

Appendix

Consultation Responses

Date: 05 September 2014
Our ref: 128586
Your ref: 14/501895/HYBRID/RITI



Richard Timms
Maidstone Borough Council

BY EMAIL ONLY

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Richard

Planning consultation: Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m² of B1 light industrial, B2 general industrial and B8 storage _ distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m²) and associated offices (2,995m²) with access, service yard, parking and landscaping.

Location: Waterside Park M20 J8 Ashford Road Hollingbourne Kent

Thank you for your consultation on the above dated 5th August which was received by Natural England on the same date.

The proposals are a revised version of application MA/13/1549 which we objected to in our letter dated 5 February 2014. The revision allows for a reduction in the built area and reduction in height of some of the buildings however our comments to the previous application remain unchanged.

This application will still introduce a large solid block of commercial/light industrial building into the open countryside within the setting of the AONB which will result in significant impacts upon the purposes for designation of the Kent Downs. Natural England therefore objects to this proposal for the reasons stated in our previous response to application MA/13/1549.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

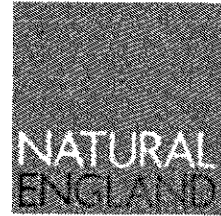
For any queries relating to the specific advice in this letter only please contact me on 0300 060 4050. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Marian Ashdown
Senior Adviser
Sussex and Kent Team
Marian.ashdown@naturalengland.org.uk



Date: 05 February 2014
Our ref: 110126
Your ref: MA/13/1549



Mr Steve Clarke
Development Control
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent ME15 6JQ

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

By email only, no hard copy to follow

T 0300 060 3900

Dear Mr Clarke

Planning consultation: Waterside Park, M20 Junction 8, Ashford Road, Hollingbourne, Kent
Location: Hybrid planning application (part outline-part detailed) for re-grading of site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 56,000m² of B1 office/light industrial, B2 general industrial and B8 storage and distribution uses; ancillary cafe and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath, with access to be determined and appearance, landscaping, layout and scale reserved for subsequent approval. Detailed permission sought for the erection of a new warehouse building (23,533m²) and associated offices (4,145m²) with access, service yard, parking and landscaping

Further to our letter of the 15 January 2014 (our reference 108422) and the additional information provided by Mr Matthew Blythin of DHA Planning, please find below Natural England's revised comments in relation to this application.

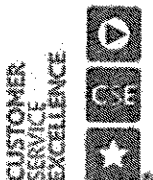
Protected landscape objection

Natural England has assessed this application and has identified a likely significant impact on the purposes of designation of the Kent Downs Area of Outstanding Natural Beauty (AONB) since the proposed development lies within the setting of the AONB.

Having considered the application and the accompanying landscape and visual impact assessment, Natural England considers that the development proposal will be clearly visible from public rights of way, including the North Downs Way National Trail within the AONB. Views from the scarp slope are part of the special qualities of the AONB the landscape impacts and impacts to the special qualities of the AONB should be fully considered when determining this application.

The landscape and visual impact assessment makes reference to the impacts not being significant as there are existing discordant features such as the polytunnels visible from the Kent Downs AONB. However, these features are, in the main, significantly further away from the AONB than this current proposal which will introduce a large solid block of commercial/light industrial building into the open countryside within the setting of the AONB which will result in significant impacts upon the purposes for designation of the Kent Downs. Natural England therefore objects to this proposal.

The proposal would also appear to be contrary to Policy SDT5 of the 2009 Kent Downs AONB Management Plan (that has been endorsed by the Council as supplementary guidance) which states that 'Proposals that have a negative impact upon the setting and views to and from the AONB



will be resisted unless they can be satisfactorily mitigated'. In addition, the proposal would appear to be contrary to Policy SD8 of the 2014 final draft Kent Downs AONB Management Plan (also endorsed by the Council as supplementary guidance) which states that 'Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated'.

Development proposals will need to have regard to the Kent Downs AONB Management Plan.

Development proposals will not be permitted where they lead to adverse impacts on local landscape character for which mitigation measures appropriate to the scale and nature of the impacts cannot be achieved.

Other matters

In addition to our comments above in relation to impacts to the Kent Downs AONB, we also recommend that the comments made in our letter of the 9 October 2013 (our reference 99686) in respect of protected species are fully considered by the Council when determining this application.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Sean Hanna by telephone on 0300 060 4792 or by email to sean.hanna@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Eric Steer

Eric Steer
Casework Manager
Land Use Operations Team

cc Matthew Blythin, DHA Planning
Jenny Bate, Kent Downs AONB

Date: 09 October 2013
Our ref: 99686
Your ref: 13/1549



Maidstone Borough Council
Maidstone House,
King Street
Maidstone,
Kent
ME15 6JQ

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Sir/Madam,

Planning consultation:, Hybrid planning application (part outline-part detailed) for re-grading of site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 56,000m² of B1 office/light industrial, B2 general industrial and B8 storage and distribution uses; ancillary cafe and crèche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath, with access to be determined and appearance, landscaping, layout and scale reserved for subsequent approval. Detailed permission sought for the erection of a new warehouse building (23,533m²) and associated offices (4,145m²) with access, service yard, parking and landscaping.

Location: Waterside Park M20 J8, Ashford Road, Hollingbourne, Kent

Thank you for your consultation on the above dated 30 September 2013 which was received by Natural England on 30 September 2013.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2010 (as amended)
The National Park and Access to the Countryside Act 1949

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes

Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the Kent Downs AONB. We therefore advise you to seek the advice of the AONB board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

Protected species

We have not assessed the application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including a flow chart for each species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application.

As Standing Advice it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

James Hughes
Customer Services Consultation Team

creating a better place



Mr Richard Timms
Maidstone Borough Council
Development Control Section
Maidstone House King Street
Maidstone
Kent
ME15 6JQ

Our ref: KT/2013/117152/03-L01
Your ref: 14/501895/HYBRID/RITI
Date: 20 August 2014

Dear Mr Timms,

HYBRID (PART OUTLINE/PART DETAILED) APPLICATION FOR RE-GRADING OF THE SITE TO FORM DEVELOPMENT PLATFORMS INCLUDING THE CREATION OF NEW BUNDS AND BATTERS; THE DEVELOPMENT OF A NEW INDUSTRIAL ESTATE COMPRISING UP TO 45,528M2 OF B1 LIGHT INDUSTRIAL, B2 GENERAL INDUSTRIAL AND B8 STORAGE _ DISTRIBUTION USES WITH ANCILLARY OFFICES; ANCILLARY CAFE AND CRECHE FACILITIES; CREATION OF A NEW ACCESS TO THE A20; NEW INTERNAL ACCESS ROADS; PARKING, INTERNAL DRAINAGE, STRUCTURAL LANDSCAPING AND THE DIVERSION OF THE EXISTING PUBLIC FOOTPATH. DETAILED PERMISSION SOUGHT FOR ERECTION OF NEW WAREHOUSE BUILDING (21,990M2) AND ASSOCIATED OFFICES (2,995M2) WITH ACCESS, SERVICE YARD, PARKING AND LANDSCAPING.

WATERSIDE PARK M20 J8, ASHFORD ROAD, HOLLINGBOURNE, KENT

Thank you for consulting us on the ES Addendum dated July 2014. We would like to reiterate our previous responses KT/2013/117152/01 and KT/2013/117152/02-L01 and include the following advice:

Any waste transfer and/or treatment operations being undertaken on this development if not subject to any other exemptions or authorisations will require an Environmental Permit to be in compliance with the Environmental Permitting (England and Wales) Regulations 2010. The operator will need to demonstrate that all pollution risks are being managed appropriately at the site giving particular attention to adequate site infrastructure, drainage and the protection of watercourses through the implementation of an approved site specific Environmental Management System. Additionally where a permit is required pre-application discussions will need to take place with this applicant where advice and guidance can be given regarding these proposed waste management activities.

Additionally guidance on what is required of the applicant can also be found on the GOV.UK website at <https://www.gov.uk/environmental-permit-how-to-apply> For any issues likely to be raised the applicant should contact Nina Smith (e-mail:

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency



nina.smith@environment-agency.gov.uk) in the Kent Waste Team or contact her on 01732 223268.

Decision notice

We require decision notice details for this application, in order to report on our effectiveness in influencing the planning process. Please email decision notice details to kentplanning@environment-agency.gov.uk or post a copy to the address at end of this letter.

We trust this is of use. Please do not hesitate to contact us if we can provide any further information.

Yours Sincerely,

Ghada S. Mitri
Sustainable Places Planning Advisor
Kent and South London
Direct dial 01732 223181
E-mail kentplanning@environment-agency.gov.uk

creating a better place

Mr Steve Clarke
Maidstone Borough Council
Development Control Section
Maidstone House King Street
Maidstone
Kent
ME15 6JQ



Our ref: KT/2013/117152/01-L01

Your ref: MA/13/1549

Date: 16 October 2013

Dear Mr Clarke,

PROPOSAL: HYBRID PLANNING APPLICATION (PART OUTLINE-PART DETAILED) FOR RE-GRADING OF SITE TO FORM DEVELOPMENT PLATFORMS INCLUDING THE CREATION OF NEW BUNDS AND BATTERS; THE DEVELOPMENT OF A NEW INDUSTRIAL ESTATE COMPRISING UP TO 56,000M² OF B1 OFFICE/LIGHT INDUSTRIAL, B2 GENERAL INDUSTRIAL AND B8 STORAGE AND DISTRIBUTION USES; ANCILLARY CAFE AND CRÈCHE FACILITIES; CREATION OF A NEW ACCESS TO THE A20; NEW INTERNAL ACCESS ROADS; PARKING, INTERNAL DRAINAGE, STRUCTURAL LANDSCAPING AND THE DIVERSION OF THE EXISTING PUBLIC FOOTPATH, WITH ACCESS TO BE DETERMINED AND APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT APPROVAL. DETAILED PERMISSION SOUGHT FOR THE ERECTION OF A NEW WAREHOUSE BUILDING (23,533M²) AND ASSOCIATED OFFICES (4,145M²) WITH ACCESS, SERVICE YARD, PARKING AND LANDSCAPING.

LOCATION: WATERSIDE PARK M20 J8, ASHFORD ROAD, HOLLINGBOURNE, KENT

Thank you for consulting us on the above application received 30 September 2013. We have reviewed the information submitted and have the following conditions and comments to make:

We have **no objection** to the development at this location however we request the following conditions be included in any permission granted:

Condition: Prior to start of site works, the applicant shall provide details to demonstrate the finished site levels across the entire site shall be no lower than 300mm above the estimated flood level under the 100yr (+20% to account for climate change) flood return period.

Reason: To minimise the risk of flooding to the site

Condition: Development shall not begin until a sustainable surface water drainage

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Email: enquiries@environment-agency.gov.uk
www.environment-agency.gov.uk



scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect vulnerable groundwater resources and source protection zones, and ensure compliance with the National Planning Policy Framework

Condition: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect vulnerable groundwater resources and source protection zones, and ensure compliance with the National Planning Policy Framework

Condition: The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure protection of controlled waters including groundwater and the River Len, and the Medway river basin management plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. *Without this condition, the impact could cause deterioration of a quality element to a lower status class and/or prevent the recovery of and/or cause deterioration of a protected area because it would:*

- *Result in the potential release of priority hazardous substances*
- *add additional loading of nitrates to the catchment*

Informatives

Contamination

The preliminary site report or phase 1 investigation has been carried out in line with relevant guidance. The recommendations for further investigations/actions at the site to address any identified contaminated made ground or groundwater should be

Page 2 of 4

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

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carried out and relevant detailed proposals agreed with the LPA before any site clean-up works are commenced.

The adjacent landfill has been identified and relevant monitoring carried out to assess potential risks, the conclusions are accepted in principle with respect to impacts on the development. It is recommended that groundwater monitoring is continued around the landfill site during any excavation works on the development site to monitor for any effects of disturbance.

The relevant planning conditions will not be discharged until such time as all relevant works are complete and a closure report submitted and approved by the LPA. Any construction on site should not commence until this approval has been granted.

Drainage

Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. Drainage from service yards may require additional measures such as in-line storage and pollution control valves.

It is unclear what is proposed for foul drainage but for this type and scale of development there would be a presumption that foul drainage would go to mains sewer, to ensure protection of the groundwater and surface waters at or adjacent to the site.

Waste

Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with section 34 of the Environmental Protection Act 1990 and in particular the Duty of Care Regulations 1999.

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately

Page 3 of 4

Environment Agency

Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH

Customer services line: 03708 506 506

Email: enquiries@environment-agency.gov.uk

www.environment-agency.gov.uk

characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to our position statement on the Definition of Waste: Development Industry Code of Practice which can be found on our website. **Please note, If any waste is to be used on site**, the applicant will be required to obtain the appropriate waste exemption or permit from us. The applicant is advised to contact our Environment Management South London Waste Team for further information or to refer to guidance on our website at: <http://www.environment-agency.gov.uk/subjects/waste>.

Fuel, Oil and Chemical Storage

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The area's for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

NPPF

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Should you wish to discuss this in more detail please do not hesitate to contact us.

Yours sincerely

Miss Ghada S. Mitri
Sustainable Places Planning Advisor
Kent and South London
Direct dial 01732 223181
Direct e-mail kentplanning@environment-agency.gov.uk

**Developments Affecting Trunk Roads and Special Roads
Highways Agency Response to an Application for Planning Permission**

From: Divisional Director, Network Delivery and Development, South East, Highways Agency.

To: The Chief Executive, Maidstone Borough Council (FAO Case officer: Richard Timms)

Council's Reference: Application: 14/501895/HYBRID Waterside Park M20 Junction 8 Ashford Road

Proposal: Hybrid application for re-grading of the site to form development platforms including development of a new industrial estate

Referring to the notification of a planning application dated 5 August 2014, your reference 14/501895/HYBRID, in connection with the above described proposed development in the vicinity of the M20 motorway, notice is hereby given under the Town and Country Planning (Development Management Procedure) (England) Order 2010 that the Secretary of State for Transport:-

- a) ~~offers no objection;~~
- b) ~~advises that planning permission should either be refused, or granted only subject to conditions~~
- c) directs conditions to be attached to any planning permission which may be granted;
- d) ~~directs that planning permission is not granted for an indefinite period of time;~~
- e) ~~directs that planning permission not be granted for a specified period (see Annex A).~~

(delete as appropriate)

Signed by authority of the Secretary of State for Transport

Date: 15 August 2014	Signature:
Name: John Henderson	Position: Assistant Asset Development Manager
The Highways Agency: Federated House, London Road, Dorking, Surrey RH4 1SZ	

Condition(s) to be attached to any grant of planning permission:

1. No part of the development hereby permitted shall be commenced until a scheme of improvements to M20 Junction 8 have been submitted to and approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason: to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. The scheme shall either comply with Design Manual for Roads and Bridges or have a departure from those standards agreed in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

2. No part of the development hereby permitted shall be commenced until the completion of the improvements to M20 Junction 8 required under Condition 1 (or such other scheme of works substantially to the same effect, as may be approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason: to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

3. No part of the development hereby permitted shall be commenced until a Construction Management Plan been submitted to and approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason: to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety

4. No part of the development hereby permitted shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The Travel Plan shall include arrangements for monitoring and effective enforcement. Upon first and any subsequent occupation of the development the Travel Plan shall be implemented.

Reason: to minimize traffic generated by the development and to ensure that the M20 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

This development may require work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and the Secretary of State for Transport. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Asset Development Manager (Kent), Highways Agency, Federated House, London Road, Dorking, Surrey RH4 1SZ. Email ha_info@highways.gsi.gov.uk Tel 0300 123 5000.



Richard Timms
Maidstone Borough Council
Maidstone Planning Department
King Street
Maidstone
Kent
ME15 6JQ

Highways and Transportation
Ashford Highway Depot
4 Javelin Way
Ashford
TN24 8AD

Tel: 03000 418181
Email: peter.rosevear@kent.gov.uk
Date: 26 August 2014

Application Reference - MBC/14/501895/HYBRID
Location - Waterside Park M20 J8 Ashford Road Hollingbourne Kent
Proposal - Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m² of B1 light industrial, B2 general industrial and B8 storage _ distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m²) and associated offices (2,995m²) with access, service yard, parking and landscaping.

Dear Richard,

I would like to make the following comments :-

In principle, the application is for a lesser scale of development than was previously submitted for this site. As KCC Highways and Transportation made no objection to this earlier application, I would like to make **no objection** to the current proposal, subject to the same conditions, namely :-

1)The provision, by way of a Section 278 Agreement between the applicant and KCC H&T, of the off-site mitigation works to the M20 Link Road/A20 Ashford Road roundabout, and the left-in , left-out construction vehicle access as identified in the original Transport Assessment, including the provision of bollards and trief kerbing to deter informal HGV parking on the site access road, at a trigger point to be agreed with the planning and highway authorities.

2)The provision of the minor improvement works to the footway on the northern side of the A20 between Old Mill Road and Bearsted village as identified in the original Transport Assessment, at a trigger point to be agreed with the planning and highway authorities

- 3)The preparation and submission of a site-wide Framework Travel Plan for approval by the planning and highway authorities
- 4)The preparation and submission of a Construction Environmental Management Plan for approval by the planning and highway authorities
- 5)The provision of measures to prevent the discharge of surface water onto the highway
- 6)The provision of wheel washing facilities prior to commencement of work on site
- 7)The provision and retention of the vehicle parking spaces shown on the submitted plans prior to commencement of commercial occupation of the site
- 8)The provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans, prior to the commercial occupation of the site
- 9)The provision and permanent retention of the cycle parking facilities prior to occupation
- 10)Completion and maintenance of the access shown on the submitted plans prior to commercial occupation of the site.

Yours sincerely,

Peter Rosevear
Strategic Transport & Development Planner



Richard Timms
Maidstone Borough Council
King Street
Maidstone
ME15 6JQ

Environment, Planning & Enforcement

2nd Floor, Invicta House
County Hall
Maidstone
Kent, ME14 1XX

Phone: 01622 1618
Ask for: Andrew Roach
Email: Andrew.roach@Kent.gov.uk

26th August 2014

Dear Mr Timms,

RE: Hybrid Application (Part Outline/Part Detailed) Ref.14/501895/HYBRID Waterside Park, M20 (Junction 8), Ashford Road, Hollingbourne

I refer to the abovementioned hybrid development application which has been submitted to Maidstone Borough Council. I would first like to thank you for consulting KCC in this matter and I provide the following comments for your consideration.

Revised Proposal

We note that the application is, essentially, a revised proposal following the refusal of Development Application Ref MA/13/1549 at the Maidstone Borough Council Planning Committee Meeting of February 27, 2014.

The reason for refusal, as noted at that meeting, stated:

'The proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-wide Local Plan, 2000 and the advice in the National Planning Policy Framework 2012.'

The current application has been submitted in a revised form in an attempt to overcome some of these issues/concerns, with the current proposal now seeking to (amongst other design changes):

- Reduce the total built area by 20% from 56,000 sq metres to 45,528 sq metres,
- Reduce the development area from 11.7 hectares to 10.2 hectares,
- Reduce the heights of the two tallest buildings by 2m, and

- Increase the buffer between the development and an adjacent area of ancient woodland from 15m to 23m.

KCC's Overall Position

Before making specific comments on the planning application, we must register our serious and significant objections to this proposed development.

In October 2011 KCC expressed strong objections to the concept of a strategic employment site at Junction 8 of M20 when the Borough Council consulted on its revised 'preferred option' for the Local Plan.

We objected again in September 2012 in response to the Borough's consultation on Strategic Allocations, in which this site was put forward as one of three options to be considered.

KCC maintained objection to the development of the site as initially proposed under Development Application Ref. MA/13/1549 (subsequently refused by Maidstone Borough Council).

KCC has consistently maintained objection to inappropriate development on this site, and the current proposal does not present any new information that would indicate that a change in this objection would be justified. For this reason KCC remains resolutely opposed to this planning application.

