

# PLANNING COMMITTEE MEETING

Date: Thursday 31 March 2022  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Brindle, Cox, English, Eves, Harwood, Holmes, Kimmance, Munford, Perry (Vice-Chairman), M Rose, Spooner (Chairman), Trzebinski and Young

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
5. Disclosures by Members and Officers
6. Disclosures of lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
8. Presentation of Petitions (if any)
9. 18/504836/EIOU - Binbury Park, Bimbury Lane, Detling, Maidstone, Kent 1 - 126

## PLEASE NOTE

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website.**

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**Issued on Wednesday 23 March 2022**

**Continued Over/:**



**Alison Broom, Chief Executive**

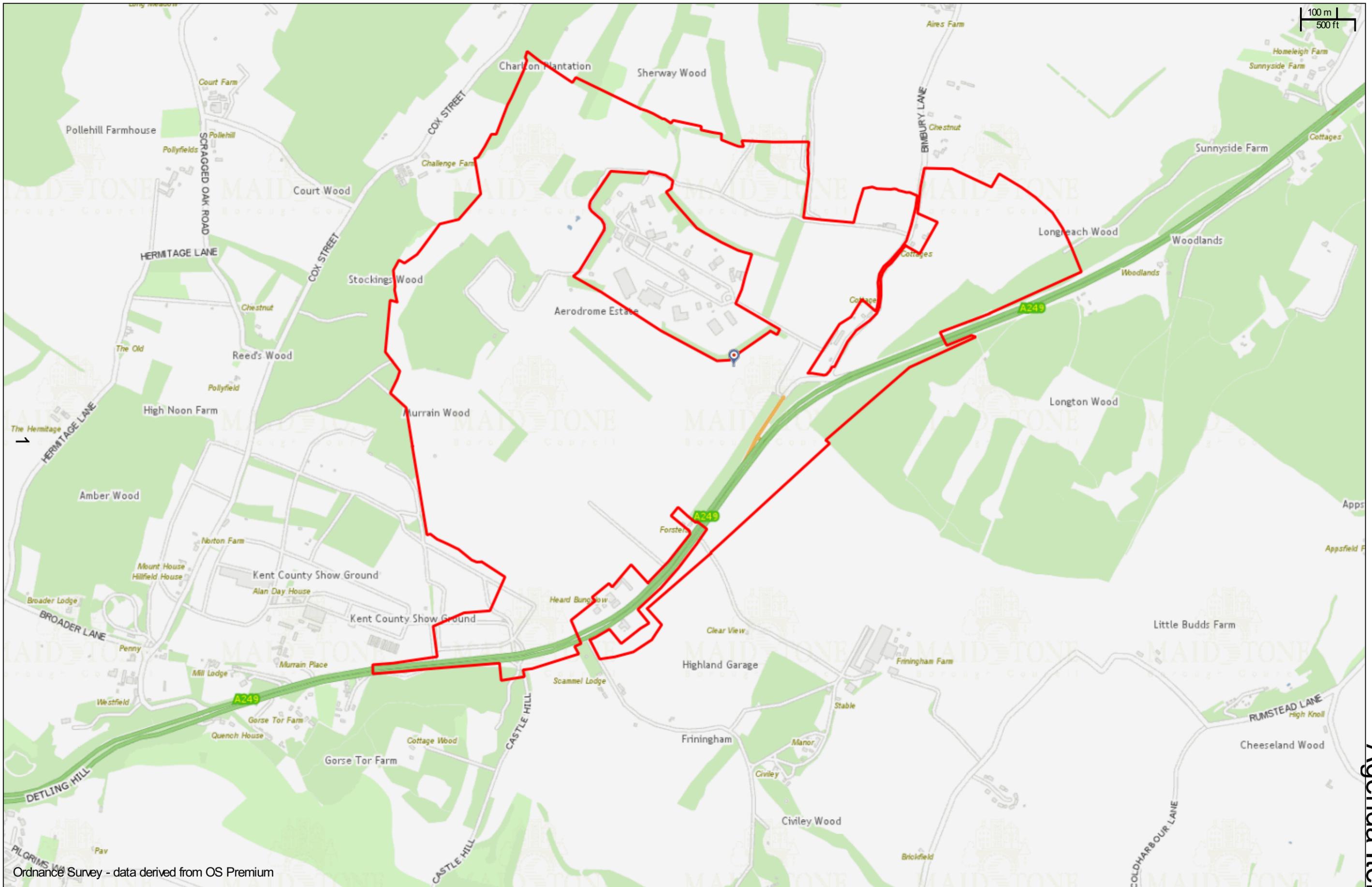
**Background documents are available for inspection; please follow this link:**  
<https://pa.midkent.gov.uk/online-applications/>

#### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

**In order to speak at the meeting in person or by remote means, please call 01622 602899 or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. on Wednesday 30 March 2022. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated on a first come, first served basis.**

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Ordnance Survey - data derived from OS Premium

18/504836/EOUT Binbury Park  
 Scale: 1:10000  
 Printed on: 9/3/2022 at 13:12 PM by JoannaW

**REFERENCE NO:**

18/504836/EIOUT (Binbury Park)

**APPLICATION PROPOSAL**

Outline application (with all matters reserved apart from access) for the erection of up to 1,725 dwellings including affordable housing, 46,000 sq.m of commercial space, a hotel, a local centre, a new primary school, a park and ride facility, strategic highways improvements including new Kent Showground access/egress, accesses/roads including a new bridleway bridge, parking, associated open space, landscaping, services, and Sustainable Drainage Systems. In addition the proposals include a publicly-accessible country park including the Binbury Motte and Bailey Castle Scheduled Ancient Monument.

**ADDRESS:**

'Binbury Park', Bimbury Lane, Maidstone, Kent

**RECOMMENDATION:**

That planning permission be refused

**SUMMARY OF REASONS FOR RECOMMENDATION:**Spatial Development Strategy

The planning system is plan-led (s38(6) of the 2004 Act).

The presumption in favour of sustainable development does not displace section 38(6).

Where a proposal does not accord with an up-to-date development plan, taken as a whole, planning permission should be refused unless material considerations indicate otherwise.

This is a proposal for large scale major development which does not fall within either the adopted or emerging development plan spatial strategies

The Council has identified that appropriate alternative locations are available to meet the identified growth needs for both housing and employment and there is no evidence to suggest that the targets within the Adopted Local Plan will not be met.

Therefore to allow the development would potentially undermine the successful implementation of the existing MBLP 17 spatial strategy, including strategic site allocations and town centre regeneration.

