection for this area of the M20 motorway, Junction 8, and the Ashford to Maidstone East railway line, KIG considers that employment development east/south-east of Maidstone should include specific provision for a strategic rail freight interchange with associated distribution and other commercial development. This location falls on a key freight corridor from the Channel to London. Also, the railway line involved crucially has the unique attributes of sufficient spare capacity and a high standard of loading (W9). Through legally binding options to eastern Gateway LT (a specific fund set up by Axa) to purchase land subject to the grant of planning permission for the specific uses, KIG has control of more than a 100 hectares for such a development. As shown on the plan provided this lies immediately east of the urban area, west of Junction 8 and north of the A20.

Additional rail freight interchange development is strongly encouraged by Government Policy aimed at achieving a modal shift from road to rail transport, in the interests of sustainability and combating climate change. This determination is exemplified by the Government's statement of the 19th July 2005. Such development is also supported by policies of the emerging South East Plan which encourage an increase in the proportion of freight to be carried by rail with a focus on several specific corridors including that between Dover/Channel Tunnel and London in which the KIG land lies. Additionally, the 2006 Adopted Kent and Medway Structure Plan encourages rail freight and handling facilities (Policy P13) and makes provision for an inland modal interchange to serve the Channel Tunnel Corridor (Policy TP23).

Such a development at east of Maidstone would make an invaluable contribution to the substantial overall need identified in the Core Strategy document for diverse job opportunities over the Plan period in a range of sectors. It would also constitute a major contribution by the Borough to the promotion of sustainable development, for this part of Kent specifically and the wider region.

In view of the strategic nature of a major rail freight interchange project of this kind we consider appropriate that it be referred to in the Core Strategy and Policy CS2 would be a suitable context. We suggest that an additional paragraph be inserted after the existing third paragraph on page 21 to the effect that:-

“Provision will also be made for a strategic rail freight interchange and associated distribution and other commercial development at east Maidstone, east of M20 Junction 8, and north of the A20.”

Since the drafting the Core Strategy the Planning Act and LDF Regulations have been revised and now expressly make provision for “strategic” land allocations to be made in a Core Strategy. The draft Core Strategy does not include such designations and nor did the objections seek one, however it is seems reasonable to proceed on the basis that KIG would have sought an allocation if they could because both representations made were accompanied with a site boundary plan identifying the current planning application site.

APPENDIX B

List of all supporting documents submitted by the applicant

Drawing numbers JLH0170/05 (application site), 107.M (Masterplan), 3073/P/01 revB (KIG Landscape Framework),
Environmental Statement,
Planning Issues Report (prepared by RPS),
Transport Assessment Report (prepared by The Denis Wilson Partnership),
Design & Access Statement (prepared by PRC architects),
Technical Rail Connectivity & Rail Need Reports (prepared by MDS Transmodal),
Report on Community Consultation (prepared by Quatro Public Relations)

All the above were received on 23/10/2007

The application was amended by:

FI 1: Amended Parameter Plans 2.A, 3.A, 4.A, 6.A & 10.A,
FI 2: Supplementary freight, rail and demand report (MDS Transmodal) (Sept 2008),
FI 3: Tree Survey (CBA Trees (March 2008),
FI 4: Agricultural Land Classification Report (RPS) (June 2008),
FI 5: Further landscape and ground modelling information (FPCR and White Young Green) Sept 2008) comprising:

- a) Supporting Landscape and Visual Information (FPCR Sept 2008)
- b) Theoretical Zone of Visual Influence drawing 3073/P/05 dated May 2007,
- c) Lighting drawings (front, back, plan),
- d) Existing Trees & Hedgerows Sheet 1- 3073/P/08revA (August 2008)
- e) Existing Trees & Hedgerows Sheet 2 – 3073/P/09revA (August 2008),
- f) Long Site Sections Sheet 1 3073/P/10revA, (Sept 2008)
- g) Long Sections Sheet 2 3073/P/10revA (Sept 2008),
- h) Long sections Sheet 3 3073/P/10revA (Sept 2008),
- i) Indicative Site Levels Sheet 1 A17074-3201-C-231-P4 (May 2008),
- j) Indicative Site Levels Sheet 2 A17074-3201-C-232-P3 (May 2008),
- k) Indicative Site Levels Sheet 3 A17074-3201-C-233-P5 (May 2008),
- l) Indicative Site Levels Sheet 4 A17074-3201-C-234-P3 (May 2008),
- m) Indicative Site Sections Sheet 1 A17074-3201-C-241-P2 (May 2008),
- n) Indicative Site Sections Sheet 2 A17074-3201-C-242-P2 (May 2008),
- o) Indicative Site Sections Sheet 3 A17074-3201-C-243-P2 (May 2008),
- p) Indicative Site Sections Sheet 4 A17074-3201-C-244-P2 (May 2008),
- q) Indicative Site Sections Sheet 5 A17074-3201-C-245-P2 (May 2008),