The key concerns of KCC are set out below:

Landscape/Visual Impact

Perhaps the most significant concern remains the impact and landscape and visual terms. The proposal is a greenfield site in the open countryside, is located within the setting of the Kent Downs Area of Outstanding Natural Beauty and adjoins a 'Special Landscape Area' as defined by the policies of Maidstone Borough Council.

In this regard, there are significant policy considerations at all levels:

- At a national level, one of the core principles of the National Planning Policy Framework is to recognise ' *the intrinsic character and beauty of the countryside*';

- More specifically, NPPF (Para. 15) states that:

'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty ...'

- Maidstone Borough Council's own Borough Wide Local Plan (Saved, Objective 3) states that planning proposals should:

'To protect the countryside for its own sake and to restrict the development of green field sites to the minimum necessary to conform with Structure Plan development requirements; to identify and implement policies to protect areas of countryside and open space having special

qualities, or achieving particular functions (such as separating urban areas).'

And (saved) Policy ENV 28 which states:

'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 ...'

- This is re-enforced in the policies set out in the Draft Maidstone Local Plan Regulation 18 Consultation (2014), which states, at Policy SP5, that:

'The distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting, and the extent and openness of the Metropolitan Green Belt will be rigorously protected and maintained.' [emphasis added)

And Draft PolicyDM30, which states that proposals must:

'Conserve and enhance the landscape and scenic beauty of the Kent Downs AONB and its setting' [emphasis added]

It is clear that the subject site is afforded significant protection as a result of its location within the setting of the Kent Downs AONB and within the open countryside. It is a site divorced from any nearby urban development and any proposal must be heavily scrutinised in order to ensure that impacts in landscape/visual terms are minimal.

It is the view of KCC, that the proposal would represent a significant impact in the locality as a result of the bulk and scale of the proposal, the nature of the development and the extent of site earthworks that would be required. This revised proposal still results in a significant development that is industrial/commercial in nature, with the potential for significant impacts in the locality.

The proposal still requires significant re-grading and earthworks, along with the construction of buildings that are entirely out of character with the locality. For this reason, KCC maintains serious objections to the development.

Is the Site Appropriate for Employment Development?

As noted in previous objections by Kent County Council (and others) there appears to be no justification for the development of a new employment site at this location.

It is KCC's view that the harm caused by the development is not justified given that there are alternative locations for the proposed uses. There is a stock of unimplemented permissions for office development (B1 uses) within the Borough at Junction 7 and vacant sites within the urban area. In terms of B2 & B8 uses, there is vacant industrial and warehousing land within both the Borough of Maidstone and surrounding Districts that would be more suitable and more sustainable sites than Junction 8. This was recognised by the Maidstone Borough Council Cabinet report (March, 2013) that states that based on recent employment land review the justification to release employment land at Junction 8 is *'less clear cut than previously'*. The report also acknowledged that there is a stock of industrial and warehousing land both within Maidstone and nearby authorities that would be suitable for B2 and B8 uses.

Consideration of the release of land near Junction 8 for employment purposes has been previously considered as part of the *Maidstone Borough Council Sustainability Appraisal* (2012). It is no surprise that sites near Junction 8 scored negatively on a number of key criteria, including:

- Poorly located in terms of public transport
- Increased congestion on the road network
- Loss of agricultural land
- Adverse impacts on air quality
- Significant landscape impacts

Other Impacts

There are a range of other impacts that must be considered in the assessment of the application, including:

- The proposal will lead to a loss of valuable agricultural land;
- Increased impact on the road network;
- Potential harm to the setting of nearby villages, including Bearsted,
- Impacts on items of significant heritage significance, including the Grade 1 Listed Leeds Castle (the main entrance to the Leeds Castle grounds lies less than 600 metres from the subject site)
- Cumulative impact of development in this location, including the potential to 'open up' greenfield, open countryside for further development.

Previous Considerations - Kent International Gateway (KIG) Inquiry

Development in this locality has been extensively investigated and comprehensively dealt with previously, not only through the previous application on this specific site, and the consideration as part of Maidstone Borough Council's emerging Local Plan allocations, but on the nearby site which was subject to the Kent International Gateway (KIG) appeal.

KCC strongly disagrees with the applicant's view that the KIG decision has no bearing on the consideration of this planning application. The landscape and countryside objections that KCC raised to the KIG application still apply and are of great importance to this application. Following the KIG appeal, the Secretary of State concluded:

'Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees (with the Inspector) that substantial weight should be given to these matters in the determination of the appeal' (para 20).

The Inspectors concluding statements noted:

'...the appearance and scale of the development would be alien and out of character with the countryside and the existing built-form of neighbouring settlements, and that it would cause substantial harm to the setting of the AONB.'

therefore not be started until such time as the Order necessary for its diversion has been confirmed, and the new route provided. The successful making and confirmation of an Order should not be assumed.

If you are mindful to approve the application I ask that you make it a condition that no development should take place over the PROW until the confirmation of its diversion or extinguishment.

New legislation in response to the Penfold Review, specifically the Growth and Infrastructure Act 2013 Section 12, (stopping up and diversions of public paths) means that an order to stop up or divert a right of way can be made in anticipation of planning permission being granted. This will allow the applications for planning and public rights of way orders to run concurrently, helping to reduce the completion time of the planning process.

I would also ask that a condition is placed to ensure that no planting is completed within 3 metres of the newly diverted PROW to reduce the likelihood of overgrowth in the future. It will be expected that Site Operators take on maintenance responsibilities for any landscaping and enhancements to benefit the public right of way network. In the case of any planted vegetation screening, this should be cut on a regular basis so that the footpaths are open and available to their full width at all times. If it is appropriate to do so I would ask that the maintenance responsibilities also be added as a planning condition.

Where possible we request that no additional planning is placed to the North and West of the path as an attempt to retain some views.

I should be grateful if you could bring the following to the applicant's attention:

- No furniture, fence, barrier or other structure may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- There must be no disturbance of the surface of the Public Right of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- The surfacing of the proposed PROW must be completed with the approval of the PROW and Access Service.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, I would need six weeks notice to process this.

This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

Comments are made in reference to the following planning policy;

- **National Policy Framework Section 75**, states that planning policies should look to protect and enhance public rights of way and access.



Regulatory Services Group

Richard Timms
Planning Officer
Maidstone Borough Council
King St
Maidstone
ME15 6JQ

Public Rights of Way and Access
2nd Floor, Invicta House
MAIDSTONE
ME14 1XX

Phone: 01622 221568
Ask for: Colin Finch
Email: colin.finch@kent.gov.uk

8/08/2014

Our Ref:
Your Ref: 14/501895

Dear Mr Timms,

Proposal: Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m² of B1 light industrial, B2 general industrial and B8 storage _ distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath.

Location: Waterside Park M20 J8 Ashford Road Hollingbourne Kent

Thank you for your consultation letter regarding the above planning application. Public Footpath KH181 would be directly affected by the proposed development. The location of this path is indicated on the attached extract of the Network Map. The Network Map is a working copy of the Definitive Map. The existence of the Right of Way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or Rights of Way not recorded on it.

Whilst we are able **support** the proposed development, this is subject some concerns which should be overcome by the placing appropriate conditions. In its current state, the development would impact greatly on the right of way and would result in a significant loss of amenity and public enjoyment.

We note however that the proposals plan to make a diversion to the existing Public Footpath into Open Space. This is entirely appropriate for the application and it is likely that we would fully support such a diversion as shown on the master plans.

The grant of planning consent does not entitle the developer to obstruct the Public Right of Way. The development, insofar as it affects the Public Right of Way, must

- **NPF 35**, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones
- **KCC Kent design guide**
- **Maidstone Borough Council Policies –ENV26 and ENV27**

Yours sincerely



Colin Finch
Senior Projects Officer
Public Rights of Way and Access



This is available in
larger print on request



Steve Clarke
Case Officer
Planning
Maidstone Borough Council
Maidstone House
King Street
Maidstone
ME15 6JQ

**Heritage
Planning & Environment EE**
Invicta House
County Hall
MAIDSTONE
ME14 1XX

Phone: (01622) 221540
Ask for: Ms Wendy Rogers
Email: wendy.rogers@kent.gov.uk

8 November 2013

SENT BY EMAIL

Re: MA/13/1549 – Waterside Park M20 J8 Ashford Road Hollingbourne

Thank you for your letter consulting us on the above hybrid planning application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of new industrial estate; ancillary café and crèche facilities; creation of new access to the A20; with associated access road, landscaping; detailed permission sought for erection of a new warehouse building and associate offices with access, service yard, parking and landscaping.

The site lies within an area of general archaeological potential associated with activity from the Prehistoric Period onwards. Current information suggests there is a remnant patch of River Terrace Gravels within the site and these have potential for rare and important Palaeolithic remains. To the east runs a stream feeding into the River Len which runs along the southern boundary with ground rising to the west end where it forms a plateau. Such river valleys were favourable to early settlement and although at present there is no evidence of prehistoric remains on the site itself, there is some potential for early prehistoric or Iron Age remains. In view of the discovery of a Roman coin hoard of over 5,400 coins and suggestions of Roman pottery and masonry observed to the south of Mill Farm, there is potential for Roman remains on the site.

On the basis of early OS maps, post medieval remains may be encountered on the site. There is considered to have been a post medieval or earlier mill along the River Len to the south, which was later succeeded by Mill Farm. Within the north east corner were some cottages and remains of some of the outbuildings may survive on site. Just beyond the north west corner is a post medieval quarry, known as “Hollingbourne Sand Mines”. Remains associated with this quarrying activity may survive within the site.

This application is supported by an Environmental Statement and heritage is covered, including sections within the Planning Statement and in the Non-Technical Summary. Assessment of heritage issues is covered in Chapter 14 which is also supported by an Archaeological Deskbased Assessment, an Archaeological Historic Landscape Assessment, a Geoarchaeological Deskbased Assessment and a Built Historic Environment Assessment. Although the first three assessments are brief, they provide reasonable information on the potential for significant archaeological remains.

The Historic Landscape Assessment is especially brief and it would have been helpful to have had more consideration of the impact of the scheme on the wider historic landscape, including Leeds Castle and the setting of the listed buildings nearby. Assessment of the landscape is covered in the Landscape and Visual Impact Assessment but the historic landscape issues are not covered well.

In summary, the assessment of archaeological issues is reasonable and this has highlighted some potential for Palaeolithic and Roman remains especially. However, on the basis of present, readily available evidence, there is nothing to demonstrate that there are archaeological remains of significance requiring their preservation be taken account of in reaching a decision on the present application. The site has not been formally evaluated and it is possible that important remains may be found which would warrant appropriate mitigation through excavation or recording. I am satisfied that this potential can be addressed through appropriate assessment and mitigation post determination and can be secured through the following condition:

- AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of*
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

I would be pleased to discuss any of the above further and can provide a specification on request.

Yours sincerely

Wendy Rogers
Senior Archaeological Officer
Heritage Conservation

Waterside Park - Economic Development

ADL and Scarab Sweepers, both Marden based businesses, have announced their intention to relocate to enable their growth and to become more competitive. From small beginnings around 25 year ago they have expanded to become two of the most significant employers in Maidstone, and importantly both export around the world.

ADL

ADL has recently become part of a family owned German company called Febi Bilstein enabling it to access the required finance to grow the business in the UK.

ADL is a supplier of automotive vehicle parts for Japanese, Korean and American vehicle brands. Key stats:

- Projected turnover £84m for 2014 (rising to £125m by 2016)
- Current business rates payable £300,000 (expected to rise to £500k if move to junction 8)
- 20% of profit reinvested into product development
- Local employments costs £9m
- 50% of turnover is for export to 100 countries (expected to rise to 65% of turnover by 2016).
- Established apprenticeship scheme
- 230 local employees (expected to employ an additional 100 over next three years)
- Other spend in the local economy of £3m through 10 main local suppliers including £2m through the Maidstone TNT depot and £400k on temporary employees.

ADL's need to secure a new site is pressing. They frequently operate at 90% capacity and are growing rapidly. They already operate from 5 different buildings which is inefficient. Even if they could identify a suitable additional building to add capacity it would exacerbate operational inefficiencies, and add costs. Their parent company's business model requires them to own property freehold. A short term extension to their current leases has been rejected by one of their landlords, Firmin (see attachment)

Scarab

Scarab has recently become part of the Fayat Group, one of France's largest construction companies.

Scarab is the world's largest manufacturer of single engine street sweepers and currently employs 220 staff in the UK. Scarab is going through a period of significant growth in its export markets and plans to add 50 more over the next three years.

Scarab recorded turnover of £27m and expects growth of 25% this year.

Currently Scarab's site restrictions mean that they sub contract work to outside suppliers (not necessary local) rather than expand.

Together, ADL's and Scarab's **combined 450** staff earn salaries of £15m per year. Most of these employees are Maidstone residents and buy goods and services which benefit the local economy further.

A significant proportion of employees earn well over the median annual pay for those working in Maidstone (Source: Volterra report)

Nature of jobs safeguarded and created

A range of job opportunities are needed at different skill and wage levels if the borough is to increase its employment rates and meet the needs of local residents. The applicant states that 60% of ADLs jobs will be office based or in Quality Control. Greater investment in technology will require IT skills and up skilling employees in technological changes in the automotive industry.

Distribution centre roles require a general skill level and therefore are accessible to a wide range of people, including those with limited experience.

Scarab has a wide variety of both manufacturing and office-based roles. Positions require varying skill levels and employees receive excellent training. Manufacturing roles include welders, assembly fitters, painters and inspectors. Office roles are in the areas of sales, administration, IT as well as the in-house design team, which includes highly-skilled mechanical design engineers.

ADL has recently announced an apprenticeship scheme with vacancies in logistics, supply chain, product development and quality control. Scarab has plans to establish an apprenticeship scheme over the next two years that will give opportunities in the fields of mechanical engineering, welding and product maintenance.

Need to relocate

Expansion is only possible if both companies relocate. Currently both occupy a number of buildings in Marden which are poorly related to each other operationally and result in inefficiencies such as double handling incurring avoidable costs.

Expansion in Marden is no-longer desirable due to the constraints of the industrial estate but also because it is some distance from the motorway network (around 20 minutes or more depending on traffic) which results in lorries using rural roads and additional costs in time and fuel. The impact of lorry movements on local communities has resulted in the introduction of Experimental Traffic Regulation Orders around Marden and Yalding with the aim of directing lorries in excess of 7.5 tonnes away this area and on to the main road network. This has reduced the attractiveness of Marden for ADL and Scarabs too as it increases journey times and cost for some deliveries and exports.

Maidstone's key competitive advantage.

Proximity to the M20 motorway, which provides access to London, Greater South East, UK and European markets, is one of Maidstone's key competitive advantages. The borough benefits from four junctions on the M20 as well as quick access to the M2 to the East and the A21 to the west, and also the M25.

Sites along the motorway represent some of the best opportunities for expanding Maidstone's tradable base and export capacity.

In the absence of any other existing industrial estates in Maidstone capable of accommodating the needs of these local businesses, Waterside Park offers significant business benefits. As stated in the applicant's submission, the 42 acre site offers the following advantages:

- A larger facility to allow future growth;
- A reduction in occupation costs;
- Economies of scale from operating in a larger facility;
- Improvements in operational efficiency;
- Retention of key staff members;
- A prestigious location for their headquarters;
- Fewer truck movements; and,
- Better access for trucks to major sea ports.

National context

The government places significant emphasis on encouraging exporting and greater global competitiveness. It sets four ambitions in the 'Plan for Growth', published at Budget 2011 one of which is to "to encourage investment and exports as a route to a more balanced economy."

In November 2011 the Prime Minister and Lord Green launched the National Challenge - a major initiative to boost the number of Small to Medium Sized Enterprises (SMEs) that export - setting the target of getting up to 100,000 SMEs to either start exporting for the first time or spread to new markets over the next 5 years.

The National Plan for Growth identifies 8 key sectors where growth should be encouraged, one of which is Advanced Manufacturing. Scarab displays many of the characteristics of an advanced manufacturer. The proportion of national output and employment in manufacturing has continued to decline but there is now a greater recognition of the importance of the sector to growth because of its high levels of research and development, its supply chain and propensity to export.

National Planning Policy Guidance states that significant weight should be placed on the need to support economic growth through the planning system and local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Planning authorities should support existing business sectors, taking account of whether they are expanding or contracting. These policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances. Developments should be located and

designed where practical to accommodate the efficient delivery of goods and supplies.

A report commissioned by Maidstone Borough Council and produced by GVA in December 2013 called Economic Sensitivity Testing sets out the economic potential of the Borough and the implications this has on future growth requirements to 2031. The report identifies key sectors which already have a strong concentration, and are expanding. Land Transport, Storage (ADL) and the Manufacture of Transport Equipment (Scarab) are included in this list.

The report goes on to say that businesses servicing regional, national, and international markets from Maidstone tend to seek locations with high quality environments and workspaces and good communication and infrastructure.

Waterside Park would create such desired locations.

Regional context

At the regional level the South East Local Enterprise Partnership policy documents identifies 4 key sectors with high growth potential, and which fit closely with the National Industrial Strategy. These are advanced manufacturing, logistics, low carbon and environmental technologies, and life sciences/med tech. Recent planning decisions to support the Maidstone Medical Campus with its life sciences focus and now this opportunity to support manufacturing and logistics demonstrates that Maidstone is very much aligned to national and regional growth strategies and therefore well placed to benefit from sectors where jobs growth is expected in the future.

Kent context

The importance of growing Kent's export base is reflected in Kent County Council investment in the recently established Kent International Business Service. Kent International Business (KIB) is a Kent-wide initiative which aims to encourage Kent businesses to access overseas markets and to provide information, advice and support to help them do so. KIB is led by Kent County Council in partnership with various business support organisations in the county.

The Kent Freight Action Plan 2012-2016 (KFAP) recognises the significant contribution freight and logistics make to the Kent economy but also the impact lorries can have on local communities. Of the 6 objectives in the KFAP the following are particularly relevant:

Objective 3: To effectively manage the routing of HGV traffic to ensure that such movements remain on the Strategic Road Network for as much of their journey as possible.

Objective 4: To take steps to address problems caused by freight traffic to communities.

The relocation of both these businesses closer to the motoway supports both these objectives.

Borough Context

Maidstone Borough Council's Economic Development Strategy states that it should ensure a supply of readily available sites and encourage the retention of existing businesses and their investment in the Borough. There have been no new employment allocations since the adoption of the Local Plan in 2000.

The Borough needs quality sites in the right places to retain and attract businesses in these growth sectors if Maidstone's economic potential is to be realised.

The 2013 Economic Sensitivity Testing report by GVA states that Logistics and Distribution sector has seen unprecedented growth over the last decade. Future prospects indicate that growth will continue. This sector is forecast to grow by 17% between 2011 and 2031.

The manufacture of transport equipment is forecast to grow as a result of a number of factors including new technologies, changing vehicle requirements and sustainable fuels and increasing costs. Commercial vehicles are increasingly specialised generating a demand for greater ancillary products and adaptation businesses. As technology evolves this is likely to continue to be a niche growth industry. This sector is forecast to grow locally by 16% between 2011 and 2031.

Threats to the local economy

Whilst the Borough's economy remains the largest in Kent (outside of Medway) in terms of Gross Value Added (GVA), number of employees and businesses, the short to medium term trend is one of contraction. Between 2003 and 2008 the number of private sector jobs available in the Borough fell by 5% (source: Location metrics for Regional Growth Fund 4) with employment growth largely coming from the public sector. Between 2008 and 2010 the number of all employees in the Borough fell by a further 3000 jobs (source: Kent County Council, Research & Evaluation, Business Strategy & Support, Business Register and Employment Survey).

The underlying number of unemployed residents is in the region of 4800 people (Source: Nomis 2013/14).

There is an urgent need to create more private sector jobs in the context of the Government's proposed reductions in public sector spending. The Borough is highly dependent on public sector employment which provides approximately 30% of all jobs, one of the highest percentages in the South East. Between 2009 and 2012, 1500 jobs were lost in the public sector. Further public sector job losses are inevitable as further cuts are planned.

Should Waterside Park not get permission existing jobs will be lost and the opportunity of significant future job creation will be missed locally. The scale of the jobs lost will in part be dependent upon where ADL and Scarab choose to relocate. Clearly if this is some distance from Maidstone the job losses will be greater.