The Council is at an advanced stage of reviewing its Local Plan and to allow the development in the absence of an identified need or shortfall would prejudice the Local Plan Review process; which currently does not include this site within its draft spatial development strategy.

Sustainable Development

By virtue of the site's location, limited access to public transport modes and lack of suitable pedestrian and cycle connectivity to the urban area, the development will be a heavily car dependent scheme that fails to make a positive contribution to climate change objectives.

The proposals do not represent sustainable development as defined by the NPPF and are contrary to and would undermine the delivery of the sustainable spatial development strategy of the Adopted Local Plan.

### AONB

The site lies within the Kent Downs AONB, a nationally significant landscape designation. The site is considered to possess the defining special landscape characteristics and qualities that led to the designation of the area.

The Council has a duty to afford great weight to conserving and enhancing the scenic beauty of the AONB.

The proposals would result in the urbanisation of a significant area of the AONB and would result in great harm to its special qualities. The development would therefore be contrary to the purposes of the AONB designation.

The NPPF advises at para' 176 that major development within the AONB should be limited. In the light of this the NPPF at para' 177 requires that major development should only be permitted where there are exceptional circumstances and where it is in the public interest to do so.

The NPPF sets out clear tests that must be met, which it is considered the application fails, in that; (i) there is no overriding need for the development, nor any national considerations arising from it, (ii) if a need were proven, the proposals fail to demonstrate that the need could not be met outside of the designated area and (iii) the development fails to demonstrate that detrimental effects on the environment can be adequately moderated.

### Highways

National Highways have issued a holding objection as there remain unresolved highways impacts in relation to specific impacts on M2 J5 but in general both highway authorities consider that subject to these being addressed, there would be no adverse traffic impacts upon both the local and strategic road networks.

### Heritage

The proposals would result in harm to both designated and non-designated heritage assets. In terms of the designated assets – Bimbury Castle and Manor, there are public benefits in terms of their restoration that would outweigh the limited harm to their setting. In respect of the non-designated wartime assets it is considered that the development parameters afford adequate consideration to their setting such that there would be harm to their setting and/or harm from their loss and this harm which must be put in the planning balance against the grant of planning permission.

### Ancient Woodland

The proposals would result in the loss of circa 1.6ha of ancient woodland, which is considered to be an irreplaceable asset. There are no reasons put forward which could be described as wholly exceptional for allowing the irreplaceable habitat losses. NPPF paragraph 180(c) advises that permission should be refused in such cases.

### Summary

Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 there are no material considerations which individually or cumulatively would outweigh the conflict with the development plan (and the NPPF) as a whole.

<b>REASON FOR REFERRAL TO COMMITTEE:</b>			
<p>This application is of a strategic scale with Borough-wide implications.</p> <p>The development is a departure from the adopted Local Plan's spatial development strategy and countryside/AONB policies.</p> <p>Determination of the application also has the potential to prejudice the consideration of the emerging spatial strategy as set out within the draft Local Plan Review (R19).</p>			
<b>PARISH COUNCILS:</b> Thurnham & Stockbury (off site works also in Boxley and Detling)		<b>APPLICANT</b> Binbury Park Estates Ltd, E J Mackelden & Sons (Bobbing) Ltd <b>AGENT</b> Montagu Evans	
<b>PUBLICITY:</b>			
<p>In accordance with the Council's Constitution, the General Development Procedures Order and the EIA Regulations; the Application has been the subject of several rounds of publicity in the form of press advertisements, site notices and consultation email.</p> <p>The application was advertised as a departure from the development plan.</p> <p>The application is the subject of a Planning Performance Agreement first signed prior to submission in 2018. In 2021, three virtual 'Member Briefings' took place under the framework of an amended PPA in order to update Members on the scheme.</p> <p>The National Casework Unit were notified upon receipt of The Application and again ahead of this report to Committee due to the application being a departure from the development plan.</p> <p>Members should note that were they minded to resolve to grant planning permission, by virtue of Schedule 5.1 of The Town and Country Planning (Consultation) (England) Direction 2009, it would be necessary to refer the Application to the Secretary of State and allow 21 days to consider whether he wishes to call-in the application before any decision is issued. The reason is that the proposal is for major out of town development involving retail, leisure and office floorspace in excess of 5,000 sq,m.</p> <p>In addition, Members are advised that should they be minded to grant planning permission; the requirements of the EIA Regulations 2017 as set out in Section 5 below, are to:</p> <ul style="list-style-type: none"> <li>(i) demonstrate that regard has been had to the submitted environmental information and likely environmental impacts (Regulation 24) and</li> <li>(ii) give reasons for the LPA's decision (Regulation 26) in a timely and clear manner.</li> </ul> <p>It would also be necessary for the Council to undertake an appropriate assessment in accordance with the Habitat Regulations in relation to potential impacts on the North Downs Woodland SAC.</p>			
<b>DECISION DATE</b>	<b>DUE DATE</b>	<b>PUBLICITY DATE</b>	<b>EXPIRY DATE</b>
28/02/2022	28/02/2022	24/02/2022	24/02/2022
<b>OFFICER</b>		<b>SITE VISIT DATE</b>	
Various			

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## **1 REPORT SUMMARY**

1.1 This report presents an outline planning application with all matters reserved, except for access. Permission is sought for a large-scale mixed-use development, with development parameters of 'up to':

- 1,725 dwellings, with 40% affordable and 50 self build plots
- 46,000 sq.m of employment floorspace, an hotel, local centre, community uses and educational campus
- A sports complex and country park

1.2 Infrastructure works / contributions associated with the application include:

### Highways and Transport (on site)

- New A249 grade separated principal access junction and a new A249 northbound Showground access
- Delivery and funding of a park and ride scheme with a minimum of two EV buses for a minimum of 10 years
- Overspill parking for the Showground
- Pedestrian / bridleway bridge over A249

### Highways and Transport (off site)

- A249 (M20 J7 approach) widening scheme / bus lane
- M20 J7 improvement scheme – signalisation and widening
- A249 (Chiltern Hundreds) roundabout improvement scheme
- Bus service enhancement contribution / A249 bus stops contribution

### Sports & Open Space

- Financial contribution to the improvement of the White Horse Country Park
- Delivery of a sports hub (within the application site) and financial contribution

### Education

- Provision of a serviced site (within the application site) and financial contribution to the proposed National Autistic Society

1.3 The red line site area comprises circa 171 ha, with a further 37 ha of adjacent land, which is identified to be set aside to deliver biodiversity net gain (BNG). The site boundary envelops but excludes the Aerodrome Industrial Estate (AIE).

1.4 The Site lies adjacent to the A249, 7.5 km north east of Maidstone town centre and midway between J7 of the M20 and J5 of the M2.