FI 6: Supplementary Notes on Ecological Issues (WSP) (Oct 2008),
FI 7: Breeding Bird Survey (WSP) (2007),
FI 8: Great Crested Newt Supplementary Survey Report (WSP) (2007),
FI 9: Supplementary Information on KIG Socio-Economic Impacts (HDS) (June 2008),
FI 10: Health Impact Assessment (RPS) (July 2008),
FI 11: Supplementary Information on Other Sites Assessment (RPS) (June 2008),
FI 12: Transport Supplementary Information and separate bound appendices (DWP) (Sept 2008),

All the above were submitted under cover of letter dated 3 October 2008 from RPS received 06/10/2008,

The application was further amended by

FI 13: Outline Security Strategy (RPS) (Nov 2008),
FI 14: KIG Socio-Economic Assessment Clarifications (HDS) (Nov 2008),
FI 15: KIG Additional Bat Surveys (WSP) (Oct 2008),
FI 16: KIG Habitat Balance Sheet (WSP) Oct 2008),
FI 17: KIG Water Vole Survey (WSP) (Oct 2008)

All the above were submitted under cover of letter dated 21 November 2008 from RPS received 25/11/2008,

The application was further amended by

FI 18: Final Transport Supplementary Information (DWP) (Sept 2008) (supersedes FI 12)
Submitted under cover of letter from Gerald Eve dated 5 January 2009 and received 07/01/2009

The application was further amended by

FI 19: Photomontages Viewpoints 1-8 (incl.) (FPCR (Dec 2008)
FI 20: Invertebrate Report (WSP) (Dec 2008)

Submitted under cover of letter from Gerald Eve dated 8 January 2009 received 12/01/2009

APPENDIX C

Maidstone Borough-wide Local Plan 2000 (Saved Policies)

ENV6	Landscaping surfacing and boundary treatment
ENV21	Strategic Transport Corridors
ENV28	Development in the countryside
ENV31	Strategic Gap
ENV33	Kent Downs AONB
ENV34	Special Landscape Areas
ENV42	Protected Roadside Verges
ENV49	External Lighting
ED1	Allocations of Employment Land
T1	Integrated Transport Strategy
T3	Public Transport
T7	Safeguarding Railway Lines
T13	Parking Standards
T21	Accessibility of New Development
T23	Need for Highway/Public Transport Improvements
CF16	Off-Site Sewers

Kent & Medway Structure Plan: Adopted July 2006

SP1	Conserving Kent's environment & ensuring a sustainable pattern of development
SS1	Priorities for development & investment
SS4	Priority for previously developed land & sequential approach
SS8	Development in the countryside
MA1	Maidstone
EN1	Protecting Kent's countryside
EN3	Protection & enhancement of countryside character
EN4	Areas of Outstanding Natural Beauty
EN5	Special Landscape Areas
EN7	County & Local wildlife designations
EN8	Protection & enhancement of biodiversity
EN9	Trees, woodland & hedgerows
EN11	Planning & managing the urban fringe
EN13	Environmental enhancement of primary routes
QL1	Quality of development & design
QL4	Maintaining the separation and identity of settlements
QL6	Conservation areas
QL7	Archaeological sites
QL8	Buildings of architectural or historic importance
QL9	Historic Landscape Features
QL12	Provision of new community services & infrastructure
QL17	Green space networks & rights of way
EP1	Land, workforce, education & skills
EP2	Employment land provision
EP3	Location of new or replacement employment land
EP4	Locations of strategic importance for business, distribution or industrial uses
EP7	Development of employment uses in rural areas
EP9	Protecting agricultural land