Conclusion

ADL and Scarab must relocate to grow and become more competitive. To avoid the possibility of an interruption to business operations ADL must make a decision on a new site within the next few months.

No other site in the Borough is available to meet their needs. Both businesses provide significant local employment and planned jobs growth in a wide range of skilled and non skilled occupations.

Both businesses support the national government agenda to help rebalance the economy through exporting and to compete globally.

Within the context of falling numbers of private sector jobs in the Borough and threats to public sectors employment, the expansion of these businesses is important to the welling being of local economy.

Waterside Park represents a £50m investment in the local economy, and will create hundreds of construction jobs and further jobs indirectly raising the profile of Maidstone as a business location.

<u>For admin. use</u>	
Date logged:	05/08/2014
21 day completion:	No
If no, timescale is:	58 days
Original MA ref (conditions):	MA/ /
Time allocation:	100 mins

Maidstone Borough Council
Heritage, Landscape and Design
Planning Consultation Response Sheet (C)

FAO (Case Officer): Richard Timms
Application No.: 14/501895

Address of site: Waterside Park, M20 J8, Ashford Road, Hollingbourne
Proposal: Industrial and warehouse development
Application for: Full planning permission

Type of consultation: Automatic

Reason for consultation:

- | | | | |
|--|---|---|------------------------------------|
| <input type="checkbox"/> Major application | <input type="checkbox"/> Conservation area | <input type="checkbox"/> Locally listed building | <input type="checkbox"/> Not known |
| <input type="checkbox"/> Listed building | <input type="checkbox"/> Setting of Conservation area | <input type="checkbox"/> Registered park/garden | |
| <input checked="" type="checkbox"/> Setting of Listed building | <input type="checkbox"/> Planning Committee report | <input type="checkbox"/> Scheduled ancient monument | |
| <input type="checkbox"/> Curtilage of Listed building | <input type="checkbox"/> Additional comments | <input type="checkbox"/> Design advice | |
| <input type="checkbox"/> Agricultural conversion | <input checked="" type="checkbox"/> Non-designated heritage asset | <input type="checkbox"/> Appeal | |

Comments:

The site occupies a prominent ridge-top location where the land falls away quite steeply to the west and more gently towards the east. Significant re-shaping of the landscape is proposed in order to create large, level platforms for development with large industrial and warehousing units together with substantial areas of car parking and ancillary facilities. This is a revised scheme which inter alia reduces the developed area and the amount of building and reduces the height of the main buildings in an attempt to overcome the reason for refusal of the previous application.

The site lies directly opposite the Grade II listed Old England Cottage in Ashford Road. Immediately to the south of the site lies the historic farm group formed by Old Mill House and Old Mill Oast, which in my opinion should be considered as non-designated heritage assets. This group lies adjacent to a large millpond which formerly served a watermill which existed until the 19th or early 20th Century and of which some archaeological remains survive. This millpond and mill site should also be considered as non-designated heritage assets in my view.

Other heritage assets lying further afield may also potentially be affected by this development – these include Leeds Castle and its registered historic parkland; Leeds Conservation Area; the group of listed buildings around Brogden Farmhouse, Leeds; and Woodcut Farmhouse, Hollingbourne.

Old England Cottage has its setting already compromised by its position adjacent to the A20/M20 junction – the dual carriageway road lies very close to the front of the building and is constructed at a significantly higher level than the cottage. The fact that the setting of this listed building is already badly affected does not mean that further impacts can be discounted – English Heritage has produced guidance on the setting of heritage assets and in Section 2.4 of this document it states:-

"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting...consideration still needs to be given to whether additional change will further detract from...the significance of the asset."

However, I am in agreement with the assessment of the Environmental Statement that the impact on the setting will be slight, given the intervening dual carriageway road, the topography and screening.

Old Mill House and Old Mill Oast, together with the millpond, lie close to the River Len, which at this point is deeply incised into a narrow valley. This gives these heritage assets a very secluded, almost secret, location in an attractive landscape, all the more valuable and surprising given its close proximity to the A20/M20 junction. This feeling of isolation is an important component of their setting. In my view the development as now proposed is likely to have a slightly reduced impact on their setting although it is still likely to compromise this seclusion by its sheer presence and the activity associated with it. The large buildings may be visible from the millpond, although the "pulling back" of the scheme from the southern boundary of the application site might enable additional screen planting to be implemented to mitigate this potential impact. In medium-distance views there is also likely to be some detrimental impact – for example, from further south along Old Mill Road, there is an attractive view of the kilns associated with Old Mill Oast with the backdrop of the escarpment of the North Downs; the new development would be likely to be visible alongside the oast kilns, thus compromising this view and adversely affecting the setting of the non-designated heritage asset. Further south, at the junction of Old Mill Lane and Forge Lane, lies another concentration of heritage assets – the listed Brogden Farmhouse, Brogden Farm Cottages and Brogden Barn together with the converted Brogden Farm Oast which should be considered as a non-designated heritage asset. This very attractive and complete historic group is considered in the Environmental Statement which notes that the attractive views towards the North Downs, which include the proposed development site, contribute to the significance of these heritage assets.

The proposals would not be visible from Leeds Castle itself, but from one point in the Registered Historic Park would be seen beyond the castle. The Environmental Statement gives this fact little weight, on the basis that the view is only available to a relatively low number of golfers. In my view, notwithstanding this, it is the impact on the integrity of the historic parkland which is the relevant consideration; this view is one of the finest views of the castle in its setting and deserves to be protected.

There would be glimpses of the development from a couple of locations within Leeds Conservation Area, but it is accepted that the impact will be slight. Similarly, although the edge of the site is visible from Woodcut Farmhouse, the topography and the "cutting-in" of the development into the existing landform mean that it is unlikely to have any significant impact on the setting of this listed building.

It remains my view that there will be some adverse effect on the settings of various heritage assets in the vicinity, particularly to the south of the application site. This would amount to less than substantial harm and in coming to a decision on this application it will be necessary to balance this harm against any public benefit of the proposals in line with the advice in the NPPF paragraphs 134 and 135.

Recommendation

- I **OBJECT** to this application on heritage grounds for reasons as detailed above.

Signed: Mike Parkinson

Date:02/10/2014

For admin. use	
Date logged:	05/08/2014
21 day completion:	No
If no, timescale is:	28
Time allocation:	90

Maidstone Borough Council

Heritage, Landscape and Design

Planning Consultation Response Sheet (L)

FAO (Case Officer): Richard Timms

Application No.: 14/501895/HYBRID

Address of site: Waterside Park, M20 J8, Ashford Road, Hollingbourne

Proposal: Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m² of B1 light industrial, B2 general industrial and B8 storage and distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m²) and associated offices (2,995m²) with access, service yard, parking and landscaping.

Reason for consultation:

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Major application | <input type="checkbox"/> Conservation area | <input type="checkbox"/> Planning committee report |
| <input type="checkbox"/> Trees (protected) | <input type="checkbox"/> Design advice | <input type="checkbox"/> Appeal |
| <input checked="" type="checkbox"/> Trees/hedges (other) | <input type="checkbox"/> Pre app. advice | <input type="checkbox"/> Not known |
| <input type="checkbox"/> Landscape scheme | <input type="checkbox"/> Additional comments | |

Comments:

This new development proposal for Waterside Park shows some improvement from the original scheme but I would still have to raise concerns on the basis of my comments relating to application MA/13/1549, dated 20 January 2014.

The buffer zone to the Ancient woodland appears to be slightly larger than in the original proposal, but the details provided (including the composite site sections) leave me unconvinced that there will be no detrimental impact to the ecology of the existing woodland area, contrary to Natural England Standing Advice; appendix 4 of which details the adverse impacts of the effects of development on adjacent land.

I would also reiterate that an arboricultural impact assessment (AIA) in accordance with BS5837:2012, with particular reference to section 7, demolition and construction in proximity to existing trees, and section 8.2, drainage has not yet been provided.

Whilst the proposed bunds have an improved gradient they are still proposed as a 1 in 3 slope. This is contrary to the Council's Landscape Character Assessment Supplement 2012, General Landscape Guidance, 8, Earthworks, which is very clear in its assertion that screening should be achieved as far as possible without bunding and that relaxed profiles (approx. 1 in 5) are preferred. The steeper and more uniform the slope, the more alien it appears within the landscape. The steepness also makes it more resource intensive to construct and maintain. There are again no details as to how the level changes will be phased or achieved, nor any maintenance and long term management details to demonstrate that a sustainable and fitting landscape scheme can be achieved.

If the application is being determined by Planning Committee, or by Members under delegated authority, and makes reference to any of the issues outlined above, a further commentary will be provided.

Signed: Deanne Cunningham

Date:30/09/2014

MIDKENT ENVIRONMENTAL HEALTH
SERVICES

INTERNAL MEMORANDUM

From: Mr Duncan Haynes Environment and Street Scene	To: Richard Timms Planning Department
Date: 5th September 2014	Our Ref: DSH/14/504610/GENPLA
Planning Details and Application Ref: Application Reference: 14/501895/HYBRID/RITI Proposal: Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m ² of B1 light industrial, B2 general industrial and B8 storage _ distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m ²) and associated offices (2,995m ²) with access, service yard, parking and landscaping. Location: Waterside Park M20 J8 Ashford Road Hollingbourne Kent	
Address. <u>Waterside Park M20 J8, Ashford Road, Hollingbourne.</u>	

The new application is in effect a smaller scale version of the previous application. The concerns and comments of the EP team remain therefore largely unchanged.

Air Quality:

The air quality assessment generally conforms to current guidelines and best practice and the comments made by this department on the scoping report under MA/13/0050 have been taken into account.

The recommended (in section 12 of the Environmental Statement) mitigation for the operational phase of the development relies on the measures proposed in the transport assessment section 8.6.4. These proposals are supported. However, as the proposals are necessarily vague and strategic we would like the transport framework and travel plans to ensure emission reduction is addressed and not just trip generation. For example, we would like to see Electric Vehicle charging points installed or the enabling cabling to be installed in the least.

We would recommend that contained within any travel plan the emissions related to buildings and transport are directly evaluated either quantitatively or qualitatively to ensure the target is not just about trip reduction as ultimately the goal is not trip reduction but emission reduction, for which reducing trips plays a significant role.

In order to achieve this we are proposing an emission reduction condition which could be fulfilled within the travel plan component of the decision notice.

In terms of the construction phase emission we recommend that the construction phase mitigation proposed in section 12.6 is fully implemented.

Contaminated Land:

There is no indication from the latest British Geological Survey maps of any significant probability of elevated radon concentrations. But the historical use of the site for agricultural purposes and the position of an historic landfill site within part of the northern corner of the site plus immediately adjacent to it; called The Caves, ref EAHLD19602, indicates that a contaminated land condition should be applied to any planning permission granted.

Our records suggest that landfill site was licensed for inert builders and demolition waste until April 1994; and so is unlikely to produce landfill gas, but should be included in the proposed site investigation (Section 11.6.13).

The ground condition report is a comprehensive desk study and from the information presented we agree with the key issues regarding groundwater and land contamination have been identified.

We therefore support the mitigation recommendations to carry out a site investigation in order to manage the potential risks going forward (Section 11.6.13, 11.6.29, 11.6.30, 11.6.32) and suggest this is brought together in one report and submitted to satisfy the proposed contaminated land condition.

Groundwater:

We note that the Environmental Statement, ref JB/9628, states in section 10.3.2:

An approach has been made to the EA regarding the groundwater conditions on the site and the Zone III Source Protection Zone. The EA have responded and have asked for the following to be taken into account in the design of the proposed drainage system.

(1) As there is not 10m between the proposed infiltration drainage we will need to demonstrate that we have put in the required protection measures in the drainage system to protect the aquifer from contamination.

(2) There is to be no infiltration drainage within 50m of the existing landfill site."

In addition we note that section 10.6.1 states:

"Without mitigation, there would be a potential risk of contamination from the impermeable surfaces of the proposed site due to accidental spillages of contaminants reaching the ground water and aquifer. The proposed drainage system will be designed with protection from these events which will include natural techniques such as permeable paving swales and wetlands and in areas of high risk such as service yards the use of class 1 interceptors. With these measures in place the predicted impact will be negligible. The construction of swales, ponds and wetland on the site will provide a natural habitat and will be a benefit to the environment."

Such mitigation is particularly important to protect nearby Private Water Supplies such as that used at Leeds Castle and should definitely be referred to the Environment Agency for them to approve. We therefore support the proposed mitigation of designing an appropriate drainage system and recommend a drainage condition to cover this aspect of the development.

This overlaps with the sections on surface water flooding and the EA may have proposed a suitable condition to cover this aspect from an EH perspective.

Foul Drainage:

We note that the application form states that foul sewage will be dealt with via a cesspit. Our records show that mains drainage lies immediately adjacent to the site beneath the A20 and we can find no relevant cesspit(s) indicated on the maps/plans supplied with this application. Therefore, further information on this matter needs to be required to ensure the appropriate drainage for this development is implemented.

Recommendations: No objections subject to the comments above and conditions/informatives below;

Conditions:

Foul sewage

Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Surface Water Drainage Works

Prior to the commencement of the development, details of the drainage works shall be submitted to and approved in writing by the Local Planning Authority.

Light spillage

To safeguard the enjoyment of their properties by adjoining residential occupiers and the visual amenity of the surrounding area, details of measures to prevent light spillage from the site should be forwarded to this Department, and these measures

shall be undertaken in accordance with the approved details and maintained thereafter;

Land Contamination

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 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) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

HOURS OF WORKING (CONSTRUCTION)

No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

[In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary for safety reasons to conduct works during a railway possession or road closure, outside the hours specified in this condition].

PLANT AND DUCTING SYSTEMS

Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

RATING LEVEL – NIGHT

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level $L_{A90, T}$ during the night time period. For the purpose of the assessment the Authority will accept 23:00 – 07:00 hours as covering the night time period

RATING LEVEL – DAY

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level $L_{A90, T}$ during the day time period. For the purpose of the assessment the Authority will accept 07:00- 23:00 hours as covering the night time period

EXTRACTION/TREATMENT OF FUMES/ODOURS

Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

CODE OF CONSTRUCTION PRACTICE (MAJOR SITES)

Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on

Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003).unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Air Quality Emissions Reduction

No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development during construction and when in occupation. The report which can be incorporated into other assessments) should be submitted to and approved by the Local planning authority, prior to development.

The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010*.

Please do not hesitate to contact me for further advice or information in relation to this matter.

Regards

Mr Duncan Haynes
Environmental Protection Team Leader

Richard Timms,
Planning Officer
Planning Department,
Maidstone Borough Council,
ME15 6JQ.

1st September 2014

planningsupport@midkent.gov.uk; RichardTimms@maidstone.gov.uk;
sean.hanna@naturalengland.org.uk;

Sent by email only. If you would like a hard copy please contact the AONB office

Dear Richard,

Application MA/501895/HYBRID/RITI: Waterside Park, Ashford Road Hollingbourne

Thank you for consulting us on the above and for extending the period for our response. The comments below reflect previous comments made by the AONB Executive on the Draft Local Plan regulation 18 Consultation. The comments made on the pre-application consultation and scoping opinion, and AONB consultation response for the previous application MA/13/1549 are attached as Appendix 1, 2 and 3. The background and policy context of the AONB's response along with relevant policy excerpts from the new revised and adopted Kent Downs AONB Management Plan are attached as Appendix 4.

This application is a revision of refused application MA/13/1549, the reason for refusal being:

'The proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.'

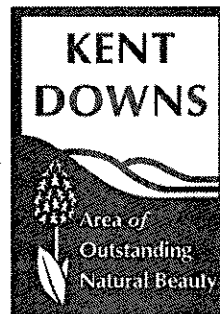
The revised application includes a reduction in the total built area and consequent reduction in the developed area of 1.5ha, a reduction in overall height of some of the buildings by 2m, a reduction in excavation and increased planting and landscaping, particularly on the western edge of the site.

These changes do not however address the issues raised in our objections to the previous application, nor do we believe do they address the reasons for refusal of that application.

Our detailed comments are as follows:

Our opinion on this application does not change from that set out in our scoping opinion and pre application and application response to the previous application MA/13/1549 and (Appendix 1, 2 and 3 attached).

Our comments set out below should be read in the context of our previous advice, which still stands.



Kent Downs AONB Unit
West Barn
Penstock Hall Farm
Canterbury Road
East Brabourne
Ashford, Kent TN25 5LL
Tel: 01303 815170
Fax: 01303 815179
mail@kentdowns.org.uk
www.kentdowns.org.uk

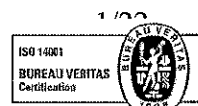
Anglesey
Arnsdale and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

Enhancing landscapes and life in the Kent Downs

The Kent Downs AONB Joint Advisory Committee promotes and co-ordinates the conservation of the Kent Downs AONB. Funding is provided by Natural England, Kent County Council and the local authorities of Ashford, Bromley, Canterbury, Dover, Gravesham, Medway, Maidstone, Sevenoaks, Shepway, Swale and Tonbridge and Malling. Other organisations represented on the JAC include the Environment Agency, DEFRA CLA, NFU, Kent Association of Parish Councils and Action with Communities in Rural Kent.



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Policy context in relation to the Kent Downs AONB and its setting:

This is discussed more fully below. In summary the application conflicts with the following policies:

- The CROW Act2000 Duty of regard and adopted Kent Downs AONB Management Plan Review 2014-19 , particularly policy SP8. (Other Management Plan policies relevant to this application are set out in Appendix 5)
- NPPF paras14 & footnote 9, 23,24,26,27,110, 111, 115 and Planning Practice Guidance Paragraph: 003Reference ID: 8-003-20140306
- Maidstone BC Saved objective 3 and policy ENV28;
- Maidstone BC draft Local Plan Reg. 18 Consultation Draft 2014 policies SP5 and DM30

Physical context

- The development site is substantially separate from the urban area of Maidstone. This is an inappropriate location for new industrial development. The SA for this site undertaken to evaluate possible Local Plan allocations in 2012 did not support the allocation of this site.
- Development here would be contrary to the sequential approach for the identification of sites set out in paragraphs 23, 24, 26 and 27 of the NPPF for office, commercial and other purposes.
- Development at the proposed location would increase the likelihood of pressure for development in the area between the site and Maidstone. This too would be inappropriate, not only because much of it is similarly beyond the current urban edge of Maidstone, but also because much of the land is in the immediate setting of the AONB where development has been roundly rejected on appeal following the Kent International Gateway Inquiry.
- The proposal would be contrary to the Spatial policies and particularly Policy SP5 of the draft Maidstone Local Plan Reg. 18 consultation. The effect of development at the proposed site would be to give the impression, at least from the Kent Downs AONB, that Eyhorne Street, the Great Danes Hotel and the application site were merging into a single group, as the photograph below shows, from the midslope above Hollingbourne. The whole group would of course risk merging with Maidstone eventually, as noted above.



Impact on the Kent Downs AONB

The Environmental Statement in chapter 13 – ‘Landscape and Visual Impact’ as revised (ESLVIA) makes a series of misjudgements about the impact of the proposed development on the Kent Downs AONB. These call into question the merit of the landscape and visual appraisal. This

appraisal has been marginally altered to take account of the revised development proposals, but none of the changes relate to the issues we raised previously and our comments remain fundamentally the same:

'Compromised views:'

There are various statements that the views towards the site from the AONB are already compromised by the presence of the transport corridors between the site and the Downs: the M20, the A20, the CTRL and the Ashford-Maidstone railway line (e.g. paragraph 13.6.3). The applicant's own photographs demonstrate that this is untrue. The transport infrastructure is virtually invisible in photographs 29, 30, 31, 32 and 33 (i.e. without the aid of a telephoto lens), yet the application site is clearly visible in them. The need to mitigate the impact of views from the AONB is acknowledged in the ESLVIA (paragraph 13.5.5 indent 10) but this simply cannot be achieved. This seems to be accepted in paragraph 3.6.11 indent 6 on 'Public Rights of Way'.