1.5 The site is currently principally in arable agricultural use, with larger arable fields on the plateau, together with maintained grassland closer to the Showground. The northern parts of the site are associated with a game shoot

1.6 Heritage assets within the site boundary include a scheduled monument - Binbury motte and bailey castle, which also includes the grade II listed Bimbury Manor. The site also contains a number of significant non-designated military heritage assets in the form of archaeological features such as infilled trenches and redoubts and a significant number of defensive structures such as pillboxes.

- 1.7 The site lies within the open countryside and is within the Kent Downs AONB. A landscape visual and character assessment demonstrate that the Application Site and its surroundings typify the defining characteristics of the AONB – its ‘special qualities’, for example the arable plateau, dry valley and pockets of ancient woodland.
- 1.8 AONB are a nationally designated landscape asset and are afforded a high level of protection for their landscape and scenic beauty. Both statute and national policy require that the Council shall:
- have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty
  - afford great weight to conserving and enhancing their landscape and scenic beauty as they have the highest status of protection in relation to these issues
- 1.9 Having regard to the great weight to be afforded to their protection, Officers conclude that the development would cause significant harm to both the character and appearance of the site and the surrounding AONB, that is, the special qualities for which it is designated. The development would undermine the primary purpose of the AONB designation, that is, the conservation and enhancement of its natural beauty. As such the proposal conflicts with both the NPPF and the adopted MBLP 17.
- 1.10 The site does form part of the spatial strategy within the adopted local plan. The Council has identified through monitoring that it is able to meet the objectively assessed needs for both housing and employment development as identified in the Local Plan and that as part of the local plan review process, it has identified sufficient land to meet needs for the period to 2037.
- 1.11 In addition to respecting the landscape sensitivity of AONB’s, the NPPF advises that development within them should be limited and that permission should be refused for major development, other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. In this respect The NPPF sets out three tests:
- 1) The need for the development and the economic consequences arising from an approval or refusal
  - 2) An assessment as to whether the development could be accommodated in a less sensitive manner outside of the AONB
  - 3) The environmental effects and the extent to which they can be mitigated.
- 1.12 In respect of need, Officers consider that both existing and future development plan needs for the principal housing and employment elements is provided for in the respective spatial strategies. There would be no adverse economic effects from the refusal of this scheme.
- 1.13 In the light of this, there is evidence before the Council that needs can be met principally outside of the AONB and within less sensitive landscapes. This is a key test in that, even if a need were demonstrated, the Applicant would have to

demonstrate conclusively that this need could not be met elsewhere; but has not done so.

- 1.14 Finally, Officers do not consider that the application adequately mitigates its environmental and other impacts, for example, the loss of ancient woodland (which also requires exceptional reasons) and the harm to non-designated heritage assets.
- 1.15 The site location is not considered to be sustainable, nor is it capable of being made adequately sustainable and will be a predominantly vehicle served development.
- 1.16 The development is capable of mitigating its impacts on the wider highway network and in doing so will deliver a number of capacity, travel time and safety benefits. There are also a number of other benefits such as, addressing a shortfall in affordable housing, a new sport hub, country park and SEN school.
- 1.17 However, when having regard to the duty to afford **great weight** to the protection and enhancement of the AONB, it is not considered that these benefits, or any other material considerations outweigh the significant harm to the AONB. On this basis there is no justification to depart from a plan-led approach to meeting needs, which is also in accordance with the NPPF.
- 1.18 Reasons for refusal are recommended at Section 9.
- 1.19 As identified in the cover section above, should Committee be minded to reach a different conclusion to that in this report and recommendation, in addition to addressing the relevant policy tests, there are a number of procedural requirements that must be met, including:
- Providing a 'statement of reasons' in accordance with the EIA Regulations
  - Referring the Application to the SoS in order for him to consider whether to call-in The Application.
  - Carrying out an 'appropriate assessment' of the potential effects on the North Downs Woodlands SAC in accordance with the 'Habitat Regulations.
- 1.20 In addition to these procedural matters, as identified at Section 6B below, Officers consider that further evidence would be required from The Applicant in order that the potential weight that can be afforded to a number of material considerations can be further assessed.

## **2 SITE DESCRIPTION**

### Site History

- 2.1. The Site has a history of military associations, the first dating back to medieval times. Towards the northern boundary of the site is a scheduled monument - Binbury motte and bailey castle. This medieval fortification (listed 1962) also includes the grade II listed Bimbury Manor (listed 1968).
- 2.2. The Site's more recent military history dates back to the early C20th when the site was incorporated into the Chatham Land Front, a defensive system of trenches pillboxes etc dating to circa 1914/15. The trenches were backfilled following the end of WW1 but are still apparent in ground surveys.
- 2.3. The site was used as a military airfield in both World Wars, first in 1915 with a grassed runway and temporary buildings/tented accommodation. Following recommissioning in 1938, the grassed runway was retained and a series of operational buildings and defensive structures were erected. The last squadron is recorded as having departed the airfield in 1944.
- 2.4. For a decade after the War up until c1956, the site was used for glider training until de-requisitioned in 1959, when the southern part was acquired by KCC to establish the County Showground. The central area of the airfield became pastureland, whilst the complex of former airfield buildings formed the early origins of what is now the Aerodrome Industrial Estate (AIE).
- 2.5. As a consequence of its military history, the site possesses a number of significant military heritage assets in the form of; archaeological features such as infilled trenches and redoubts and a significant number of defensive structures such as pillboxes and air raid shelters. The impact upon these non-designated heritage assets is assessed in Section 5.7 below.

### Site location

- 2.6. The site lies adjacent to the A249, some 7.5 km NE of Maidstone town centre. It is located midway between J7 of the M20 and J5 of the M2. Detling village lies 3 km to the South.
- 2.7. The Outline Planning Application (OPA) red line boundary overlays the parishes of Stockbury and Thurnham, with Detling lying immediately adjacent. In addition, off-site highways infrastructure is sited within both Detling and Boxley.
- 2.8. Access is currently from the A249 northbound carriageway, via a slip road which then leads to the AIE and Bimbury Lane. There is also a right-hand turn with a deceleration lane off the southbound carriageway, which turns across the northbound carriageway onto the slip road.

### Boundaries

(See site boundary parameter plan)

- 2.9. The red line area comprises circa 171 ha, with a further 37 ha of land to the NE, outside of the red line boundary, which is identified to be set aside from agricultural use in order to delivery biodiversity net gain (BNG).