TP1	Integrated transport strategy
TP2	Assessment criteria for transport proposals
TP3	Transport and the location of development
TP11	Facilities for pedestrians and cyclists
TP12	Development & access to the primary/secondary road network
TP13	Rail freight and handling facilities
TP15	Development traffic & heavy goods vehicles
TP19	Vehicle parking standards
TP23	Major distribution & transshipment centres
NR1	Development & the prudent use of natural resources
NR3	Renewable and sustainable energy production
NR5	Pollution impacts
NR6	Development sensitive to pollution
NR7	Air quality management areas
NR8	Water Quality
NR10	Development & flood risk
WM7	Construction-related spoil
IM1	Meeting the costs of community & other infrastructure needs generated by new development

Maidstone Local Development Framework

Core Strategy – Preferred Options 2007.

Sustainable Construction Supplementary Planning Document: Part 1: Using Water - Adopted July 2006

Government Policy:

PPS1	Delivering Sustainable Development
	Planning & Climate Change - Supplement to Planning Policy Statement 1
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPS22	Renewable Energy
PPS23	Planning & Pollution Control
PPS25	Development & Flood Risk
Draft PPS4	Planning for Sustainable Economic Development (December 2007)
PPG4	Industrial and Commercial development and small firms
PPG13	Transport
PPG15	Planning & the Historic Environment
PPG16	Archaeology & Planning
PPG24	Planning & Noise

Regional Strategy – RPG9 - 2001

RPG9 – 2001	paragraphs; 2.5, 5.1, 5.4
POLICIES	
Q1	Urban Areas as prime focus for new development and redevelopment
Q3	Location of development
Q4	Urban Fringe
Q5	Focus development on existing Town Centres to maintain vitality

Q6	Community Infrastructure
E1	Areas of International or National Importance for Nature Conservation, Landscape & Cultural Value
E2	Preservation & Enhancement of Biodiversity
E5	Woodland Habitats
E7	Air Quality
E8	Protection of Valuable Soil & Land
RE1	Regional economy
RE3	Economic development opportunities
RE4	Encourage sustainable location of business development
T1	Manage & Invest
T10	Mobility Management
T13	Travel Plans & Advice
T14	Rail freight
T15	Freight & Site Safeguarding
T16	Intermodal Interchanges
INF1	Flood Risk
INF2	Waste Water and Water Quality
INF4	Development Design for Energy Efficiency & Renewable Energy

Draft Regional Spatial Strategy (Secretary of State's Proposed Changes)

SP1	Sub-Regions of the South East
SP2	Regional Hubs
SP3	Urban Focus & Urban Renaissance
CC1	Sustainable development
CC2	Climate change
CC3	Resource use
CC4	Sustainable Design and Construction
CC6	Sustainable Communities and Character of the Environment
CC7	Infrastructure and Implementation
CC7	Inter-regional issues
CC10b	Strategic Gaps
EKA1	Core Strategy
EKA4	Urban Renaissance of the Coastal Towns
EKA5	The Gateway Role
KTG2	Economic Growth and Employment
RE1	Contributing to the UK's Long-term Competitiveness
RE3	Employment & Land Provision
T1	Manage & Invest
T2	Mobility management
T4	Parking
T5	Travel Plans & Advice
T8	Regional Spokes
T11	Rail Freight
T12	Freight and Site Safeguarding
T13	Intermodal interchanges
NRM1	Sustainable Water Resources & Groundwater
NRM2	Water Quality
NRM4	Sustainable Flood Risk management
NRM5	Conservation & improvement of Biodiversity
NRM7	Woodlands

NRM9	Air Quality
NRM10	Noise
NRM11	Development Design for Energy Efficiency and Renewable Energy
NRM12	Combined Heat and Power
W1	Waste Reduction
W2	Sustainable Design, Construction & Demolition
C3	Areas of Outstanding Natural Beauty
C4	Countryside and landscape management
C5	Managing the Urban/Rural fringe
C6	Countryside Access & Rights of Way Management
BE1	Management for an Urban Renaissance
BE6	Management of the Historic Environment
S6	Community Infrastructure
AOSR6	Scale & Location of Housing development 2006-2026
AOSR7	Maidstone Hub
IMR1	Monitoring the RSS