Perception of views from the KDAONB:

Second, the application site is very clearly visible from the AONB, particularly from the North Downs Way and open access land (and also from other rights of way and locations). It is misleading by the applicant to describe the visual impact of the proposed development from this direction as "insignificant" (paragraph 13.6.11, end of 6th indent) and to say of views that "it forms a small and distant component only of them" (paragraphs 13.4.27 and 13.6.3). The application site is prominent in views from the AONB, positively sticking out from its surroundings, not least because the land on the application site is elevated on its south and west sides and falls away to the north-east. Refer to our photographs in Appendix 1 which demonstrate this clearly.

The importance of the setting of the KDAONB:

The setting of the AONB from the North Downs scarp has enormous value. It was a principle reason why the AONB was designated in this area. The Downs around Hollingbourne provide one of the most impressive sections of both scarp and views. This should be prized. The applicant has given insufficient attention to the value represented by the setting in this location, which includes the application site less than 3km distant from the North Downs Way. This is supported by the outcome of the Kent International Gateway Inquiry:

'The Secretary of State agrees with the Inspector's conclusion that the appearance and scale of the development would be alien and out of character with the countryside and the existing built-form of neighbouring settlements, and that it would cause substantial harm to the setting of the AONB (IR18.45). Given the importance and value of the open countryside which currently forms the appeal site and of the AONB which adjoins it, and given the harm the proposal would cause to them, the Secretary of State agrees that substantial weight should be given to these matters in the determination of the appeal (IR18.52).'

'A number of factors weigh against the proposal, including the loss of a large area of open countryside, substantial harm to the setting of the Kent Downs AONB, serious damage to the attractiveness and amenity value of the bridleways and footpath that cross the site,.....'

The Kent Downs AONB Unit disagrees with the applicant's view that this appeal determination has no bearing on this application. Clearly the area around junction 8 along the south side of the M20 and in view from the scarp of the AONB is all part of the setting of the AONB which the Secretary of State agreed would be harmed by development.

Impact of earthmoving and revised heights and layout:

Despite the amendments to the proposals to the earthmoving, cut and fill on the site these are still very substantial and will be prominent, discordant and damaging when seen from the AONB. Despite the amendments to the development proposals (height, alignment, landscaping etc) there will still be a visual impact of the major structures' roofs. Further some parts of the development will still rise above the surrounding ground level and will be similar to the previous application in this respect due to the fact that the reduction in cut of 2m is matched by a similar reduction in height of the buildings. The proposal is for the excavations to be to a depth of 12m at the west end of the site (paragraph 13.5.1), still a very considerable depth, will necessitate sharp slopes and steep retaining walls. The depth of 12m will mean that not all of the buildings will be hidden below surrounding ground level. The high buildings accommodated will still be prominent at their eastern end, as will those on the platform at the eastern end of the site. All the roofs will be visible from the KDOANB.

Views towards the AONB

The assessment of the impact of the development on views towards the AONB is little better. The view towards the AONB from the footpath across the site is illustrated below. Paragraph 13.5.4 of the ESLVIA explains that the footpath would be diverted to the edge of the site and then contained within a 'green corridor' bounded on the site of the proposed development by a 1.8m high hedge and with reinforced planting on the edge of the Biffa site. In short views in any direction, including to the AONB, would be minimal. We also consider that views to the AONB from other positions would be more impaired than the ESLVIA suggests, including from parts of Leeds to the south.



Further comments below set out our response to the applicant's Chapter 13 'Landscape and Visual Impact' (ESLVIA) submission.

Chapter 13 Policy

Para 13.7.9

The issue is a strategic one. If this development is permitted on policy grounds any green field site whether allocated or not would be eligible for development. Large developments such as this should only be permitted on an allocated site that has been properly assessed and screened through a SA process and where all alternative sites have been assessed. The site is not allocated and the application is premature in advance of the emerging Local Plan. This view conforms with Planning Practice Guidance para. 21b-104-20140306 (notwithstanding that the Local Plan has not yet reached Examination) Refer page 22 Appendix 4 below. Its release could prejudice the strategic allocation of sites in the MBC area. The proposal does not conform with the provisions of the NPPF which is the framework for the emerging Local Plan. (NPPF Paras. 24,26,27).

The NPPF

Para 13.2.2

NPPF Para 109: This paragraph of the NPPF emphasises the importance of protecting and enhancing valued landscapes. Although this site is not within the AONB, by virtue of its location in the setting it will challenge one of the major purposes of designation of the AONB, i.e. the quality of the views from the scarp. The AONB is neither conserved nor enhanced by this application. The applicant fails to mention paras. 23,24,26,27,110 ,111 and 115 of the NPPF either here or in Chapter 5.

- **NPPF paras. 13 and 14** are clear that where any adverse impacts granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies the NPPF indicate development should be restricted, then planning permission should not be granted. In this context we draw your attention to Paras 23 to 27, 110, 111 and 115 of the NPPF:
- **NPPF para 14 footnote 9:** The importance of footnote 9 to the interpretation of para 14 is vital in relation to designated areas and their settings (refer further point below in relation to the Planning Practice guidance in relation to AONBs and their settings). In AONBs (and other designations) *the presumption in favour of development is overridden* even in the event that there is not a current Local Plan by the need to take account of designations – and the guidance and policies covering those designations. i.e. In the case of AONBs the CROW Act 2000 and the 'Duty of regard' * and NPPF policies 115 and 116 and the Planning Practice Guidance (Paragraph: 003Reference ID: 8-003-20140306) which states:
* *'This duty is particularly important to the delivery of the statutory purposes of protected areas. The duty applies to all local planning authorities, not just national park authorities. The duty is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on the setting of, and implementation of, the statutory purposes of these protected areas.'* (emphasis added)

This view has been upheld by the Hunting Butts appeal decision: (<http://secure-web.cisco.com/auth=1185plERwKhForHiZICgLurDkGbule&url=http%3A%2F%2Fwww.planningresource.co.uk%2Fbulletin%2Fplanningdaily%2Farticle%2F1137607%2Fcheltenham-green-belt-homes-fail-framework-presumption-test%2F>):

"The inspector held that the green belt location meant the presumption in favour of sustainable development set out in the NPPF did not apply to the proposal.

He cited paragraph 14 of the NPPF, which says that where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless "specific policies in this framework indicate development should be restricted".

Rodgers concluded that being in the green belt, "the site is subject to a specific framework policy indicating that development should be restricted". He added: "In these circumstances, paragraph 14 is clear that, even if relevant development plan policies are out of date, the presumption to grant permission does not apply."

No5 Chambers barrister Peter Goatley, who appeared for Cheltenham Borough Council at the inquiry in March, said: "Whether this outcome was intended by the authors of the NPPF, it clearly represents a significant potential limitation on the operation of the presumption."

Goatley pointed out that the examples of designated areas where a footnote to paragraph 14 suggests development should be restricted include sites of special scientific interest, areas of outstanding natural beauty and heritage coast, as well as green belt."

- **NPPF para. 23** indicates the importance of the vitality of town centres and the importance of 'appropriate edge of centre sites'. This application is not an edge of centre site and challenges the intentions of para. 23
- **NPPF paras. 24,26,27,110 and 111** require LPAs to apply a sequential test to ensure previously developed land and town centre sites, then edge of town sites to be used first. Para 27 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the factors set out in paras. 23 – 26 it should be refused. This application challenges the intentions of these paragraphs of the NPPF.
- **NPPF para. 115:**
'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty...'
This is supported by the Planning Practice Guidance (Paragraph: 003Reference ID: 8-003-20140306) which also indicates the importance of the setting.

Para 13.2.3-13.2.5;

The applicant sets out MBC policies in these paras and in Chapter 5 of their ES. However the KDAONB Unit fails to see how the application complies with these policies.

Para 13.6.16; fails to address the importance of strategic allocations of land and the requirements of the NPPF. The policies mentioned in their Section 13.2 indicate the criteria needed to be applied *once the development meets the locational tests*.

Para 13.6.24;

The scale of this development is out of character with the area and the changes in levels conflict with field boundaries and existing hedge lines which thereby destroys all existing landscape character. The drastic changes in levels required in an attempt to hide the site from views and make the site deliverable and accessible are an indication of the sensitivity of the site. Remodeling these levels should not be seen as mitigation. The loss of character is an integral element of the views into and across the site and will impact on the purposes of designation of the AONB. The application conflicts with the Draft LP regulation 18 Consultation Spatial policies.

Para 13.6.28

The PRoW across the site. On the AONB site visit there was evidence of use. The applicant has brought no further evidence in figures of usage. The amenity in the long term for future users of this path will be damaged by this application.

Para 13.6.29

- The total effect on the landscape character due to changes in levels will be drastic and unavoidable as mentioned above.
- The new PRoW is likely to have restricted views and more difficult access from the roundabout. There is no doubt that the amenity for users of this route is likely to be so affected as to ensure much reduced use in future. Currently the users of the path have views both north to the AONB scarp, and across the Low Weald.

Chapter 13 Landscape Character

Para 13.4.20

We do not agree with the applicant's conclusions in para. 13.4.20. The emphasis on 'restoring and improving' the rural setting of the Kent Downs north of the M20 is because this area has already been developed for a service area. It cannot be implied that the area to the south of the M20 is less sensitive. Neglecting to mention the area south of the motorway in the necessity to 'restore and improve' in the MBC LCA merely emphasises that there is no need to do so since the area has not been developed.

Chapter 13 Predicted effects

Para 13.6.14

This conclusion is not supported by the KDAONB. Waterside Park's location is indicated in marked photos attached in Appendix 1 which show how the introduction of an urban element into the otherwise rural vista will impact on the views out from the KDAONB. Polytunnels are both agricultural and of a temporary nature and as a 'detractor' should not be compared to the introduction of an urban and permanent activity, and developed urban form.

Conclusion

The mitigation measures proposed do not reduce the impact on the setting of the AONB. Introduction of urban form and activities to this part of the setting of the AONB will impact on the purposes of designation of the Kent Downs. The Kent Downs AONB Executive therefore maintains their opposition to the release of this area for development, **objects** to this application, requests that the points raised in this letter and the appendices are reported fully to your committee and that this application is refused.

I would be happy to discuss further if you would find this helpful.

Yours sincerely,

Jennifer Bate

Planning Officer, Kent Downs AONB Unit

Attached:

Appendix 1: AONB Scoping opinion for MA/13/1549 – AONB LANDSCAPE CONTEXT FOR MA/14/501895

Appendix 2 : AONB pre-application response on MA/13/1549

Appendix 3: AONB consultation response on application MA/13/1549

Appendix 4: AONB POLICY CONTEXT – refer to highlighted text for AONB policies particularly relevant to this application.

Appendix 1

Kent Downs AONB comments on the scoping for Waterside Park

The Context

The group of sites at J8 suggested for consideration for employment allocation

Here we indicate the proximity of J8 sites to each other and how they can be seen from the AONB, first from a modest elevation on the scarp above Hollingbourne and then from the top of the scarp further to the west, in both cases from the North Downs Way.



1. View from the North Downs Way just above Hollingbourne towards the J8 allocation sites

2.



Waterside Park 2. The same view with the three proposed allocation sites marked



3. View towards the allocation sites at the M20 J8, from North Downs Way above Little Ailington



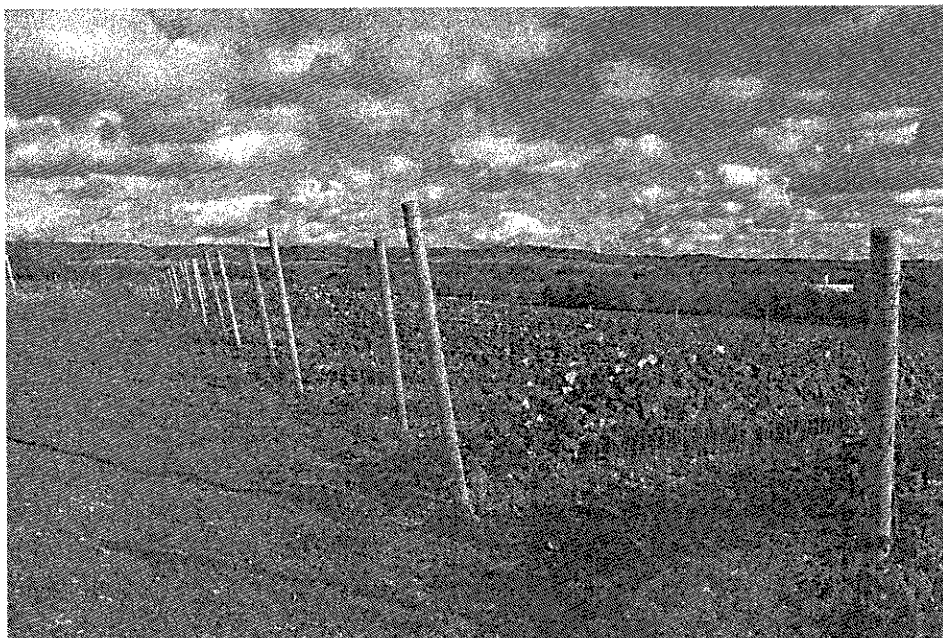
Waterside Park

4. The same view with the three proposed allocation sites marked

Waterside Park , M20 J8

This substantial site south of the A20 at Junction 8 of the M20 rises 20 metres principally from east to west, creating an east-facing slope. The land also drops sharply on its southern side to Old Mill Farm. These features together give the impression of a slightly pronounced site in the landscape. The western boundary is formed by a north-south ridge, which ensures that there are no views into or out of the site to the west. To retain this advantage, if the site were to be developed, land at the western edge of the development would need to be lowered by earth moving and the height of structures controlled to avoid visibility from the west. Significant earth-moving would be required in any event to provide reasonably level ground for development, and that of itself would be most damaging in landscape terms.

There are extensive and fine views towards the AONB from this site. These can be enjoyed from a footpath which crosses the south (approximately NE-SW). Development on this site would severely damage the appreciation of the AONB.



5. View ENE from footpath on Waterside Park towards the North Downs, with Mercure Hotel

South of this allocation site the ground rises again towards Leeds village. Wherever there are views north towards the Downs in this area the allocation site is likely to be prominent, e.g. from Forge Lane. If development was to be allowed on Waterside Park, this would significantly damage the enjoyment of views towards the AONB from this vicinity. We conclude that no amount of ground-modelling, screening or landscaping would be able to conceal the significant effect which development on the allocation site would have on the enjoyment of views towards the AONB.



6. Waterside Park from just above Hollingbourne, on the North Downs Way (over Penn Oast)



7. Waterside Park from north of Allington Farm, on the North Downs Way

The impact of development at this site when seen from the AONB would also be very severe. The distinctive landform, its elevation in relation to its immediate surroundings and its mainly east-facing slope make this site a clear feature in the landscape especially when seen from the NE quadrant. This would be still more apparent, and discordant, if ground-modelling was undertaken to provide more suitable platforms for employment development. The principal views into the site are from the North Downs scarp between Hollingbourne and the area above Broad Street. This includes views from the North Downs Way, designated access land and the Hucking

Estate. The site is easily visible from relatively low elevations above Hollingbourne as well as from around the top of the scarp. Development here in the prominent setting of the AONB would be a shock. The site has no association with Junction 8 in landscape terms, but appears as attractive countryside where development would appear random and detached in open countryside.

The site is not directly visible from the lower elevation of the Pilgrims Way, though it is possible that development on the site would be visible from there in places (depending on the height of development).

We conclude that development on this large and distinctive site remote from other significant development would have a severe impact on the setting of the AONB when seen from critically important positions on the North Downs, as well as on views towards the AONB from the vicinity.

Appendix 2

Kent Downs AONB Response to pre application request for development of land at Waterside Park, South of Junction 8, Maidstone. (Associated with MA/13/0050 and MA/13/1549)

General response on Strategic Employment Location at Junction 8 of the M20 motorway.

The Kent Downs AONB Executive has already indicated their objection to site allocations and development in the vicinity of Junction 8 and so it will come as no surprise that the Waterside Park proposal is unacceptable to the Kent Downs AONB. The AONB Unit has not received any further information that would indicate a change in view.

The KDAONB commented on the CS 2011 consultation on CS1 Borough wide Strategy: 'the KDAONB Executive does not support the development of the land south of the M20 Junction 8. The AONB policy on this area is clear as indicated by the representations made at the KIG Inquiry'. Further comments were made on the Draft CS Junction 8 Development Brief and on CS8.

In our response to the Maidstone Landscape Character Assessment Stakeholder consultation 2011 we set out our concerns about the assessment of the area subject of allocations around Junction 8 and the details of our response at the KIG Inquiry, which were upheld by the Inspector and SoS. The current LCA (Jacobs) March 2012 (part of the evidence base for the Core Strategy) recognises the importance of the setting of the Kent Downs AONB and supports the Kent Downs AONB response on the current consultation on allocations, that there should be no allocations for development at Junction 8.

The KDAONB do not agree that 'Junction 8 is the best location for a critical mass of employment uses including premier office development, industry and warehousing': nor for the new proposal of a mix of Light industry, general industry and premium offices, with limited distribution/warehousing.

- There are alternative locations for the proposed mix of employment uses, such as

Maidstone town centre and within the urban area, and the proposed site at Junction 7 all of which will adequately provide for the need identified in the Borough Council's Employment Land Review 2011.

- A new site at Junction 8 would compete with the use of brownfield land within Maidstone, the regeneration and development of the town centre, (Para 5.6 and CS2 of the Core Strategy Public Participation Consultation 2011 (CS Draft),) and the proposals for development at Junction 7(CS1). The slow uptake of other allocated and permitted sites outside the Borough also indicates that there is no need for further allocations in the area. The Duty to Cooperate with neighbouring Authorities should take these indicators into account.
- Development at Junction 8 would conflict with Spatial Objectives 2.iii of the CS Draft 2011, which states:

'New employment land allocations to be exploited in Maidstone Town centre first co-ordinated with opportunities on the most suitable greenfield sites to provide for a suitable mix of employment opportunities'

Junction 8 proposals are not the 'most suitable'; refer our further comments on the site below. The allocation would also conflict with paras 23 and 24, 37, 110 and 111 of the NPPF.

- Development at Junction 8 would conflict with the statement in para 5.5 of the CS Draft 2011, which states:
- 'Development must be delivered at the most sustainable towns and villages where employment, key services and facilities together with a range of transport choices are available. The spatial distribution of development has taken account of such factors in determining a settlement hierarchy'
- Development around Junction 8 is unrelated to key services and facilities, a range of transport choices, and the Borough's workforce arising from existing settlements and strategic plans and allocations for new dwellings. (The MBC SA assesses all 3 sites as 'very negative' for Public transport and sustainable accessibility). It would therefore also be in conflict also with para 37 of the NPPF.
- The site is in the setting of the Kent Downs AONB the importance of which was upheld by the Inspector and Secretary of State when dismissing the appeal for the Kent International Gateway Proposals (KIG). There is no justification for extending development sites along the

M20 corridor from Maidstone, at the foot of the AONB escarpment and on the edge of the AONB, furthermore any development around Junction 8 is visually divorced from Maidstone and introduces an alien urbanisation into the countryside.

- The Kent Downs AONB's detailed comment on Maidstone Borough Council Sustainability Assessment and Gallagher Properties Ltd.'s landscape assessment for the Waterside Park site is set out below:

a) The Maidstone Borough Council Sustainability Assessment assesses the site on landuse landscape and historic environment as being very negative and conflicting with MBC's Local Plan Saved policy ENV34. It is assessed as having a very negative assessment for Public transport and accessibility. Mitigation measures were required. The KDAONB however does not accept that mitigation measures would be adequate to make this allocation acceptable in this sensitive location in the setting of the AONB.

b) The MBC LCA 2012 accepts this is a sensitive location providing the setting of the KDAONB (Para 49.36)

c) The proposal would impact on views of the AONB across the site.

Such views that have been provided from the site indicate the visibility of the North Downs scarp and hence the visibility of the site from the scarp, yet no LVIA has been provided. Insufficient views from the AONB have been assessed.

d) Mitigation suggested requires considerable excavation and changes to the landform are all unacceptable to the AONB given the importance of the landscape character in this area – in the sensitive setting of the AONB.