- 2.10. The principal frontage is to the A249 to the SE, with the red line boundary straddling elements of the highway to allow for new access works. The boundary between the A249 and the Application Site varies in character. Immediately east of the Showground it is marked by a mature hedge, but adjacent to the service station area it opens up, before a more substantial hedgerow / wooded strip returns ahead of the Bimbury Lane slip Road.
- 2.11. The landscape of the south-eastern side of the A249, where development will be limited to highways infrastructure works, is far more open, with longer distance views over the surrounding landscape. The A249 itself is a significant element of highway infrastructure which materially impacts upon the overall character of the area.
- 2.12. Bimbury Lane is the only other public highway within the Application Site. The lane separates the main body of the Application Site from a smaller element to the east, which is proposed to be used for sport facilities and an element of (self/custom build) residential. The lane is screened by a hedgerow, with intermittent glimpses through gaps and gateways over the currently agricultural part of the Application Site.
- 2.13. The Kent Showground (KCAS) site lies to the immediate southwest of the site, with part of the showground's overspill parking areas lying within the application site boundary.
- 2.14. To the NW the site boundary runs along woodland lying on the lower slopes of the northern side of the Cox Valley, whilst to the N/NW the boundary cuts across the valley and then open fields and pockets of woodland sitting atop the dip slope.
- 2.15. The site boundary envelops but excludes the Aerodrome Industrial Estate (AIE), which contains circa 46,500 sq.m of commercial floorspace, with a range of industrial style buildings/structures and working yards.
- 2.16. A number of PRoW transverse the Application Site or pass close to its boundaries, affording public views across the site.

#### Existing land use/s

- 2.17. The site is principally in agricultural use, with larger arable fields on the plateau, together with maintained grassland closer to the Showground.
- 2.18. The northern parts of the site are associated with a game shoot, with bird pens and planted shelter areas, with areas the dry valley used for the shoots.
- 2.19. Within the south-western area of the site is an operational air navigation facility (air traffic control beacon) – operated by NATS.
- 2.20. The Aerodrome Industrial Estate (AIE) contains circa 15 ha of active (designated) employment land. Occupiers include an auction house, vehicle compound, vehicle repair / maintenance workshops, timber and civil engineering depots and haulage yards. The overall visual quality of the industrial estate is generally of a low grade.

- 2.21. The County Show Ground lies to the west and contains large-scale exhibition halls and other operational buildings, set within extensive open grounds, with maintained grassed areas intersected by access roads, parking areas and belts/pockets of woodland.
- 2.22. To the south of the site, adjacent to the A249 is a small cluster of commercial uses, with a service station and adjacent roadside café, plus a small highway depot and vehicle workshop. There are also two separate dwellings fronting the A249 along this section.
- 2.23. A cluster of dwellings lie along Bimbury Lane close to the existing access to the AIE and the A249 slip road, then a more dispersed pattern of dwellings further north along Bimbury Lane.
- 2.24. Cox Lane to the north contains a small number of dispersed dwellings / farmsteads that back-on to the proposed country park.
- 2.25. In addition to the heritage assets within the site, there are a number within the surrounding area. These principally comprise individual Grade II listed buildings, such as farmhouses, including Lower Cox Street Farmhouse and Park Valley House on the northern side of the dry valley at circa 350m.

#### Existing Landscape / Visual Character

- 2.26. The recently updated Kent Downs AONB Management Plan (AONB MP) defines the wider AONB as an area made up of differing landscape components, with the landscapes often derived from its geology:

*When the Kent Downs were confirmed as an AONB, the overall remarks of the designation committee were summarised as:*

*"The scarp slope and dry valleys of the Kent Downs are the main target for designation .... woodlands are highly valued ... particularly on the scarp slope and dry valley sides.... other qualities of note are views from the escarpment, pastoral scenery, parklands, villages, churches and castles."*

- 2.27. The AONB MP defines 6 principal Landscape Character Areas, with the Application Site lying within the 'Chalk Downs'. The principal characteristics of these areas are described as:

*Chalk Downs - Behind the scarp, open plateau and dry valleys offer a beautiful, greatly valued and intimate feature of much of the Kent Downs landscape .... The downland valleys often have a narrow strip of rough grassland, scrub or woodland along their steepest slopes, locally known as shaves, which are important for wildlife. .... The plateaux areas often dominated by stiff clay with flint soils overlying the solid chalk, the soils were historically difficult to cultivate and were used extensively for sheep grazing. Much of the ancient woodland remains framing the plateaux and enclosing the dry valleys.*

- 2.28. The Application Site and its surroundings typify these defining characteristics (special qualities) of the AONB. The plateau forms the main body of the site, the flat character and overall elevation of which informed its past military use as it

was a defensible point with significant views, as well as providing a relatively flat airfield at a high elevation.

- 2.29. The Cox (dry) Valley forms the northern part of the site and is flanked by mature woodland.
- 2.30. The A249 is a significant piece of infrastructure which has an adverse impact upon the character and appearance of the area adjacent to the Site, as does the related roadside development (and the AIE). The road is low lying, with much of it tree-lined, such that visual impacts are generally limited to the immediate corridor; although artificial street lighting and vehicles inevitably have significant impacts.
- 2.31. The AIE covers circa 15 ha and also impacts upon the character of the area; with the overall scale, building form and uses having an urban/industrial character that is alien to the typically dispersed character of development in the wider rural area. However, much of it is well screened so principally impacts are limited to users of the adjacent PRowS, one of which passes through the estate.
- 2.32. The site contains areas of woodland, hedgerow and shrubland. As previously described, much of the site, particularly the central and southern areas previously associated with the airfield are open. However, there are a modest number of tree belts within the site, including sections of the A249 frontage, the perimeter of the AIE.
- 2.33. The greatest concentrations of natural planting lie within the northern parts of the site, with extensive areas of ancient woodland (AW) along the Cox Valley and between Bimbury Lane and the A249. Other smaller pockets of AW and deciduous woodland and field margins break up the boundary adjacent to the Stockbury Valley and the site's north western boundary.

### **3 THE PROPOSALS**

#### **Scheme Evolution**

- 3.1 The Planning Application has been the subject of a series of updates (and re-consultations) since the original submission, but in essence the principle of development remains the same.