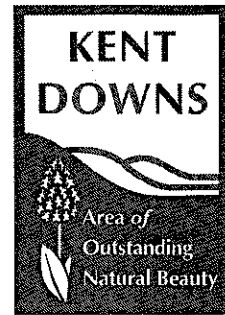
e) The findings of the KIG appeal also apply to this site.

f) The development of this area would introduce urbanisation into south of Junction 8 unrelated to any other settlement or urban form.

Appendix 3

KDAONB response on MA/13/1549

Steve Clarke,
Planning Department,
Maidstone Borough Council,
ME15 6JQ.



6th November 2013

Sent by email only. If you would like a hard copy please contact the AONB office

Dear Steve

APPN: MA/13/1549: Waterside Park, Ashford Road Hollingbourne

Thank you for consulting us on the above. The comments below reflect previous comments made by the AONB Executive on the policy consultations made by your policy team on future allocations, and the comments made on the pre- application consultation and scoping opinion, Appendix 1 & 2. Appendix 3 is the AONB's most up to date response to MBC on allocation consultations for your information.

Background and context:

The Kent Downs Area of Outstanding Natural Beauty partnership (which includes all the local authorities within the AONB) has agreed to have a limited land use planning role. In summary this is to:

- Provide design guidance in partnership with the Local Authorities represented in the AONB.
- Comment on forward/strategic planning issues-for instance Local Development Frameworks.
- Involvement in development control (planning applications) only in exceptional circumstances. For example in terms of scale and precedence.
- Provide Informal planning advice/comments on development control (planning applications) at the request of a Kent Downs AONB Joint Advisory member and /or Local Authority Planning Officer.

National and Local planning policies are very clear that highest priority should be given to the conservation and enhancement of Areas of Outstanding Natural Beauty.

The NPPF confirms that AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status (particularly Paras. 14 *footnote* 9, 113, 115 and 116).

The status of AONBs has been enhanced through measures introduced in the Countryside and Rights of Way (CROW) Act 2000, which gave greater support to their planning and management. The statutory duties state that in exercising or performing any functions in relation to, or so as to affect, land' in these areas, relevant authorities "shall have regard" to their purposes (Page 3 of DEFRA guidance). The Act requires a management plan to be produced, and accordingly the first Kent Downs AONB Management Plan was published in April 2004.

Subsequently the first revision management plan (2009- 2014) was published in April 2009. This has been formally adopted all the local authorities of the Kent Downs. The management plan may be viewed on our web site: <http://www.kentdowns.org.uk/guidance-management-and-advice/management-plan>

Relationship of the Management Plan with production of Local Authority LDPs and Development Management (control)

- Under the CROW Act the AONB Management Plan must 'formulate the (Local Authority) policies for the management of the AONB and for carrying out their functions in relation to it'. The policies of the Kent Downs AONB Management Plan are therefore the adopted policies of all the Local Authorities in the Kent Downs. Whilst these policies should not be repeated in the Local Authority LDFs, LPDs and SPDs this relationship should be clear. Any KDAONB responses on consultations on LDF and planning applications under the agreed protocol will reflect the policies of the KD Management Plan and other Kent Downs AONB guidance as set out below.

Other Kent Downs AONB Guidance

Kent Downs Landscape Design Handbook

Design guidance based on the 13 landscape character areas in the Kent Downs. Guidance on fencing, hedges, planting, gateways etc. to help in the conservation and enhancement of all corners of the AONB
<http://www.kentdowns.org.uk/guidance-management-and-advice/landscape-design-handbook>

Kent Downs Renewable Energy Position Statement

The purpose of this statement is to provide a clearly articulated position for the Kent Downs AONB partnership with regards to renewable energy technologies. It recognises that each Local Planning Authority must balance the impact of proposals for renewables on the AONB with all the other material planning considerations.
<http://www.kentdowns.org.uk/guidance-management-and-advice/renewable-energy1>

Kent Rural Advice Service Farm Diversification Toolkit

Guidance on taking an integrated whole farm approach to farm developments leading to sound diversification projects that benefit the Kent Downs. <http://www.kentdowns.org.uk/publications>

Kent Downs Land Manager's Pack

Detailed guidance on practical land management from how to plant a hedge to creating ponds and enhancing chalk grassland. <http://www.kentdowns.org.uk/publications>

Rural Streets and Lanes A Design Handbook

Guidance on the management and design of rural lanes and streets that takes the unique character of the Kent Downs into account. This document discusses the principle of shared space and uses examples from around the UK and Europe. The Rural Streets and Lanes Design Handbook has been adopted as policy by Kent County Council. <http://www.kentdowns.org.uk/publications>

Managing Land for Horses

National guidance providing information on equine development covering grassland management, fencing, trees and hedges, waste management and basic planning information.
<http://www.kentdowns.org.uk/publications>

Kent Farmstead Guidance and Kent Downs Farmstead Guidance (DRAFT)

Guidance on the conservation, enhancement and development change of heritage farmsteads in the Kent Downs based on English Heritage's Kent and National Character Area Farmstead Statements. Includes an Assessment method and Design Guidance. <http://www.kentdowns.org.uk/publications>

Comments:

Our opinion on this application does not change from that set out in our scoping opinion and pre application response (Appendix 1 and 2 attached).

Our comments set out below should be read in the context of our previous advice, which still stands.

Physical context

The development site is substantially separate from the urban area of Maidstone. This is an inappropriate location for new industrial development. The SA for this site undertaken to evaluate possible Local Plan allocations in 2012 did not support the allocation of this site. Development here would be contrary to the sequential approach for the identification of sites set out in paragraphs 23, 24, 26 and 27 of the NPPF for office, commercial and other purposes.

Development at the proposed location would increase the likelihood of pressure for development in the area between the site and Maidstone. This too would be inappropriate, not only because much of it is similarly beyond the current urban edge of Maidstone, but also because much of the land is

in the immediate setting of the AONB where development has been roundly rejected on appeal following the Kent International Gateway Inquiry.

The proposal would be contrary to Policy CS5 item 5 in the draft Maidstone Local Plan. This states that 'Development in the countryside will retain the setting of and separation of individual settlements in accordance with policy CS1'. The effect of development at the proposed site would be to give the impression, at least from the Kent Downs AONB, that Eythorne Street, the Great Danes Hotel and the application site were merging into a single group, as the photograph below shows, from the midslope above Hollingbourne. The whole group would of course risk merging with Maidstone eventually, as noted above.



Impact on the Kent Downs AONB

The Environmental Statement in chapter 13 makes a series of misjudgements about the impact of the proposed development on the Kent Downs AONB. These call into question the merit of the landscape and visual appraisal.

First, there are various statements that the views towards the site from the AONB are already compromised by the presence of the transport corridors between the site and the Downs: the M20, the A20, the CTRL and the Ashford-Maidstone railway line (e.g. paragraph 13.6.3). The applicant's own photographs demonstrate that this is untrue. The transport infrastructure is virtually invisible in photographs 29, 30, 31, 32 and 33 (i.e. without the aid of a telephoto lens), yet the application site is clearly visible in them. The need to mitigate the impact of views from the AONB is acknowledged in the ES (paragraph 13.5.5 indent 10), but this simply cannot be achieved. This seems to be accepted in paragraph 3.6.11 indent 6 on 'Public Rights of Way'.

Second, the application site is very clearly visible from the AONB, particularly from the North Downs Way and open access land (and also from other rights of way and locations). It is misleading by the applicant to describe the visual impact of the proposed development from this direction as "insignificant" (paragraph 13.6.11, end of 6th indent) and to say of views that "it forms a small and distant component only of them" (paragraphs 13.4.27 and 13.6.3). The application site is prominent in views from the AONB, positively sticking out from its surroundings, not least because the land on the application site is elevated on its south and west sides and falls away to the north-east.

Third, the setting of the AONB from the North Downs scarp has enormous value. It was a principle reason why the AONB was designated in this area. The Downs around Hollingbourne provide one of the most impressive sections of both scarp and views. This should be prized. The applicant has

given insufficient attention to the value represented by the setting in this location, which includes the application site less than 3km distant from the North Downs Way.

Fourth, the very substantial earthworks on the application site to create platforms for development will be prominent, discordant and damaging when seen from the AONB. The effort to reduce the visual impact of major structures by depressing them in an artificially created hole underneath the western end of the site would create its own damaging visual impact. The proposal is for the excavations to be to a depth of 14 metres at the west end of the site (paragraph 13.5.1), which is a very considerable depth and will necessitate sharp slopes – nearly retaining walls – surrounding the buildings on the platform below. The high buildings accommodated will be prominent at their eastern end, as will those on the platform at the eastern end of the site. Decked parking (paragraph 13.5.3) will be a further intrusion.

Fifth, the assessment of the impact of the development on views towards the AONB is little better. The view towards the AONB from the footpath across the site is illustrated below. Paragraph 13.5.4 of the ES explains that the footpath would be diverted to the edge of the site and then contained within a (doubtless narrow) 'green corridor' bounded on the site of the proposed development by a 1.8m high hedge and with reinforced planting on the edge of the Biffa site. In short views in any direction, including to the AONB, would be minimal. We also consider that views to the AONB from other positions would be more impaired than the ES suggests, including from parts of Leeds to the south.



Further comments below set out our response to the applicant's Chapter 13 'Landscape and Visual Impact' submission.

Chapter 13 Policy

Para 13.7.9

The issue is a strategic one. If this development is permitted on policy grounds any green field site whether allocated or not would be eligible for development. Large developments such as this should only be permitted on an allocated site that has been properly assessed and screened through a SA process and where all alternative sites have been assessed. The site is not allocated and the application is premature in advance of the emerging Local Plan. Its release could prejudice the strategic allocation of sites in the MBC area. The proposal does not conform with the provisions of the NPPF which is the framework for the emerging Local Plan. (NPPF Paras. 24,26,27).

Para 13.2.2

The NPPF

NPPF Para 109: This paragraph of the NPPF emphasises the importance of protecting and enhancing valued landscapes. Although this site is not within the AONB, by virtue of its location in the setting it will challenge one of the major purposes of designation of the AONB, i.e. the quality of the views from the scarp. The AONB is neither protected nor enhanced by this application. The applicant fails to mention paras. 23,24,26,27,110 and 111 of the NPPF either here or in Chapter 5.

- **NPPF paras. 13 and 14** are clear that where any adverse impacts granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies the NPPF indicate development should be restricted, then planning permission should not be granted. In this context we draw your attention to Paras 23 to 27, 110 and 111 of the NPPF:
- **NPPF para. 23** indicates the importance of the vitality of town centres and the importance of 'appropriate edge of centre sites'. This application is not an edge of centre site and challenges the intentions of para. 23
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Para 13.2.3-13.2.5,

The applicant sets out MBC policies in these paras. and in Chapter 5 of their ES. However the KDAONB Unit fails to see how the application complies with these policies. The Appendix 2 attached discusses this further.

Para 13.6.16 fails to address the importance of strategic allocations of land and the requirements of the NPPF. The policies mentioned in their Section 13.2 indicate the criteria needed to be applied once the development meets the locational tests.

Para 13.6.24

The scale of this development is out of character with the area and the changes in levels conflict with field boundaries and existing hedge lines which thereby destroys all existing landscape character. The drastic changes in levels required in order to hide the site from views and make the site deliverable and accessible are an indication of the sensitivity of the site. Remodeling these levels should not be seen as mitigation. The loss of character is an integral element of the views into and across the site and will impact on the purposes of designation of the AONB. The application conflicts with Draft LP policy CS5

Para 13.6.28

The PRoW across the site. On the AONB site visit there was evidence of use. The applicant has brought no further evidence in figures of useage. The amenity in the long term for future users of this path will be damaged by this application.

Para 13.6.29

- The total effect on the landscape character due to changes in levels will be drastic and unavoidable as mentioned above.
- The new PRoW is likely to have restricted views and more difficult access from the roundabout. There is no doubt that the amenity for users of this route is likely to be so affected as to ensure its future disuse. Currently the users of the path have views both north to the AONB scarp, and south across the Low Weald.

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We do not agree with the applicant's conclusions in para. 13.4.20. The emphasis on 'restoring and improving' the rural setting of the Kent Downs north of the M20 is because this area has already been developed for a service area. It cannot be implied that the area to the south of the M20 is less sensitive. Neglecting to mention the area south of the motorway in the necessity to 'restore and improve' merely emphasises that there is no need to do so since the area has not been developed.

Chapter13 Predicted effects

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This conclusion is not supported by the KDAONB. Waterside Park's location is indicated in marked photos attached in Appendix 1 which show how the introduction of an urban element into the otherwise rural vista will impact on the views out from the KDAONB. Polytunnels are both agricultural and of a temporary nature and as a 'detractor' should not be compared to the introduction of an urban and permanent activity, and developed urban form.

Conclusion

Introduction of urban form and activities to this part of the setting of the AONB will impact on the purposes of designation of the Kent Downs. The Kent Downs AONB Executive therefore has maintained their opposition to the release of this area for development, **objects to this application**, requests that the points raised in this letter and the appendices are reported fully to your committee and that this application is refused.

I would be happy to discuss further if you would find this helpful.

Yours sincerely,

Jennifer Bate

Planning Officer, Kent Downs AONB Unit

Attached:

Appendix 1 AONB Scoping opinion

Appendix 2 AONB pre-application response

Appendix 3 AONB table of response to call for sites

APPENDIX 4

Planning consultation with the Kent Downs AONB Unit

Background and context:

The Kent Downs Area of Outstanding Natural Beauty partnership (which includes all the local authorities within the AONB) has agreed to have a limited land use planning role. In summary this is to:

- Provide design guidance in partnership with the Local Authorities represented in the AONB.
- Comment on forward/strategic planning issues-for instance Local Development Frameworks.
- Involvement in development control (planning applications) only in exceptional circumstances. For example in terms of scale and precedence.
- Provide informal planning advice/comments on development control (planning applications) at the request of a Kent Downs AONB Joint Advisory member and /or Local Authority Planning Officer.

National Local planning policies are very clear that highest priority should be given to the conservation and enhancement of Areas of Outstanding Natural Beauty. The NPPF confirms that AONBs are equivalent to National Parks in terms of their landscape quality, scenic beauty and their planning status. (Paras. 14 footnote 9, 115 and 116)

The status of AONBs has been enhanced through measures introduced in the Countryside and Rights of Way (CROW) Act 2000, which gave greater support to their planning and management. The statutory duties state that in exercising or performing any functions in relation to, or so as to affect, land' in these areas, relevant authorities "shall have regard" to their purposes (Page 3 of DEFRA guidance). The Act requires a management plan to be produced, and accordingly the first Kent Downs AONB Management Plan was published in April 2004. The second revision management plan (2004- 2019) has been formally adopted by all the local authorities of the Kent Downs. The management plan may be viewed on our web site: <http://www.kentdowns.org.uk/publications>

Relationship of the Management Plan with production of Local Authority LDPs and Development Management (control)

Under the CROW Act the AONB Management Plan must 'formulate the (Local Authority) policies for the management of the AONB and for carrying out their functions in relation to it'. The policies of the Kent Downs AONB Management Plan are therefore the adopted policies of all the Local Authorities in the Kent Downs. The relationship between the adopted Management Plan and the need for all LPAs to have regard to the purposes of the AONB should be clear in all Local Authority policies. Any KDAONB responses on consultations on LDF documents and planning applications under the agreed protocol will reflect the policies of the KD Management Plan and other Kent Downs AONB guidance as set out below.

Kent Downs AONB Management Plan relevant policies to application MA/14/501895

- **MPP2** Individual local authorities will give high priority to the AONB Management Plan vision, policies and actions in Local Plans, development management decisions, planning enforcement cases and in carrying out other relevant functions.
- **MPP4** Public bodies and statutory undertakers have a Statutory Duty of Regard for the purposes of the AONB: this will be pursued.
- **SD1** The need to conserve and enhance the natural beauty of the Kent Downs AONB is recognised as the primary purpose of the designation and given the highest level of protection within statutory and other appropriate planning and development strategies and development control decisions.

- **SD3** New development or changes to land use will be opposed where they disregard or run counter to the primary purpose of the Kent Downs AONB.
- **SD7** To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used. New developments and highways infrastructure which negatively impact on the local tranquillity if the Kent Downs AONB will be opposed unless they can be satisfactorily mitigated.
- **SD8** Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.

Other Kent Downs AONB Guidance

Available on <http://www.kentdowns.org.uk/publications>

Kent Downs Landscape Design Handbook

Design guidance based on the 13 landscape character areas in the Kent Downs. Guidance on fencing, hedges, planting, gateways etc. to help in the conservation and enhancement of all corners of the AONB

Kent Downs Renewable Energy Position Statement

The purpose of this statement is to provide a clearly articulated position for the Kent Downs AONB partnership with regards to renewable energy technologies. It recognises that each Local Planning Authority must balance the impact of proposals for renewables on the AONB with all the other material planning considerations.

Kent Rural Advice Service Farm Diversification Toolkit

Guidance on taking an integrated whole farm approach to farm developments leading to sound diversification projects that benefit the Kent Downs.

Kent Downs Land Manager's Pack

Detailed guidance on practical land management from how to plant a hedge to creating ponds and enhancing chalk grassland

Rural Streets and Lanes A Design Handbook

Guidance on the management and design of rural lanes and streets that takes the unique character of the Kent Downs into account. This document discusses the principle of shared space and uses examples from around the UK and Europe. The Rural Streets and Lanes Design Handbook has been adopted as policy by Kent County Council.

Managing Land for Horses

National guidance providing information on equine development covering grassland management, fencing, trees and hedges, waste management and basic planning information.

Kent Farmstead Guidance and Kent Downs Farmstead Guidance

Guidance on the conservation, enhancement and development change of heritage farmsteads in the Kent Downs based on English Heritage's Kent and National Character Area Farmstead Statements. Includes an Assessment method and Design Guidance.

Kent Downs AONB Position Statement on Renewable Energy and The Companion Report

<http://www.kentdowns.org.uk/guidance-management-and-advice/renewable-energy1>

Prematurity

Planning Practice Guidance:

Paragraph: 014 Reference ID: 21b-014-20140306

In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity?

Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

Revision date: 06 03 2014



ECOLOGICAL ADVICE SERVICE

TO: *Richard Timmes*

FROM: *Helen Forster*

DATE: *3rd October 2014*

SUBJECT: *Waterside Park, M20 J8, Maidstone MA/14/501895/HYBRID*

Thank you for the opportunity to comment on this application. We have the following response to make:

Under the Natural Environment and Rural Communities Act (2006), “*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”. In order to comply with this ‘Biodiversity Duty’, planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

The National Planning Policy Framework states that “*the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.*”

Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System 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.*”

Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

We have reviewed the additional information which has been provided and we have the following comments to make:

The site is a large arable field with field margins and there is a LWS along the south and eastern boundary, ancient woodland along the eastern boundary and a RNR along the northern boundary.

The submitted ecological information has detailed that the greatest ecological interest is around the boundary of the site.

The submitted landscape plan shows that the development is proposing to create a landscaped area around the boundary of the site which will eventually act as a buffer between the proposed development and the designated sites.

However the main impact will come from the construction period as the applicant is proposing to lower the height and carry out earth moving works.

Reptiles

The reptile surveys have recorded a low population of slow worms, common lizards and grass snake. However the reptile survey has not been carried out within the A20 roadside verge – which will be lost and/or damaged as a result of the proposed development.

However we accept the below reasoning from the ecologists why they are satisfied that the population size will not significantly increase:

Given the similarity of the habitat, and the nature and extent of it, i.e. rough grassland and scrub, it is not considered that reptile numbers here are likely to be significantly different from those recorded on the margins of the site.

We are satisfied that sufficient survey information has been provided to determine the application. However as the reptile translocation will not be implemented until 2016 (if planning permission is granted) we advise that an updated reptile survey must be carried out prior to the reptile translocation being implemented. The updated reptile survey must include the A20 roadside Nature Reserve.

An onsite receptor site has been proposed and the ecologist has satisfied us that, based on the currently survey information, the area will contain sufficient carrying capacity for the reptile population present within the site. If planning permission is granted we advise the following:

- No work can be carried out within the areas containing suitable reptile habitat until the reptile translocation is completed.
- These areas must be fenced off with Heras Fencing to ensure there is no encroachment
- The reptile receptor area must be fenced off with Heras Fencing and signed throughout the whole development
- All staff must receive a tool box talk to ensure they are aware of the reptile areas.

We advise that if planning permission is granted a detailed reptile mitigation strategy is submitted for comments. It must include the following:

- Results of the updated surveys
- Detailed translocation methodology
- Map of receptor site
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Management plan to create the receptor site
- Proposed Monitoring

Badgers

Badger Setts were recorded within the surrounding area and as such it is possible that badgers will enter the site.

During the construction period the precautionary mitigation proposed within the Ecology chapter of the Environmental statement must be implemented to minimise the potential for badgers to be impacted by the proposed development.

Badgers are highly mobile and as such we advise that if planning permission is granted an updated badger survey is carried out prior to works starting to ensure no badger setts have been created within the development footprint.

We advise if planning permission is granted an updated badger survey and mitigation strategy is submitted as a condition of planning permission.

Local Wildlife Sites/Ancient Woodland

We acknowledge that the footprint of these sites will not be directly impacted by the proposed development however there is a potential for the development to cause a negative impact due to:

- Increase in nitrogen deposition (from traffic)
- Change in hydrology (due to the changes in drainage)

The applicants have provided detailed assessments which have concluded that the development will not result in an increase in nitrogen deposition or a change in hydrology and therefore there will not be a negative impact on the adjacent habitat.

We are not experts in air quality, hydrology or traffic movements and as such we are unable to provide specific comments on the suitability of how these assessments have been carried out. We advise that MBC need to be satisfied that the methodology and conclusions in the submitted assessments are correct.

On the understanding that the submitted reports have been carried out to an acceptable standard and MBC agree with the conclusions we are satisfied that it is unlikely that there will be no impact from the proposed development.

The boundary between the proposed development site and the LWS and Ancient Woodland must be clearly marked to ensure no construction traffic, equipment or earth (as part of the earth moving works) enter the site during works, in the event that planning permission is granted.

If planning permission is granted we suggest the following condition:

Construction environmental management plans (Biodiversity) – Condition

No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Breeding Birds

A breeding bird survey was carried out in 2014 which concluded that there was a reasonable assemblage of birds species present within the LWS but due to the species recorded there was no evidence to suggest that the species would be affected significantly in the long term by the proposed development.

Although we accept that there is no requirement for a breeding bird survey to be carried out during the construction works, we advise that monitoring proposed for the development site must also incorporate the Local Wildlife Site and Ancient Woodland.

Bats

The submitted information has detailed that bats are using the boundary of the site for foraging and commuting and as such there is potential for the development to have a negative impact on the bats.

Lighting can be detrimental to roosting, foraging and commuting bats and as such there is a need for the lighting to be designed to have minimal impact on any bats present within the site.

We advise that this can be submitted as a condition of planning permission, if granted. We recommend that the lighting is designed to avoid light spill on to the Ancient woodland and Local Wildlife Area. We recommend that a map showing the light spill in to the boundary must be provided with the lighting scheme as it will clearly show the impact from the lighting.

Management Plan

If planning permission is granted, we advise that there is a need for a detailed management and monitoring plan to be submitted as a condition of planning permission to ensure that the site is management appropriately.

The management plan must be reviewed regularly and updated with the monitoring results.

We suggest if MBC are minded to grant planning permission the following condition is included:

Landscape and ecological management plans and monitoring strategy

A landscape and ecological management plan and monitoring strategy shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development . The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Map clearly showing the area to be managed and where all the features will be located.
- c) Ecological trends and constraints on site that might influence management.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) If the management actions will be phased over a number of years – a map must be supplied clearly showing how the work will be phased.
- h) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- i) Details of the body or organization responsible for implementation of the plan.
- j) Ongoing monitoring and remedial measures.
- k) Details of a 5 year monitoring plan including:
 - a. Timing and duration of monitoring.
 - b. Methods for proposed monitoring
 - c. Submission of monitoring results of LPA

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

If you have any queries regarding our comments, please contact me.

Helen Forster MCIEEM
Biodiversity Officer

Our ref: MA14/KN
keith.nicholson@kentwildlife.org.uk
01622 357861

Your ref: 14/501895

Date: 27 August 2014



For the attention of R Timms
Development Management
Maidstone Borough Council

Dear Richard,

Waterside Park, Junction 8 (M20), Hollingbourne

Thank you for the opportunity to comment on this major development proposal.

Important wildlife habitats bound the Waterside Park site on two sides. To the east is remnant Ancient Woodland and, to the south, is the wooded Len valley with its large pond. Ancient Woodland supports some of the most bio-diverse habitat in the UK. It is also irreplaceable and, in consequence, earns some of the strongest planning policy protection in the National Planning Policy Framework (NPPF).

The Len valley is an undisturbed, species-rich alder carr with thickets of willow carr. The whole area is little disturbed and accordingly supports good populations of wetland birds, including kingfisher, heron, reed warblers, and a varied range of duck species. Many of these birds are of Conservation Concern and Priority Species in both national and local Biodiversity Action Plans. Kingfishers are protected under the Wildlife & Countryside Act.

Together, the ancient woodland and the river valley and pond have been adopted, using scientifically-determined criteria, by the Kent & Medway Biodiversity Partnership as a Local Wildlife Site of county ecological value. Maidstone Borough Council is member of this Partnership.

A 'green' buffer is to be planted between the site boundaries and all buildings and hard surfacing to mitigate the loss of existing field margins and support the valuable semi-natural habitats in the wider area. The width of the buffer zone is larger (marginally along the eastern boundary) than that proposed under application 13/1549. The applicant now claims that "earthmoving works to establish the development plateau will include the establishment of 1:3 slopes on the perimeter. These will not encroach within the root protection zones of trees on the boundary; hence all existing ground levels will be unchanged within the root protection zone." (paragraph 7.6.2, revised ES, page 7-32).

Unfortunately, the 'detailed section' drawings (13026/TP/216 & 217) do not distinguish between existing and proposed levels and so fail to demonstrate the claim that "levels will be unchanged within the root protection zones". Nor is it clear how the site sections provided in the Design & Access Statement relate to the 'detailed' ones. In consequence, I remain to be convinced that the development can be carried out without a direct impact on vegetation in the adjacent ancient woodland/local wildlife site.



Head Office: Kent Wildlife Trust, Tyland Barn, Sandling, Maidstone, Kent ME14 3BD
Tel: 01622 662012 Fax: 01622 671390 www.kentwildlifetrust.org.uk info@kentwildlife.org.uk
Registered Charity No. 239992. A company limited by guarantee No. 633098. VAT Registration No. 974 8423 78

Your living landscape. Your living seas.

Notwithstanding the fact that the revised layout of buildings and service yards will reduce the risk of disturbance to the presently-tranquil local wildlife site, no professional assessment has been carried out to enable the Council to judge the impact of vehicular movement on local wildlife.

The position of buildings and service yards close to the eastern and southern boundaries poses a serious risk of light as well as noise pollution along the LWS woodland edges. Not only can this disturb animals and birds occupying the woodland itself but can disrupt the movement of bats using these edges for navigation and foraging. Whilst this risk has been acknowledged in the Environmental Statement, the application fails to demonstrate convincingly (by way of firm objectives, principles or detailed proposals) a lighting scheme that avoids and/or minimises the risk.

Finally, I remain disappointed that, despite the modest introduction of green roofs and walls and the vague promise of 'wildflower' grassland in estate verges, the application misses the opportunity to incorporate many more ambitious design features and management prescriptions to maximise wildlife interest in the site, including:

- An appropriate management regime for the A20 verge to encourage a more varied range of native plants to become established.
- Species-specific bird boxes for swallow house sparrow, swift and house martin.
- The management of the Local Wildlife Site to increase its overall biodiversity and help to negate residual impacts.
- Measures to prevent direct access from the development site into the LWS.
- Signage to provide information on the ecological value of the Waterside Park's green infrastructure and of the adjacent LWS and advice on ways to cause least impact.

In the circumstances, I wish to record an **objection** to the grant of planning permission pending further information and proposals from the applicant to address my outstanding concerns.

Yours sincerely,

Keith Nicholson
Planning & Conservation Officer

Consultee Comments for Planning Application 14/501895/HYBRID

Application Summary

Application Number: 14/501895/HYBRID

Address: Waterside Park M20 J8 Ashford Road Hollingbourne Kent

Proposal: Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m² of B1 light industrial, B2 general industrial and B8 storage & distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m²) and associated offices (2,995m²) with access, service yard, parking and landscaping.

Case Officer: Richard Timms

Consultee Details

Name: Mr CPDA Team

Address: Kent Police Headquarters, Sutton Road, Maidstone, Kent ME15 9BZ

Email: pandcr@kent.pnn.police.uk

On Behalf Of: Kent Police Headquarters

Comments

I previously commented and made recommendations on planning application MA/13/1549. There is no significant changes to crime prevention in this application therefore my comments remain the same. Please see Page 29 of the Design and Access Statement Section 17 which details the outline which has taken place. All we require now is an application form signed and dated by the applicant/agent which I will send a reminder email to Mr Jonathan Buckwell of DHA I will also copy you into this email for your information.

At this stage I have no further comments or recommendations to make

RURAL PLANNING LIMITED

18 OLD WARSDOWN, FLIMWELL, WADHURST, EAST SUSSEX TN5 7NN
TEL AND FAX 01580 878080
RLH@RURALPLAN.CO.UK

Development Control Manager
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent ME15 6JQ
FAO Steve Clarke

Your ref: MA/13/1549
Our ref: RLH/AA/MA/13/53
Date: 15 October 2013

Dear Mr Clarke

Waterside Park M20 J8, Hollingbourne

Further to my letter of 23 January 2013 (re. scoping opinion sought on behalf of Gallagher Properties Ltd. in respect of an Environmental Statement), you have requested (in your letter dated 30 September 2013) comments regarding the proposed development of the above site as a new industrial estate.

Policy Background

At the local level, it is understood that the Council currently has no saved local plan policy relating to loss of specific grades of agricultural land to development, other than in respect of changes of use to domestic garden, which does not apply in this case.

At the National Level, Para. 112 of the NPPF states:

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

The NPPF does not define (or indeed particularly emphasise) exactly what it means by "significant" development of agricultural land in this context, but there is nothing to suggest anything beyond its ordinary English meaning i.e. sufficiently great or important to be worthy of attention, or noteworthy.

The Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper The Natural Choice: securing the value of nature (June 2011), including the protection of "best and most versatile" agricultural land (paragraph 2.35). "Best and most versatile" (BMV) agricultural land is defined as Grades 1, 2, and 3a.

Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information" (Technical Information Note - TIN 49 19 December 2012).

Alternatively, discharge to Aylesford Wastewater Treatment Works would be permissible, provided the discharge was made at to point on the sewerage network with adequate capacity.

The Environment Agency should be consulted regarding use of a private onsite treatment plant.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers/technical staff or Environment Agency should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

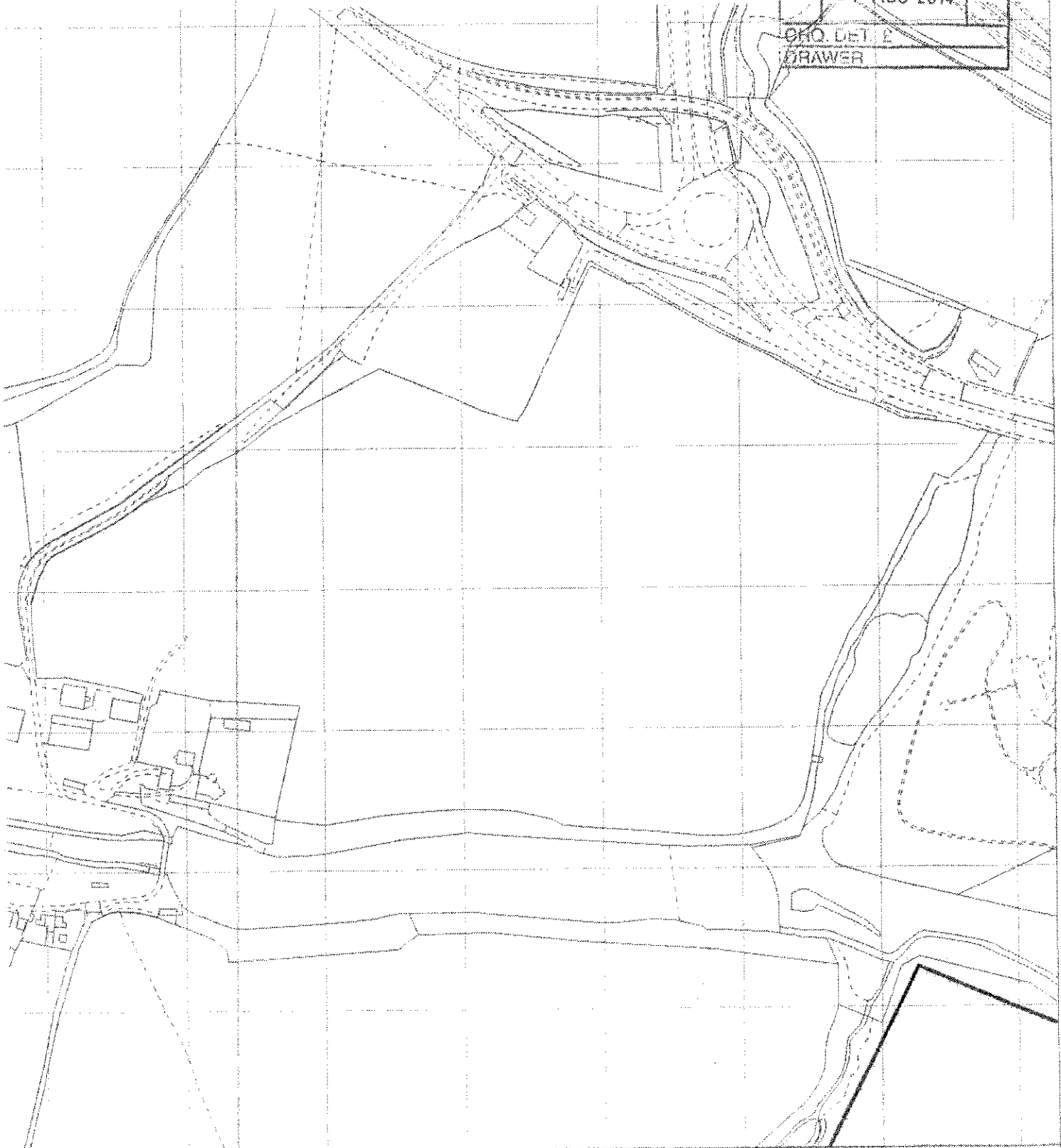
We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Yours sincerely


Developer Services

SOUTHERN WATER

P.F.I. Correspondence?	
REF:	Initial
27 AUG 2014	
CHG. DET. E DRAWER	



The positions of pipes shown on this plan are believed to be correct, but Southern Water Services Ltd accept no responsibility in the event of inaccuracy. The actual positions should be determined on site.

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O.S. REF: TQ8254SW

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Screen Print

WARNING: BAC pipes are constructed of Bonded Asbestos Cement
 WARNING: Unknown (UNK) materials may include Bonded Asbestos Cement



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Date: 14-8-2014

Southern Water MapGuide Browser

Requested By:

Head Office
Ashford Business Point
Waterbrook Avenue
Sevington
Ashford
Kent TN24 0LH

T +44 (0)1233 503838
F +44 (0)1233 503687
info@kentinvictachamber.co.uk
www.kentinvictachamber.co.uk


KENT INVICTA
CHAMBER OF COMMERCE

Mr S Clarke
Head of Planning
Maidstone Borough Council
Maidstone House
King Street
Maidstone ME15 6JQ

Our Ref: JMT/NJC/G01756

29th August 2014

Dear Mr Clarke

Hybrid Planning Application 14/501895
Waterside Park, M20 Junction 8, Ashford Road, Hollingbourne, Kent

The above planning application relates to a site for which there was an earlier planning application, subsequently refused by the Planning Committee.

Kent Chamber of Commerce submitted a letter of support for that planning application.

Kent Chamber of Commerce has considered the revised application and continues its support for the revised application for the same reasons as set out in the letter of support submitted in respect of the original application.

Yours sincerely


J M Taylor
Director
Kent Invicta Chamber of Commerce

Kent Invicta Chamber of Commerce covers the areas of:
Ashford, Canterbury, Maidstone, Sevenoaks, Tonbridge & Malling and Tunbridge Wells

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NO. 624607097. COMPANY REGISTRATION DETAILS: COMPANY LIMITED BY GUARANTEE, REGISTERED IN
ENGLAND NO. 2794615. REGISTERED OFFICE: ASHFORD BUSINESS POINT, WATERBROOK AVENUE,
SEVINGTON, ASHFORD, KENT TN24 0LH



Head Office
Ashford Business Point
Waterbrook Avenue
Sevington
Ashford
Kent TN24 0LH

T +44 (0)1233 503838
F +44 (0)1233 503687
info@kentinvictachamber.co.uk
www.kentinvictachamber.co.uk

KENT INVICTA
CHAMBER OF COMMERCE



Mr S Clarke
Planning Officer
Maidstone Borough Council
Maidstone House
King Street
Maidstone ME15 6JQ

ACK
DJP 19/11/2012
Our Ref: JMT/NJC/InvictaChamber

13th November 2013

Dear Mr Clarke

**Planning Application 13/1549
Hybrid Planning Application (Part Outline – Part Detailed)
for new Industrial Estate
Waterside Park M20 Junction 8, Ashford Road, Hollingbourne, Kent**

We refer to the above planning application submitted by David Hickens Associates on behalf of Gallagher Properties. We have been advised that this is not a speculative application, but relates to the need for new facilities to accommodate growth by two existing Maidstone Borough based employers, Messrs ADL and Messrs Scarab.

The Chamber of Commerce has met with both the developer, Gallagher Properties, and their consultant advisors, and the parties for whom the accommodation is to be developed.

From the Chamber's perspective, there are key factors involved in this particular application which invoke two overriding principles.

Key Factors

- 1) The application relates to the pressing need for both intended occupiers to grow their current businesses. Both currently occupy a conglomerate of individual sites at Pattenden Lane, Marden, which not only represent clear inefficiency, but also the limitations of Pattenden Lane both physically and in location terms, render the existing locations as wholly inadequate to accommodate the companies' future expansion requirements. As far as the Chamber is aware, there are no other locations within Maidstone Borough which can be regarded as a suitable alternative location to accommodate these specific companies' requirements. It is therefore, from the Chamber's viewpoint, imperative that the expansion requirements of these two key major employers within the Borough are not frustrated by a current lack of allocated employment land with the key requirement of close proximity to and therefore access to the national road infrastructure, particularly as both companies growth is heavily orientated towards exporting.

Kent Invicta Chamber of Commerce covers the areas of:
Ashford, Canterbury, Maidstone, Sevenoaks, Tonbridge & Malling and Tunbridge Wells

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ENGLAND NO. 2794615. REGISTERED OFFICE: ASHFORD BUSINESS POINT, WATERBROOK AVENUE,
SEVINGTON, ASHFORD, KENT TN24 0LH



Mr S Clarke
Planning Officer
Maidstone Borough Council
Planning Application 13/1549
Hybrid Planning Application (Part Outline – Part Detailed)
for new Industrial Estate
Waterside Park M20 Junction 8, Ashford Road, Hollingbourne, Kent

- 2) Both intended occupiers are substantial and key employers within the Borough. Both intend to substantially grow that employment base. ADL's proposals also include a new employee training facility which we understand will accommodate facilities for further expansion of their existing apprenticeship training programme.

- 3) Therefore, the proposals represent an application by existing highly successful firms operating within the Borough who have now reached a point in their growth where they cannot continue in their existing location, divorced as they are from the national road infrastructure. If not accommodated within the Borough both may well be forced to move away. The implications of such a move away from the Borough would be loss of substantial existing employment within the Borough and a loss of future substantially expanded employment opportunities within the Borough.