##### September 2018

- Original Outline Planning Application and accompanying documents, including Environmental Statement (ES)

##### December 2020 (consultation March 2021)

- Reduction from 1,750 to 1,725 units
- Responses to comments from highway consultees and updated TA
- Updated parameter plans
- Updated ES and supporting documents
- Further evidence on associated benefits

Member Refresher Briefings

- April 2021
- June 2021
- September 2021

September 2021

Following the series of Member briefings:

- Further information on housing tenure
- A revised Energy Strategy
- Updated Ecology and Biodiversity Net Gain (BNG) Statement
- Responses to comments from highway consultees
- Updated parameter plans

December 2021 (focussed consultation January 2022)

- Ecology rebuttal KCC Ecology
- Highways rebuttal to National Highways/KCCH

February 2022 (focussed consultation February/March 2022)

- Further response to KCC Ecology
- Biodiversity net gain calculations
- Further highways responses to National Highways/KCCH

March 2022

- Updated density and heritage parameters

To assist Members who wish to review application material on the portal, the list below identifies the most up to date versions of the main documents.

- Updated Density Parameter Plan Mar 2022
- Heritage Parameter Plan Mar 2022
- Further Response to KCC Ecology 8 Feb 2022
- Further Response to KCC Highways 1 Feb 2022
- Further Response to National Highways 1 Feb 2022
- Ecological Mitigation Update 23 Nov 2021
- Red/Blue Site Boundaries 23 Nov 2021
- Illustrative Masterplan 23 Sep 2021
- Parameter Plans 23 Sep 2021
- Planning Statement 23 Sep 2021
- Highways Rebuttals 23 Sep 2021
- Updated Transport Assessment 23 Nov 2021
- Energy Grid Strategy 23 Sep 2021
- Ecology Briefing Note 23 Sep 2021
- Design & Access Statement Parts 1-4 23 Dec 2020
- Environmental Statement Vol 1 23 Dec 2020

Incl' Chapters:

- Development Programme and Construction;

- Transport and Access;
  - Air Quality;
  - Noise and Vibration;
  - Landscape and Visual Amenity;
  - Ecology and Nature Conservation;
  - Water Quality, Hydrology and Flood Risk;
  - Socio-economics;
  - Soils, Geology and Contaminated Land;
  - Archaeology
- ES Technical Appendices 23 Dec 2020
  - Energy Strategy/Breeam Assessment 23 Dec 2020
  - Arboricultural Impact Assessment 23 Dec 2020
  - Boundary Treatment Plan 20 Sep 2018
  - Economics Benefits Statement 20 Sep 2018
  - Flood Risk Assessment 20 Sep 2018
  - Preliminary Services Appraisal 20 Sep 2018
  - Statement of Community Involvement 20 Sep 2018
  - Travel Plan 20 Sep 2018
  - Topographical Survey 20 Sep 2018
  - Phase 1 Ground Condition Survey 20 Sep 2020

### **Development Parameters**

3.2 The Proposals comprises an outline planning application (OPA) with all matters reserved, except for access, which seeks permission for mixed use development, the scale of which is defined by the following 'maximum' parameters:

<b>Land Use</b>	<b>Land Area (ha)</b>	<b>Floorspace / Quantum ( 'up to' parameters )</b>
Residential	45.80	1,725 dwellings, incl' <ul style="list-style-type: none"> <li>• 40% affordable</li> <li>• 50 self / custom build</li> <li>• Av' Density 38 dph</li> </ul>
Employment	7.36	19,570 sq.m
Warehousing		20,597sq.m
Food Hub		4,480 sq.m (plus 780 sq.m mezzanine)
Hotel	1.14	2,848 sq.m
Local Centre	0.86	3,585 sq.m incl' <ul style="list-style-type: none"> <li>• 432 sq.m local foodstore</li> <li>• 480 sq.m local retail</li> <li>• 829 pub restaurant</li> <li>• 200 sq.m pharmacy</li> </ul>

		<ul style="list-style-type: none"> <li>• 640 sq.m community centre</li> <li>• 624 sq.m medical / D1</li> <li>• 180 sq.m nursery</li> </ul>
Education	3.32	3,650 sq.m <ul style="list-style-type: none"> <li>• 2,450 sq.m 2FE primary school</li> <li>• 1,200 sq.m Autistic School</li> </ul>
Park & Ride	8.86 1.0 P&R 7.86 KCAS	200-300 space Showground overflow
Highways	6.32	(within the red line)
Open Space & Landscaping	97.68	Including: <ul style="list-style-type: none"> <li>• 50ha Country park</li> </ul>
<b>Total</b>	<b>171.34 ha</b>	73.66 Developable 97.68 Open Space / Landscaping

3.3 The 'red line' site area measures circa 171ha, of which circa 73.5 ha represent development areas and highways and circa 97.5 ha of open spaces or landscaping. In addition to this, a further 37 ha of land adjacent to the site is proposed for biodiversity net gain (BNG).

### Overall Masterplan

(See concept masterplan)

3.4 The overall masterplan concept is based around a commercial frontage towards the A249 that incorporates extended showground parking, together with a hotel business park and park and ride.

3.5 Behind the business park, adjacent to the site access, a small local centre would provide retail, community and service uses designed to support the residential and commercial uses on the site.

3.6 Set behind the commercial elements, beyond a new internal spine road, a series of residential parcels would be located, principally on the site's plateau

3.7 The educational complex is proposed on the northern edge of the plateau, adjacent to the existing AIE.

3.8 A new country park would run along the Cox Valley within which pockets of Ancient Woodland would be protected with buffers.

3.9 Further residential development would be laid out to the NE of the existing industrial estate. A residential element would straddle Binbury Lane to accommodate circa 50 custom/self-build plots. Along Binbury Lane itself, a wide amenity greenspace corridor separates proposed housing parcels from existing dwellings.

- 3.10 The final element of the masterplan lies in the very eastern area, between Bimbury Lane and the A249, where a sports complex is proposed.
- 3.11 Each of the development parcels are broken up by a series of green corridors that provide a network of new footpaths / bridleways across the site. These routes would connect a series of green amenity areas, together with areas of new / enhanced boundary planting.

### **Access / Parking Arrangements**

(See access diagram)

- 3.12 The principal access point to the site would be via a new junction on the A249 that would replace the existing layby. The new junction would comprise new on/off slip roads on both carriageways of the A249, connected beneath by a new underpass. Together with roundabouts on each side, this arrangement would allow traffic in both directions to access/exit the site without the requirement for any grade level crossing of the A249.
- 3.13 This new principal access would then feed into a spine road that will run behind the commercial areas, connecting through to the new KCAS access to the south.
- 3.14 A series of 'secondary' access roads would feed off the main spine road into the various residential, commercial and other land use parcels. In addition to the road network, a series of new public footpaths / bridleways would run along green corridors.
- (See secondary showground access diagram)
- 3.15 A secondary access point on the northbound A249 would incorporate a new KCAS access. This would incorporate an off-slip which allows traffic slowing to turn into the KCAS site. Access to KCAS for westbound traffic, will be via the principal site access and spine road, removing the need for westbound traffic to return via M20 J7 or on smaller events, risk right hand turn movements into Scragged Oak Lane.
- 3.16 On the southern part of the site a new KCAS overspill parking area is proposed, together with a P&R scheme that is designed to encourage residents, occupiers, visitors to the site to reduce the level of private car usage.
- 3.17 Whilst detailed parking arrangements would be determined at the reserved matters stage, the overall level of car parking across the various uses is estimated to be circa 4,000 spaces:

- Residential 2,550 (an average of 1.5 p/dwelling)
- Commercial 1,150
- Local Centre 130
- Hotel 170

- 3.18 Proposed off-site highways works include:

- Bus priority lane on the Maidstone-bound A249 approach to J7
- Widening and signalisation of the M20 J7

### **Land Use Components**

- 3.19 As this is an outline application, the land use and landscape elements are not designed in detail, but their broad form is defined by parameter plans defining, for example, land use zoning, heights, densities etc:

(See Land Use parameter plan)

#### Housing

- 3.20 Up to 1,725 dwellings are proposed, with 40% affordable housing. :
- 1,035 Market Housing (incl' 50 custom / self build)
  - 690 Affordable Homes
- 3.21 The 50 custom/self-build plots would be provided by the developer. Supporting information with the Application also indicates the Applicant's agreement to work with the Kent Community Housing Hub and Senacre and Oakapple Housing Co-operatives to develop a 'housing co-operative' element within the overall housing mix.
- 3.22 The housing is principally provided in the form of two 'village', areas either side of the AIE, with the self-build area lying to the NE adjacent to the sports complex.
- 3.23 Within the main housing areas, a hierarchy of smaller neighbourhoods would be created around local open space nodes. Each neighbourhood would contain a series of character areas, with varying building typologies. The Application defines characters such as 'formal avenues' 'green edges' 'lanes' etc.
- 3.24 In-part the character areas would be defined by building density and height parameters that would vary across the overall site. Heights for typical housing typologies are 9 to 10metres for 2 to 2.5 storey housing units, and up to 12 metres for 3 storey apartments.
- 3.25 Densities across the site average 38 dph, based upon the principle of higher densities of 45-60dph in the central part of the site, but reducing to sub 30dph towards the fringes.

3.26 The indicative dwelling mix is as follows:

Dwelling Mix			
Market Housing	Number of dwellings	% of Dwellings	
2 Bed Flats	48	15%	
2 Bed	55	10%	
3 Bed	492	35%	
4 Bed	350	32%	
5 Bed	90	8%	
<b>Total</b>	<b>1035</b>	<b>100%</b>	<b>60%</b>
Affordable Housing			
1 Bed Flats	160	15%	
2 Bed Flats	262	21%	
2 Bed	85	25%	
3 Bed	159	30%	
4 Bed	24	9%	
<b>Total</b>	<b>690</b>	<b>100%</b>	<b>40%</b>
<b>Total</b>	<b>1725</b>		
Self Build Housing (Included in 1725)			
3 Bed	12		
4 Bed	15		
5 Bed	23		
<b>Total</b>	<b>50</b>		
Residential Summary			
Composite MH + AH			
1 Bed Flats	160	9.3%	
2 Bed Flats	310	18.0%	
2 Bed Houses	140	8.1%	
3 Bed Houses	651	37.7%	
4 Bed Houses	374	21.7%	
5 Bed Houses	90	5.2%	
<b>Total</b>	<b>1725</b>	<b>100%</b>	

### Employment

3.27 The main Class B/E employment provision comprise three adjacent elements, located within a 7.36 ha parcel of land adjacent to the main site entrance and A249:

- Business campus (was B1, now Class E & B8) which includes offices and small flexible incubator business units
- Warehouse and distribution units (B8)
- A 'food and drink hub'

The overall mix of unit types within the main commercial areas is:

Commercial Area							
Block Type			Storeys	m2	No of Units	Total	
1	35	40	1	1,400	4	<b>7,520</b>	B8 Warehouse
	12	40	1	480			B8 Warehouse
2	70	80	1	5,578	2	<b>13,077</b>	B8 Warehouse
	12	80	1	960			B8 Warehouse
<b>Sub Total</b>						<b>20,597</b>	
3	7.5	12	1	90	25	<b>2,250</b>	B1: Incubator (
4	8.0	12	2	192	8	<b>1,536</b>	B1: Incubator (
5	16	22	2	704	6	<b>4,224</b>	B1: Incubator (
6	14	42	2	1,176	6	<b>7,056</b>	B1: Office
7	14	20	2	560	1	<b>560</b>	B1: Office
8	14	54	2	1,512	1	<b>1,512</b>	B1: Office
9	32	38	2	2,432	1	<b>2,432</b>	B1: Office
<b>Sub Total</b>						<b>19,570</b>	
10	7.5	10	1	75	18	<b>1,350</b>	Food Hub
11	10	10	1	100	4	<b>400</b>	Food Hub
12	30	65	1	1,950	1	<b>2,730</b>	Food Hub
	12	65	1	780			Food Hub: Me
<b>Sub Total</b>						<b>4,480</b>	
<b>Overall Commercial Total</b>						<b>44,647</b>	

3.28 The employment buildings vary from single storey (circa 5 metre high) small flexible business units, a business campus at circa 10 metres high, up to large floorplate warehouses at 12 metres in height.

3.29 Although the plans are indicative at this stage, the illustrative details show two large blocks of warehouse units; an adjacent business campus that would be targeted at a range of businesses in Class B1 Offices (now Class E) and B1 'incubator units'. The final element of the primary employment zone is described as a 'food and drink hub' with clusters of small food / drink production units

(See 'vignette' plan of employment area)

#### Other Commercial Uses

3.30 In addition to the traditional Class B / E 'employment' elements, a number of other commercial uses are proposed. These include a 150-bed hotel located adjacent to the showground and fronting the A249. The height parameters indicate it would be up to 10m tall, its height being limited partly due to its proximity to the NATS Beacon. No details of a proposed hotel operator are provided at this stage.