Overriding Principles

If this planning application does not receive consent, then from the Chamber's viewpoint it will breach two fundamental planning principles:-

- 1) **Need to maintain a growing economy**

Maidstone is an economic growth point within the Region and the absence of appropriate employment land in the right location close to the national highways infrastructure will not only seriously adversely effect the two intended occupiers, but also will potentially frustrate the growth aspirations of other companies within the Borough.

- 2) **Need to grow the range, as well as number, of employment opportunities**

There is an ongoing need to expand and diversify the employment opportunities within the Borough to the wealth benefit overall of Borough residents. To frustrate that opportunity by not making land available for existing companies enjoying organic growth would, again, frustrate the growth aspirations of Maidstone by damaging significantly the growth in employment opportunities within the Borough.

Continued

13th November 2013

3

Mr S Clarke
Planning Officer
Maidstone Borough Council
Planning Application 13/1549
Hybrid Planning Application (Part Outline – Part Detailed)
for new Industrial Estate
Waterside Park M20 Junction 8, Ashford Road, Hollingbourne, Kent

Kent Invicta Chamber of Commerce is satisfied that the growth needs of ADL and Scarab are substantial and now urgent, and that appropriate consent on land at Junction 8 is an overriding necessity. We regard the planning application itself as well thought out in environmental terms and is acceptable. The Chamber understands that there is no overriding objection from the Highways Agency to this proposal, which will fund enhanced road access between Junction 8 and adjacent sites including, for example, Leeds Castle. This will clearly improve all parties' access both to the national road infrastructure and also via the Channel Ports to the Continent and beyond.

In summary, the Chamber fully supports the application, subject to appropriate conditions to safeguard the environment and to provide the enhanced local improvements to the road infrastructure leading to and from Junction 8.

Yours sincerely



J M Taylor
Director
Kent Invicta Chamber of Commerce

Dear Steve,

Ref: 14/501895/HYBRID – Revised planning application for Waterside Park, M20 J8, Maidstone

I note that this revised planning application contains improved measures to reduce the amount of development proposed and excavation required. This should mitigate the reasons for refusal of the previous application (ref: 13/1549) with an improved site topography, a reduced spread of development and increased landscape areas.

I write in support of the above planning application on the grounds that it conforms with the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

The role of UK Trade and Investment (UKTI) as the Government department that assists overseas companies to bring their high quality investment to the UK, as well as helping UK based companies succeed in the global economy, relates directly to this pro-growth presumption, which supports national economic growth to meet global competition and provide jobs and prosperity. Through UKTI, Government places significant importance on attracting, developing and retaining, mobile overseas inward investment to create jobs and wider economic development, including exporting into overseas markets as emphasised in the 'Plan for Growth', published at Budget 2011.

My interest in this application relates to Scarab Sweepers and Automotive Distributors (ADL), two important overseas owned companies relationship managed by UKTI. Additional investment from both companies is extremely important for the national economic recovery and both businesses support the national government agenda to help rebalance the economy through exporting. Their expansion will also undoubtedly provide local economic benefits including jobs and investment and help to open-up a new strategic employment site for Maidstone.

ADL and Scarab Sweepers are both based at Marden and need to relocate to enable their growth and to become more competitive. ADL's need to secure a new site is pressing as leases on some of their current buildings end in January 2017, with no scope for extending them. Currently both companies occupy several buildings, which are poorly related to each other operationally and result in inefficiencies such as double handling incurring avoidable costs. Expansion in Marden is non-preferred due to the constraints of the industrial estate but also because it is some distance from the motorway network (around 20 minutes or more depending on traffic) which results in lorries using rural roads and additional costs in time and fuel.

ADL is owned by German company Febi Bilstein and Scarab has recently become part of the French Fayat Group. ADL is a supplier of automotive vehicle parts for Japanese, Korean and American vehicle brands and currently employs 236 staff in the UK. ADL expects that by 2016 exports will represent 70% of its revenues. They expect to employ an additional 120 people by 2023 if their expansion plans are not constrained. Scarab is the world's largest manufacturer of single engine street sweepers and currently employs 220 staff in the UK.

Scarab has recently achieved sales growth of around 25% and further expansion could add up to 50 staff over the next 3 years.

Most of these employees are Maidstone residents and through their combined wages (£13m) buy goods and services which benefit the local economy further. Both companies are using technology and innovation to grow their businesses to safeguard and create local jobs. A range of job opportunities at different skill and wage levels will be created by the expansion of these two companies.

At ADL in addition to distribution centre jobs, 60% will be office based or in Quality Control. Distribution centre roles require a general skill level and therefore are accessible to a wide range of people, including those with limited experience. ADL has recently announced an apprenticeship scheme with vacancies in logistics, supply chain, product development and quality control. Greater investment in technology will require IT skills and up-skilling employees in technological changes in the automotive industry. A 3000 sq ft training facility is planned on site which will be used to deliver world-class training courses to both Bilstein group employees and automotive technicians alike from across the globe on such highly technical topics as emissions sensing and high speed CAN and LIN networks used on all modern vehicles.

Scarab has a wide variety of manufacturing, engineering and office-based roles. Positions require varying skill levels and employees receive excellent training. Manufacturing roles include welders, assembly fitters, painters and inspectors. Office roles are in the areas of sales, administration, IT as well as the in-house design team, which includes highly-skilled Design Engineers. Scarab finds it very difficult to source staff with these wide range of skills and has a desire to introduce a formal training scheme and are keen to work with local Education providers to influence course content in their fields.

Both companies have undertaken extensive site searches including analysis of labour costs, land and property costs, supply chain, and distance travelled to work by staff to find the optimum location. The preferred location for both is the subject of this planning application. In the absence of any other existing industrial estates in Maidstone capable of accommodating the needs of these local businesses, ADL and Scarab have stated that Waterside Park will offer the following advantages:

- A larger facility to allow future growth;
- A reduction in occupation costs;
- Economies of scale from operating in a larger facility;
- Improvements in operational efficiency;
- Retention of staff members;
- A prestigious location for their headquarters;
- Fewer truck movements; and,
- Better access for trucks to major sea ports.

The potential economic benefits of allowing both companies to grow at their preferred location is clearly set out above. However, there are also several environmental and community benefits including:

- fewer HGV movements on local roads resulting in less congestion, pollution, noise and safety concerns.
- opportunity to run the businesses in a more environmentally friendly manner from modern premises.
- landscape, design and bunding to mitigate landscape and visual impact.
- conservation of the adjacent Local Wildlife Site.
- sustainable design and construction features to attain a BREEAM 'Very Good' rating.
- no significant impacts arising with regard to noise, vibration or air quality.
- sustainable travel initiatives delivered via a Framework Travel Plan.
- ecological mitigation to deliver biodiversity benefits through new planting.
- drainage to replicate greenfield run-off rates and preserve the water quality and hydrogeology.

After careful consideration, it is clear that this application has significant benefits for the economy, plus the environment and community, which all together amount to sustainable development justifying approval and I strongly encourage the granting of planning permission for the development of these important overseas investors.

Regards

Peter

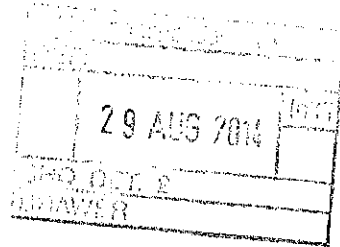
Peter Paddon | Planning & Infrastructure Consent Specialist | Investment Group |

UK Trade & Investment | 1 Victoria Street | London SW1H 0ET | Mobile: +44 (0)7826 870870 | E-mail: peter.paddon@ukti.gsi.gov.uk

With professional advisers both within the UK and across more than 100 international markets, UK Trade & Investment is the Government Department that helps UK-based companies succeed in the global economy and assists overseas companies to bring their high-quality investment to the UK.

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Please reply to: [redacted]
[redacted]
[redacted]
[redacted]
[redacted]

For the attention of Mr Richard Timms
Planning Department
Maidstone Borough Council
King Street
Maidstone
Kent ME15 6JQ

20 August 2014

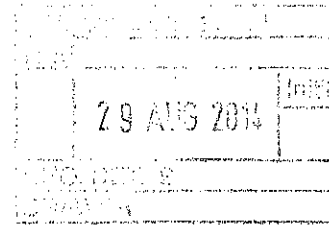
Dear Mr Timms

Re: planning application no 14/501895 – “Waterside Park” M20 junction 8

CPRE Kent object most strongly to this application, which would be very damaging to Maidstone should it be approved. It is very similar to application MA 13/1549 which was refused by the Maidstone Planning Committee on 28 February 2014. A few dimensions have been altered in application 14/501895 compared to 13/1549. However the refusal of 13/1549 was not on detailed design but on the whole principle of development in this area. To quote a small part of the decision notice *“The application was found to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and there were not considered to be any solutions to resolve the conflict”*.

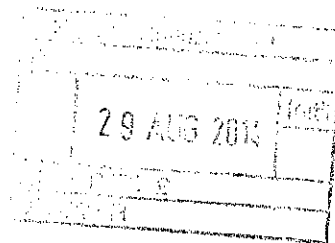
Although you would probably have our several letters to hand objecting to 13/1549, it may be simpler to repeat the summary of them included in the Planning Officers report to the Planning Committee and which still apply to the latest application:

- We continue to regard this application as failing to properly describe the proposed use of the site by failing to refer to the mineral extraction.
- It is clear that any potential use of the site for industrial use is several years away, and that this part of the application should be regarded as premature. The duration of minerals extraction is dependent on the permitted hours of working and the availability of a market for the sand extracted. The application is for seven day working, 24 hours a day. As the site is adjacent to a major hotel this must be completely unacceptable and sensible conditions applied, consequently extending the duration of the extraction.
- This site is a field in the open countryside and is some distance from the defined Maidstone urban area. It is not allocated for development in the 2000 Local Plan, and although it was



included as an option for development in the strategic sites consultation for the emerging new Local Plan, development at J8 was overwhelmingly rejected by those responding. It was not subsequently included in the Interim Plan agreed by the Councils Cabinet in March 2013

- At the same meeting it was acknowledged in the officers report that more recent forecasts show a reduced need for warehouse development and for employment land overall, and that further work was being undertaken to identify potential employment sites. It was further acknowledged that there is a stock of industrial and warehousing land in nearby authorities in particular in Swale, Medway and Ashford which is currently available to meet market needs. The need for development is, therefore, highly questionable, and the acceptance of this site now would be prejudicial to the Local Plan process.
- The site is now and always has been in agricultural use, and it is the best and most versatile land. It also adjoins designated Special Landscape Area (SLA) and is in close proximity to the Kent Downs Area of Outstanding Natural Beauty (AONB). Consequently, it is a rural and environmentally sensitive site, where industrial development of this scale and nature would be incongruous and alien in the landscape. Indeed in including it as an option for development in the strategic sites consultation the Council did so despite recognizing that it was an unsustainable location for development.
- As a core planning principle the NPPF requires development to recognize the intrinsic character and beauty of the countryside, which this development fails to do. The NPPF (paragraph 112) also requires development proposals to take account of the economic and other benefits of the best and most versatile agricultural land, which again the application fails to do.
- One of Maidstone's principal attractions is its countryside setting, especially the approach to the town from M20 J8, which runs mainly alongside the AONB and in the SLA. Should this application be approved it would create a precedent, initially for the other two sites being put forward nearby, which would be difficult to resist. This would open up the whole area in towards Bearsted, a distance of about a kilometer. However much MBC wish to control this spread it would be likely to be approved on appeal.
- The application proposes the removal from site of 740,500 tonnes of minerals. This would result in some 75,000 lorry movements. The NPPF paragraph 32 states "All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment" Although the Environmental Statement chapter 8 appears to include this it is wholly and totally inadequate. It considers, very superficially, only the immediate roundabouts and junctions close to the site. It does not mention or consider where the traffic may be going, and the effects on the wider road network and the destination points. It clearly is not sufficient for the determination of the planning application by MBC, and must require a comprehensive analysis and report by KCC as the highways authority. We have no knowledge of this being done.
- The NPPF has introduced economic considerations in to planning. Two companies are parties to the application, both based in Marden. They are both growing although we suspect "optimism bias" in their projections. This growth is surely dependent on their markets, not buildings, but



they state that working from multiple buildings is inefficient. This means that moving to a single site should allow them to reduce staff numbers, whatever those numbers may be at the time (several years hence) , rather than add to them. Additionally a site at M20 J8 will allow recruitment from all over Kent and even beyond, further reducing any benefits to Maidstone compared to the Marden sites.

- Furthermore both companies have recently been taken over by European groups. Because the large majority of their output is exported to the continent it must be considered very likely that they will "do a Pfizer" and transfer their operations to the other side of the Channel (Scarab Sweepers are already rumoured to be in this position). Any economic benefits to Maidstone are unlikely to be achieved.
- We believe it extremely important that this application should be refused. The whole issue of development at M20 J8 should not be determined in this ad hoc way. The employment growth of the Borough, and where that growth should occur, are matters that must be tested through the plan making process which allows for public consultation and independent examination.

Although this was written in respect to the earlier application MA13/1549, we see it as totally relevant to the new application 14/501895. None of our objections were based on the details of the scheme but on the principles, which remain unaltered. We believe it to be very important for this current application to be refused.

Yours sincerely

G W M Thomas – Chairman CPRE Maidstone

Comments for Planning Application 14/501895/HYBRID

Application Summary

Application Number: 14/501895/HYBRID

Address: Waterside Park M20 J8 Ashford Road Hollingbourne Kent

Proposal: Hybrid (part outline/part detailed) application for re-grading of the site to form development platforms including the creation of new bunds and batters; the development of a new industrial estate comprising up to 45,528m² of B1 light industrial, B2 general industrial and B8 storage and distribution uses with ancillary offices; ancillary cafe and creche facilities; creation of a new access to the A20; new internal access roads; parking, internal drainage, structural landscaping and the diversion of the existing public footpath. Detailed permission sought for erection of new warehouse building (21,990m²) and associated offices (2,995m²) with access, service yard, parking and landscaping.

Case Officer: Richard Timms

Customer Details

Name: Mrs Victoria Wallace

Address: Leeds Castle, Ashford Road, Hollingbourne, Kent ME17 1PL

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write on behalf of the Leeds Castle Foundation. We have now reviewed the submission in detail and wish to register our strong objections to the application.

This follows our opposition to the application MA/13/1549 for a similar development at Waterside Park.

Leeds Castle is a Grade 1 Listed Building and considered to be of exceptional heritage interest. It has substantial landscaped grounds that include numerous other Grade II* and Grade II listed buildings. The garden is also registered by English Heritage for its special historic interest. Section 12 of the NPPF details the nature of the approach that should be taken in relation to heritage matters. Paragraph 128 is of particular importance where it states In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail is expected to reflect the importance of the asset and in this case, Leeds Castle is a Grade 1 Listed Building and a significant level of detail should be required. It is also not just a case of the building but the setting and surroundings also need to be fully considered and this includes non-designated assets as well. The documents accompanying the application have been considered and we have significant concerns in relation to the proposed development as detailed below:

1. Heritage Impact

The details that accompany the planning application have considered the impact on Leeds Castle and the overall setting but we have major concerns in how this has been approached. The importance of the definition of setting and how the applicant has considered not only the impact on Leeds Castle but other heritage assets is detailed below.

Definition of setting

An appreciation of setting has tended to be downgraded in the cultural assessment to a consideration of views rather than the actual definition of setting which is the surroundings in which [an asset] is experienced (English Heritage The Setting of Heritage Assets 2011). The definition implies a far more wide-ranging consideration of impact than whether or not, or to what degree, the proposed development might be viewed from one particular viewpoint. Setting demands a consideration of the character, land use and visual qualities of the location in its widest sense, including how new development might alter the balance and character of the existing surroundings. The English Heritage document also makes reference to the importance of assessing visual effects of a development on the surrounding area, visitor and resident populations and landscape. (The Setting of Heritage Assets page 28).

Old England cottage

We can agree that original setting of these cottages has been degraded by the improvements to the road infrastructure, but they still possess a setting which is protected by law and justifies the requisite consideration. The submitted report appears to conclude that the assets setting cannot be worsened and therefore provides only cursory assessment.

Despite the obviously physical, visual and acoustic impact of the road, the sense of the assets historic relationship with wider rural context remains legible. This is particularly the case to the south, where the impacts of the road lessen and the views open out to open countryside. The cottage, orientating southwards, still relies in part on the historic relationship with this rural context. The impacts of the road are a consideration, but the cottages were always positioned alongside the old turnpike road and the relationship therefore remains.

The site may only be visible from the first floor windows of the cottages but this does not reduce the levels of care required to preserve existing setting.

The submitted assessment give short shrift to the importance of this assets remaining setting, concluding that the proposed structures will be screened by the proposed planting. This in no way deals with the actual impacts of large footprint buildings at over 15m in height, and how the loss of the open, rural setting will inevitably further degrade the setting of this listed building, identified as

having a high sensitivity. To conclude that the impact will be negligible reflects a cursory assessment. It is our view that the development of the existing open landscape will have at least a moderate adverse level of impact due to the substantially harmful effect on the setting of the asset. In line with the Table 14.3 of the submitted report, this magnitude of impact on an asset of high sensitivity would result in a major adverse effect.

Old Mill Farm

Although unlisted, Old Mill Farm is obviously of historic significance and the presence of the oast houses now forming part of the accommodation is a typical and distinctive feature of the regional landscape. It is easy to understate the value of non-designated assets such as these but, cumulatively, they help to form the identity of the local landscape as well as being valuable and attractive historic assets in their own right.

In the context of Table 14.1, we wonder why this asset has been assigned a low level of sensitivity as it is not in a poor state of preservation and survival? In terms of this table, it should be categorised as a non-designated asset and therefore of moderate sensitivity.

It is our view that the submitted assessment has downplayed the impact of the proposed development on the setting of this asset. In our view, the sheer scale and extent of the proposed development would cause a very significant and harmful change to the rural landscape setting of the existing building. In view of the mis-categorisation of the asset against the significance table, the outcome of our assessment of a high level of impact on an asset of moderate significance is a major adverse effect.

Leeds Castle & the Registered Park & Garden

The assessment suggests that the parkland is largely 20th century in date. Whilst it is factual that a number of restorations and improvements were made during that century, the landscape has its origins in the 12th century and, as the list description itself states, the planting arrangements remain close to Hogbens 1748 plan. It is not satisfactory or accurate to summarise its value as relating to the 20th century.

The description of the park refers to it being mainly introverted in character. This completely ignores the way in which the formal landscape relates to the wider, informal landscape in intentional ways. In some cases, specific approaches or views are screened by designed planting but in others there is an intentional overlap beyond the formal boundaries of the park to borrow the visual qualities of long distance views to the open countryside. The latter will form part of its setting. Whilst there are some planted barriers, there are other areas of the park, notably on the south west side, which are largely open to adjoining landscapes.

In addition, the setting of a parkland also relies on the quality of the approaches to it, even if there

is built form or landscaping between which limits intervisibility. The approach to the designated area is part of the experience of the asset (particularly in a rural context) and it is not sufficient to discount the value of these areas as being outside the designation or falling outside setting. The setting of Leeds Castle very much relies on its relationship with the wider open countryside, and the impacts of the upgraded road network are a reason to defend the existing rural characteristics, not a justification for allowing their further degradation.

The assessment also refers to the immediate setting of the Castle and appears to draw conclusions based on this; but there is no detailed consideration of the extended setting, into which the proposed development can be considered to fall. If the extended setting of the Castle and the Registered Park can be considered to be formed by predominantly rural, open countryside then the proposed development cannot be considered to preserve this characteristic. In particular, we cannot align phrases such as the development being hardly visible (unspecific about location or viewing height) with a robust assessment of its impact on setting. Given the field itself is clearly visible, we do not find this credible evidence.

We also consider that the detailed conclusions offered in the submitted assessment are drawn from an appraisal of individual views and not from a spatial consideration of the assets in their wider setting. Had the assessment been undertaken in this manner (in other words, with consideration of the surroundings in which the asset is experienced), then the level of impact would have been set at least at low, and possibly medium. In the context of an asset whose sensitivity is high, the conclusion should have been a major adverse effect.