(See vignette plan of hotel area)

- 3.31 The proposed Neighbourhood Centre would contain a range of commercial (and community) uses, such as a local food retail store, other small local retail and service units, a pharmacy and pub / restaurant. The indicative plans show them being located around a small area of car parking. The overall mix of units within the local centre is:

Local Centre Area							
Block			Storeys	m2	No of Units	Total	
1A	12	26	2	624	1	624	Medical Centre
1B	10	10	2	200	1	200	Pharmacy
2	12	40	1	480	1	480	Retail x 3
3	24	18	1	432	1	432	Foodstore
4	10	20	1	200	1	200	Professional/ Financial
5	15	12	1	180	1	180	Nursery
6	15	10	2	300	1	640	Community Centre
	12	10	2	240			
	10	10	1	100			
7	12	18	2	429	1	829	Pub/ Restaurant
	10	40	1	400			
<b>Total</b>						<b>3,585</b>	

(See vignette plan of local centre)

### Education

- 3.32 A 3.27 ha education 'campus' is proposed on the site's northern fringe, to the rear of the existing AIE. This will comprise two elements; a 2FE primary school that would serve the needs of the development together, together with a National Autistic Society (NAS) facility that would provide both a specialist educational need (SEN) resource and a teacher training element.
- 3.33 The indicative plans show two buildings that face inwards towards the main built area of the site, with open playing fields areas to the rear.

(See vignette plan of education area)

### Community Uses

- 3.34 In addition to the commercial and educational uses, the scheme proposes buildings that could be used for medical and other community uses. These would be located within or adjacent to the proposed local centre. No specific occupiers are identified at this stage.

### Sports

- 3.35 A 'Sports Hub' would provide a new 'home' for Maidstone RUFC. There is no indication that other sporting activities would specifically be accommodated, but the LPA could seek a community user agreement to ensure that unused facilities could be hired out by other groups.

- 3.36 It would occupy the north east corner of the site, between Bimbury Lane and the A249. Access would be shared with the custom build housing area.
- 3.37 The indicative layout shows up to 6 pitches of varying sizes, to suit both senior and junior teams, a new clubhouse building and visitor parking.
- 3.38 Details of other features such as lighting or fencing are not provided at this stage. However, it is indicated that further woodland planting will screen the complex from Longreach Wood (ancient woodland) to the east adjacent to the A249.
- (See vignette plan of sports complex)

### Landscape Strategy

- 3.39 There are several elements to the proposed landscape strategy, including:
- Advanced buffer planting along the A249, Bimbury Lane and the north eastern edge of the site to provide screening early in the development cycle
  - Further woodland buffer enhancement
  - Creation of a network of green corridors and POS within the housing areas
  - Tree lined avenues (streets)
  - Creation of a semi/natural area of open space in the form of a new 50ha country park (within which there will be areas of protected woodland)

### Public Open Space

- 3.40 The provision of public open space (POS) would form an integrated element of the landscape strategy, with an indicated 56% of the overall site area comprising open space and landscape area (excl' highway infrastructure). In terms of quantum, the breakdown of open spaces is given as the following in hectares (ha):

Amenity Green Space	22.37
Children's Play	1.0
Allotments	0.97
<b>Sub Total</b>	<b>24.34</b>
Sports	7.07
Semi/Natural	64.72
<b>Total</b>	<b>96.13</b>

- 3.41 A new country park would form the major element of the semi-natural open space at circa 50ha. This is sited principally sited to the NW along the Cox Valley. Circa 15 ha of this is ancient woodland within which public access would be restricted
- 3.42 Green corridors intersect the various residential character areas and will be punctuated by a number of 'village greens' that will provide useable spaces as well as visual hubs. Within 6 of these areas, dedicated children's play areas are planned.

- 3.43 On the fringe of the country park and adjacent to the NW edge of the residential area two allotment areas are shown, at circa 0.4 ha each.
- 3.44 The area around the current NATS beacon is shown as a future green amenity area and is a large area with flexibility to accommodate a number of recreational activities. Subject to when NATS decommission their Beacon, the whole of this area may not be available in the early phases, but were planning permission to be granted, any phasing strategy would seek to ensure that new open space came forward in a proportionate phased manner to new housing.
- 3.45 In addition to the open spaces, a footbridge is proposed that would provide a footway / bridleway connection over the A249 towards the existing White Horse Country Park.

#### Park and Ride

- 3.46 The proposed park and ride facility has an indicative capacity of 200-300 spaces and is located adjacent to the proposed showground overspill parking, so could allow for a scheme to expand if successful. It is located midway between the two A249 access points, on the proposed spine road. It is indicated that it would be served by dedicated electric buses.
- 3.47 The Applicant advises that their dedicated P&R buses would dovetail with the existing (334) service, with the Applicant providing a financial subsidy guarantee via a s106 agreement.

#### Bio Diversity Net Gain (BNG)

- 3.48 Within the red line boundary, a number of BNG enhancement measures are incorporated into the overall open space strategy. The Applicant indicates that these would provide a 21.5% net gain based upon the latest Defra matrix. These on-site measures would include:.
- Retaining and improving 'notable habitats' within both the country park area and the wider green infrastructure between or within development areas
  - Retention of areas of AW and the creation of buffers
  - Creation of new areas of habitat which are at low risk of recreational pressure, supported by defined footpath routes and signage
- 3.49 In addition to these, the Applicant proposes that an areas of adjacent land would also be brought forward to provide further enhancement measures. It is proposed that some 37.4ha of land, which is currently part of the adjacent Beaux Aires Farm and which is predominantly in arable agricultural use would deliver a BNG enhancement scheme comprising:
- Woodland enhancement on circa 1.5 ha
  - Creation of areas of mixed scrub adjacent to wooded areas
  - Creation of new ponds
  - Wildflower grassland

- 3.50 The Applicant suggests that with this additional area, the overall level of BNG arising from the scheme would be almost 50%, although as highlighted under 6.8 below, this level of gain is questioned by KCC.

### Energy Strategy

- 3.51 The submitted sustainability strategy states that the Applicant seeks to achieve enhancements in performance beyond policy requirements and to be a net zero carbon development. Options set out include:
- Fabric first
  - 2025 Future Homes standards
  - Passive solar design
  - Residential properties will be gas free.
  - ASHP to be used for heating and water and GSHP for appropriate buildings
  - Roof mounted PV array (in favour to solar thermal panels) and battery storage
  - On-plot and communal EV charging
- 3.52 A preliminary Breeam pre-assessment suggests that a 'very good' rating would be achieved for non-residential buildings.
- 3.53 In addition to the above measures, the Applicant has introduced the concept of a 'smart grid' that would serve 450 (26%) of the scheme's residential units. The principle of the smart grid is described as:
- Both individual plot and communal solar PV installations
  - Home heat pumps
  - Centralised on site battery storage
  - No up front infrastructure costs for homes
  - Reduced energy costs for residents and/or associated commercial/community uses.
- 3.54 In addition to reduced energy costs, the 'smartgrid' would incorporate features included within a physical hub such as:
- Communal/community EV car and e-bike charging,
  - EV car / e-bike hire club
  - Delivery lockers
  - Community or co-working space
  - Cycle storage
  - Café

### Phasing

- 3.55 The ES indicates that the development would be phased over an overall construction period of 11-12 years, with the main stages involving:
- Enabling works – hoarding, site offices, temporary access points / routes, temporary services / utilities
  - Site Preparation – removal of any non-retained infrastructure, capping and removal of non-retained utilities, commencement of earthworks

- Construction – construction of access roads, installation of utility routes, via a phased build-out

Following the completion of these main construction phases, there would be a process of removing any outstanding construction plant etc; after which a site-wide management scheme would operate

### Alternatives

- 3.56 The ES advises that The Applicant has not considered alternative locations for the development, either in its entirety or disaggregated by land use element. It is suggested that this is on the basis that the development is specific to this site and that they have control of the land.