Summary

We therefore have concerns over how the submitted report has approached the categorisation of assets in terms of their sensitivity, the means by which setting has been assessed and also the appraisal of resultant levels impacts. As all of the above relate firmly to conclusions which have been drawn by the applicant in support of their proposal, we consider that the potential heritage impacts have not been adequately assessed and that the conclusions drawn cannot be relied upon by the Local Planning Authority.

2. Allocation of employment land

The current application is considered premature in the light of the current consultations that are taking place. The applicant relies on the Draft Core Strategy (DCS) that was published in 2011 that has been superseded by the emerging Local Plan. The DCS was not subject to any formal examination and it cannot therefore be assumed that it would have been found sound and this site allocated for employment purposes. As part of the emerging Local Plan, further research is being carried out and the Report to the Councils Cabinet Meeting on 13th March 2013 approved the interim Local Plan policies for development management purposes. The draft local plan specifically rules out Junction 8 as an unsuitable location for employment development. That is the

stated position of Maidstone Borough Council, which should be maintained.

The current application emphasises the need of two existing employers within the Borough, Scarab Sweepers and ADL and that this site is basically the only site option available to them otherwise they will leave the Borough. This appears as a threat to the Council and the detailed assessment supporting the applications does not appear to stand up to scrutiny.

The application includes significantly more land than the two companies require from the information provided and there is a still speculative development. Independent office buildings are proposed and this should be subject to a sequential test. The supporting documents however dismiss this on the basis it is part of a larger application and this type of use is need to assist with the Gateway to Maidstone from the motorway.

The application is therefore not the minimum required to meet the two needs of an employer but an overall speculative development for profit. Neither Company owns the site and the supporting information states they each intend to acquire a freehold interest. There is no guarantee that the local companies will finalise the option and the development is permanent and would exist for many years. The Council must therefore assess the application on the basis of the nature of the proposed uses and not the individual companys cases. Whilst it is sometimes ideal for a company to have its entire operation under one roof, this is not always essential and the application focuses on a desire, not a demonstrated need. It appears the criteria for relocation focuses on the motorway and this has been the key driver for pushing this site forward.

The emerging Local Plan is subject to an examination by an independent Inspector and the Council itself is still producing its evidence base. Junction 8 has been highlighted as a potential site to meet the needs of the Borough, if a need is identified. However, this should be formally assessed in relation to alternative sites that may come forward. This is of critical importance on sites of this nature that would have a strategic impact on the Borough, surrounding local authorities and a major transport network, the M25. Not only does the level of need for employment land to be considered by an Inspector but the alternative sites as well. It cannot therefore be assumed that the emerging Local Plan would be found sound and adopted in its current form. In this context the current application must be considered premature on a matter of principle.

The details submitted with the application also appear to be limited. There is a variety of description and then conclusions stated without any meaningful assessment having taken place. For example, in relation to the height of the proposed buildings and the impact on Leeds Castle, the conclusion is that the roof would be hardly visible and therefore any material impacts would be avoided.

The views chosen by DHA are highly selective. They ignore the view from the south west of the Castles parkland, which looks across to the AONB and has a clear line of sight to the proposed

site. Even with reduced height, and smaller in scale, this would be clearly visible from the parkland, and from the 252 year old cricket club.

This fails to properly assess the impact on a heritage asset.

We have previously raised the issue regarding the impact on the tourism trade during and after construction in respect of the disruption and the approach to Leeds Castle. The potential loss of income directly to the charity that is charged with the Castles preservation, and the knock-on impact to surrounding business that also rely on tourism is of major concern. Significant road works could well put off tourists visiting the site and the current application states construction works would last between 5 and 6 years. The castles local economic impact is assessed at being over £50m a year, which would be jeopardised by this construction. There is no real assessment within the submission of the impact this may have on the tourist trade and the fundamental impact on visitors and staying guests at Leeds Castle.

The reports gloss over these issues and state there would be a negligible impact. Paragraph 6.4.44 of the Environmental Statement (Non-Technical) considers the effect on the tourism industry and acknowledges that Leeds Castle is a sensitive receptor. However, the report concludes at paragraph 6.4.45 that as there would be an insignificant effect in terms of congestion, which suggests that the impact on the tourism industry would be negligible.

Visitors may be put off visiting and staying overnight at the Castle in its entirety due to traffic problems on the M25 or shorten their visit to avoid potential delays to their journey. There is only limited information regarding noise, dust and disturbance during construction. This could have a significant financial impact on the income for the Charity. Whilst the applicant promotes the benefits of employment for two local companies in terms of financial figures, there is no similar assessment in relation to loss of tourist trade and the resultant impact could devastate the income for Leeds Castle which is essential to maintain a Grade 1 Listed Building.

In relation to the current application there are several important paragraphs within the NPPF that need to be considered. The NPPF is clearly in favour of sustainable development and clearly states at paragraphs 153 that Local planning authorities should seek opportunities to achieve each of economic, social and environmental dimensions to sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued.

Paragraph 154 states Local Plans should ensure that they address the spatial implications of economic, social and environmental change. The current application goes against this Guidance and is therefore considered premature as it does not allow these significant strategic changes to be formally considered by an Independent Inspector at a public examination.

3. The impact of additional traffic on the local road network.

Following a review of the Transport Assessment and the Transport section of the EIA we are concerned with the approach taken in the assessment of potential transport impacts for the Waterside proposal for a number of reasons:

The traffic counts have not been done at appropriate times

It is recognised that DHA have undertaken a number of surveys to assess existing usage of roads and junctions. The locations for these surveys included

M20 Junction 8

M20 link road / A20 Ashford Road roundabout

The A20 east bound flyover bridge

A20 Ashford Road / Eyhorne Street / Great Danes Hotel roundabout

A20 Ashford Road / Penfold Hill roundabout

links in and around the above network

We agree with the types of surveys undertaken, and that these locations are appropriate for the proposal and to assess the existing transport infrastructure.

However, the dates that these surveys have been undertaken is not reflective of current usage. Given that Leeds Castle is a popular tourist spot, much of the trip generation to this site occurs during the summer holiday period, between July and August. We would expect the levels of traffic to be significantly higher at the Penfold Hill and Great Danes Hotel roundabouts at these times than those found in the ATC undertaken in June. This is especially surprising given that DHA acknowledge at paragraph 6.6.5 of their report that many events at Leeds Castle will take place during school holidays. They suggest that many events take place during daylight hours and as the development traffic is much reduced, there is not any potential conflict envisaged.

There are a number of issues with this summation. Firstly, the assessment of existing road usage has not been undertaken during a school holiday, and so cannot accurately reflect the likely impact on Leeds Castle. Secondly, this assumption only recognises specific events and completely ignores the significant number of regular tourists (600,000 a year, or up to 7000 a day) that are visiting Leeds Castle without attending a specific event. Thirdly, the report suggests that the development traffic will be much reduced outside commuting times, but the trips assessment at 5.2.36 and table 5-22 states that only 323 of the total 1,047 arrivals will happen before 9am, and only 181 of 1,050 total departures between 5pm and 6pm. This suggests that 724 (over two thirds) of arrivals will occur during normal daylight hours that would clearly have a significant impact on the local network.

On this basis, a thorough assessment of the likely impacts on the highways cannot be undertaken until the relevant data has been provided or accounted for.

Traffic generation

The proposal suggests that the total number of trips generated by the proposal would be 2,096, which would be predominantly made by private car and HGV delivery vehicles. Given that the majority of people will be using private cars or HGVs we would question the inclusion of 249 cycle bays, given that paragraph 7.2.1 suggests that The development itself is not forecast to generate significant levels of walking and cycling trips given its location on the east side of Maidstone. On this basis, it would appear that the inclusion of such a large number of cycle bays is to deflect away from the more realistic private car generation of the site.

Increased traffic deterring visitors to Leeds Castle

Furthermore, there is a very real threat that the significant increase in use of the existing junctions will act as a natural deterrent to potential visitors at Leeds Castle. This would result in a reduction in visitors to Leeds Castle, which would be contrary to Policy CS13 of the Interim Approval of Maidstone Borough Local Plan Policies (March 2013), which seeks to protect the historic environment. However, the transport assessment does not identify this policy as being of relevance and has not assessed the impacts of the proposal deterring visitors from the site.

Insufficient data

As set out above, the transport assessment does not provide sufficient detail to prove the proposal will not have a significant detrimental impact on the existing transport network, or surrounding villages and historic tourist attractions. This includes:

- No data for school holidays and weekends to assess the current impact of visitors to Leeds Castle;
- No breakdown of private car users and those walking or cycling;
- No assessment of the potential deterrent of proposal on prospective visitors to Leeds Castle.

In the light of the above, Leeds Castle Foundation therefore objects to the proposal on the grounds of insufficient assessment of the likely transport impacts of the proposal on existing transport network, and the likely significantly detrimental impact on tourism within the area.

4.. Flood risk

The council should remember that over the wet winter of 2013-14, the Len valley, downstream of this development in Downswood, flooded completely, causing damage to homes and roads such as Mallards Way to go fully under water. There is currently the potential for water falling onto the open ploughed fields on this site to be immediately absorbed into the greensand below. With this construction, and the amount of hard standing proposed, the water will not be able to soak away,

but will instead run off into Mill Pond and the River Len. This will substantially increase the floodwater reaching Downwood.

Conclusion

In our opinion the principle of the current development proposed is clearly contrary to the existing development plan for the area, the Maidstone Borough Wide Local Plan 2000, and to the draft Local Plan circulated in 2013. The land is not allocated for employment purposes and the Councils stated position is that Junction 8 is not suitable for development. The scale and nature of this application would have a significant and strategic impact on the nature of growth and development within the Borough.

When the application is considered in detail, the proposals still go well beyond meeting the needs of the two companies and must therefore be viewed on the basis of employment for the Borough and not retaining two particular companies for the reasons stated above. Whilst the creation (or rather relocation) of 454 jobs is not something to be ignored, this has not been considered in the light of the significant adverse impacts that would occur as the result of this development.

In summary, we therefore raise a strong objection to the proposed development even in its reduced and revised state on the following grounds:

We have demonstrated that the heritage assessments are inadequate and this on its own represents a reason for refusal.

The level of development is far in excess of the requirements for the two companies and must therefore be considered speculative and assessed purely on spatial land use issues.

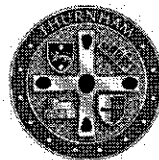
The proposals are premature and should be considered as part of the emerging Local Plan process that will be subject to a public examination.

The impact of the proposal on local tourism during the construction phase of several years has not been properly assessed.

Insufficient assessment of the likely transport impacts of the proposal on existing transport network, and the likely significantly detrimental impact on tourism within the area.



The Bearsted & Thurnham Society



The Residents' Association for the Civil Parishes of Bearsted and Thurnham

Caroline Vanhecke, Chair
92 Ashford Road, Bearsted Kent ME15 8PQ

Tel: 01622 737520

Rob Jarman Esq.
Head of Planning Services
Mid Kent Planning Support
Maidstone Borough Council
Maidstone House
King Street
Maidstone
Kent
ME15 6JQ

25 August 2014

Dear Mr Jarman

PLANNING APPLICATION 14/501895: WATERSIDE PARK M20 J8 ASHFORD ROAD, HOLLINGBOURNE

1. As you know, this planning application by DHA Planning on behalf of Gallagher Properties Ltd, Automotive Distributors Ltd and Scarab Sweepers Ltd is for the development of land between the A20, Old Mill Lane and the Mercure Hotel. It is a revised version of the application, submitted to and considered and refused by, the Council seven months ago. The Society believes that the current application should also be refused for the reasons contained in this letter.

2. The applicants are at pains to draw attention to the changes in this application compared with their earlier submission, particularly in terms of scale and impact on the surrounding area and wider environment. However, the thrust of their argument remains the economic case for allowing Automotive Distributors Ltd and Scarab Sweepers Ltd scope to expand, ready access to the M20 motorway, whilst at the same time retaining the bulk of their labour force.

3. But, even if the economic case were to be given the weight the applicants believe it should, there are good reasons to doubt that it is as powerful as they make out because:

- The word on the street, from those in a position to know, is that ADL has already decided to move to a site at Ashford, thereby negating one of the key arguments for this application.
- The proposals for Scarab Sweepers Ltd are outline only and, given that they are not intending to vacate their current site for some time, may reasonably be considered speculative.

- If this is correct then the current application is far more in the nature of a speculative planning application timed to try and secure permission ahead of the local plan, which excludes the site, completing its democratic consultation process and being approved by a planning inspector.
- This may also account for the frequent references by the applicant to the criteria to apply to planning applications in the absence of an approved local plan.
- The map illustrating the place of residence of Scarab employees shows them being drawn from as far afield as Canterbury and Folkestone with a high proportion coming from the Medway Towns. On the face of it this would point to alternative sites at Aylesford, Ashford, the M2 corridor or, indeed, Detling Aerodrome with its excellent motorway links (should that emerge as an employment location when the local plan is finalised), being equally conducive to the retention of the bulk of the work force.

4. The Society recognises that these economic arguments are wholly legitimate points for the companies to advance in their own self-interest. But the planning system does not exist to accommodate the demands of individual companies alone. If it did, the countryside would be littered with developments that suited individual operators' needs whilst making little sense in terms of the requirements of the wider community, the provision of social and physical infrastructure and the need to secure sustainable development in the longer term.

5. Instead, as you know, the planning system is designed to perform a number of roles summarised in paragraph 7 of the National Planning Policy Framework (NPPF) as economic, social and environmental. As paragraph 8 puts it:

"To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions."

6. In other words the narrow interests of individual developers and companies must be subject to the wider interests of the community. Given the arbitrariness of many local authority boundaries (dividing as they do already built up areas and economic markets) "community" needs to be seen as not just the population of one particular district council area, but of wider geographical and economic areas, such as the county: hence the emphasis in paragraph 31 of the NPPF on neighbouring authorities co-operating with one another.

7. Developers frequently use the argument that if land is not allocated in one area a firm will locate elsewhere resulting in damage to the local or national economy. But the planning system is not, and never was intended to be, a zero-sum game in which a gain by one side requires another to sustain a corresponding loss. Rather, as you know, it is designed to try and find the optimal solution to a particular set of wide ranging, interlinking and sometimes conflicting problems. It does this by identifying for development those areas that make the most sense in terms of scale, location and sustainability in the long term, whether green field sites or the regeneration of run down or brownfield sites, taking account of population growth, housing needs, employment opportunities, the provision of infrastructure, the need to protect and enhance valued landscapes, and to take into account the economic and other benefits of the best and most versatile agricultural land and other relevant factors. In short, planning, as one newspaper put it, is a conversation about how we balance the need to grow with the need to preserve.

8. As a consequence this may mean that the process cannot always accommodate the needs of every firm that would like to relocate to a particular area. This should not be seen as some how anti-business, frustrating economic growth or preventing companies competing in international markets. But rather as seeking to find solutions that make the best sense in the wider interests of the community as a whole.

9. For all these reasons the current application should be judged on all relevant planning grounds and not focus on the economic needs of the two companies.

The previous planning application for Waterside Park

10. The previous application for the development of Waterside Park was refused by the Borough Council in its decision notice of 27 February 2014 (MA/13/1549), on the grounds that:

“The proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the proposed changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to Policy ENV28 of the Maidstone Borough-wide Local Plan 2000 and the advice of the National Planning Policy Framework 2014.”

11. The Society believes that the latest proposal is no different in substance to the earlier one and that the same arguments for refusal therefore apply.

Not a sustainable site

12. The site is in open countryside, distant from the built up area of Maidstone and has no public transport links. It is too far away from railway stations to make it possible for workers to travel by public transport for part of the journey and then make their way on foot or by cycle to the site. In any event the nearest stations do not have the parking capacity to provide for such an extra inflow of traffic. Nor do the locations of Scarab's existing work force make it feasible to use public transport as a means of accessing the site. The only practical means of accessing the site is by car.

13. If permitted, it would impose a major increase on traffic flows during the extraction phase as sand is excavated and the site levelled. Dr Felicity Simpson has estimated that if 505,000 tonnes of sand were to be excavated that would generate 35,600 lorry movements if they carried 30 tonnes each and 101,000 movements for a 10 tonne loaded lorry.

14. The site provides for parking spaces for 660 cars, 44 motor bikes, and 70 light goods vehicles – though none for large vehicles (where would they park?) Once fully operational the site would impose a major increase on the existing road network with which it is ill equipped to cope. These increased volumes would impact not only on the M20 and A20, but also on the minor roads to the south of the site which in some cases can accommodate only one car at a time.

Impact on the countryside

15. In June the Secretary of State for Communities and Local Government, Eric Pickles, emphasised that development should be focussed on land that had already been built on. “We've always been a green and pleasant land: and we must stay that way, preserving the best of our countryside and other green spaces” he said.

16. The spirit of this approach is reflected in paragraph 11.49 of the Local Plan:

“The visual character of Maidstone's landscape is highly valued by those living, working and visiting here. A significant proportion of the borough benefits from high quality landscapes. A large area of the borough lies within the Kent Downs AONB, a nationally important landscape designation and a strong level of protection will be given to this designation and its setting, set out in policy SP5. However, all of the landscapes play an important role in contributing to the borough's environmental, economic and social values.

Therefore all landscapes, rather than just those that are designated, will be viewed as a natural asset. This is in line with the European Landscape Convention."

17. And again in paragraph 5.71:

"In addition to the Kent Downs AONB and sites of European and national importance, the borough includes significant tracts of landscape which are in good condition and are highly sensitive to significant change, including parts of the Greensand Ridge together with the Medway, Loose and Len river valleys. These landscapes were highlighted as areas of local value by the public through previous consultation."

18. The importance of the setting of the Kent Downs AONB was also emphasised in the inspector's report on the KIG planning application. He referred to the area north of the A20 as a "continuous landscape".

19. Moving south of the A20 towards Leeds village and the Greensand Ridge and looking back towards the Waterside Park site one is struck by the extent to which all this land, to both the south and north of the A20, forms a continuous landscape and gives strength to the argument that all this land should be designated as part of the AONB.

20. David Beck of Brogden Farm Oast and his neighbour, Robert Sinclair, in their objections and accompanying photographs, have drawn attention to the ways in which the applicant's plans impinge on and damage the landscape even in their modified form – not least because in certain key respects the height of the buildings proposed is identical to that on the previous application.

21. The Society fully shares their concerns about the damage the application would inflict on the landscape if approved.

Impact on Leeds Castle

22. Paragraph 132 of the NPPF states that:

*"When considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. **The more important the asset, the greater the weight should be.** Significance can be harmed or lost through alteration or destruction of the heritage asset or **development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification..... Substantial harm or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade 1 and 2* listed buildings, grade 1 and 2* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.**"*

[Emphasis added]

23. Leeds Castle (described by Lord Conway as the loveliest castle in the world) is a grade 1 listed building, referred to in the Domesday Book, and the only building of national importance in the Maidstone Borough Council area.

24. The Castle and park is preserved as a living entity and receives no major grants or government funding and therefore the income raised from visitors, conferences, functions, a wide range of special events and open-air concerts is essential for the continued preservation of this unique heritage for future generations.

25. The importance of the castle and its setting is reflected in paragraph 11.33 of the Local Plan Consultation document published earlier this year. Referring to the castle and other heritage assets it states:

"These heritage assets contribute to the strong sense of place which exists across the borough. However, this historical resource is very vulnerable to damage and loss....The setting of historic features such as listed buildings and scheduled monuments, can be crucial in maintaining their historic integrity."

26. Victoria Wallace's objection, dated 19 August on behalf of the Leeds Castle Foundation, demonstrates the woeful inadequacy of the developers' impact assessment; and how the proposed development would jeopardise not only the setting of the buildings and estate but also deter visitors thereby having a damaging effect on the economic viability of the enterprise.

27. The Society fully supports the arguments set out in her letter.

Conclusion

28. For all the reasons given above the Society believes that the current application is not materially different to the one rejected earlier this year and that it too should be refused planning permission.

Yours sincerely

Caroline Vanhecke
Chair