### Benefits

- 3.57 In support of the proposals The Applicant has set out a series of benefits that they consider the development will deliver. These include:

#### Economic

- 875 direct and indirect jobs during the construction stage
- £490m p/a expenditure during the construction period
- Jobs in business and commercial uses forecasts in excess of 1,800
- GVA generated per annum by resident population in employment per annum £85.2m
- Commercial expenditure generated per annum £39.2m
- New Homes Bonus £12.1m
- Council Tax per annum £3.7m
- Business rates per annum £2.7m

#### Social

- Provision of SEN educational facilities & SEN teacher training
- Enhanced housing delivery, quantum, timing, affordable
- New sport facilities

#### Environmental

- 50 ha new country park and enhancements to the White Horse Country Park
- 37ha set aside for 50% biodiversity net gain
- Net zero carbon development

#### Highways

- Improvements to the Kent showground access
- Improvements to the access to the AIE
- Improvements to the safety and free flow of traffic the A249 corridor
- Improvements to the M20 J7 scheme

#### Other

- Heritage enhancement works to Bimbury Manor

## **4 CONSULTATION RESPONSES**

### **LOCAL REPRESENTATIONS**

4.1 Approximately 40 representations against the scheme have been received from local residents, raising the following summarised matters:

- Development of this scale would be contrary to the AONB designation
- Contrary to the AONB Management Plan
- The Government wishes to increase the level of protection for AONB
- Flies in the face of national and local government policy
- Harm to the countryside
- Harm to wildlife and loss of habitat
- Impact on ancient woodland
- Loss of 1996 Jubilee tree belt
- Adverse impact on scheduled ancient monument
- Contrary to the NPPF
- Contrary to the Local Plan – premature, would undermine the LPR strategy
- Open fields should be retained
- Loss of productive farmland
- Brownfield land and vacant properties should be prioritised
- Existing traffic conditions / transport infrastructure at capacity
- The showground should fund their own mitigation
- The A249 has a high accident record
- Additional traffic would exacerbate issues
- Proposed traffic mitigation measures will not be effective
- Impact on the M2 J5 not adequately assessed
- Unacceptable increase in traffic on country lanes, with adverse impacts on character and the safety of pedestrians and cyclists
- Closure of Bimbury Lane unacceptable
- Rat running through Detling would increase
- P&R scheme could not be relied upon
- Inadequate public transport
- No need for development of this scale
- Maidstone can meet its housing targets
- The development is not aimed at local needs
- Uncertainties associated with an outline application
- Not considered to be sustainable development
- Residents will be car reliant
- Many new residents will commute, placing pressure on rails stations at Hollingbourne and Bearsted
- Construction impacts would be widespread over a long period of time
- Noise, vibration and air quality pollution
- Adverse climate change impacts
- Adverse impact on dark skies and nocturnal wildlife
- Impact on existing houses in Binbury Lane not adequately assessed
- Inappropriate to place business park adjacent to existing dwelling
- The location is not suitable for a new village
- Change in character of PRoW's
- The existing White Horse country park can already be accessed by PRoW and is under-utilised, no additional required
- The food hub could undermine the viability of the town centre

- The development would encourage the coalescence of Maidstone, Sittingbourne and Medway
- Loss of views towards the estuary
- Sports facilities will impact on residential amenity and safety of local lanes
- Query capacity of sewerage infrastructure
- Risk of groundwater pollution
- Parts of the site may be contaminated
- Have impacts on the aquifer been assessed
- Risk of increased surface water flooding
- Buildings of 4 storeys will result in a loss of privacy and loss of light
- Adverse impacts on the setting of listed buildings and ancient monument
- Inadequate assessment of harm to wartime heritage assets

4.2 Approximately 56 representations have been received offering support for the development on the following grounds:

- Offer support to:
  - New housing, including affordable housing and self-build housing
  - Country park and publicly accessible open space
  - Community and medical space
  - Enhanced Rugby Club, new facilities, secure future, greater community role
- There is a housing shortage and a need for more new homes
- The development will help to resist pressure to build housing in more sensitive parts of the Borough
- The scheme will encourage younger families
- The new medical centre will reduce pressures
- Improvements to the A249 are overdue and welcomed
- The works will address traffic problems associated with the showground
- The development is necessary to fund infrastructure
- Question whether the land should be in the AONB, 'unpicturesque'
- The development will:
  - benefit the most important parts of the landscape
  - Create economic benefits
  - Generate new council tax and business rates income
  - Create new jobs
  - Springboard regeneration
  - benefit existing residents
- Opening up the land is public a benefit
- The scheme has too many benefits for the Borough to let it slip through
- The Applicant will deliver a high quality development and quickly

4.3 The Bearsted and Thurnham Society

- The site is not within the MBLP17
- MBC has identified adequate land to meet housing and employment needs
- The proposals are contrary to the AONB MP
- Harmful countryside impacts
- Poorly served by public transport
- Unconvinced by the proposed P&R
- Harmful heritage impacts
- Groundwater quality concerns

- 4.4 Two companies who operate from the AIE neither support nor object, but state:
- It is not clear how near the development is to the industrial estate
  - Operations require us to run trucks with no time restriction, this is paramount with most businesses on the Detling Aerodrome estate
  - Forklift movements can start at 04:30 and still be working to 19:30
  - We move dangerous goods, there could be potential issues if domestic properties are located nearby
  - Established businesses must be allowed to continue trading as present with no additional restrictions

Letters of support have been received from the following organisations:

4.5 Kent County Agricultural Society

- The proposals will of great benefit to KCAS.
- Existing traffic conditions adversely affect the Showground operation and the new access works and off-site highways improvements are welcomed
- KCAS are planning a series of high-quality future events
- Additional parking provision and the park and ride scheme will support KCAS's plans
- Consider this to be a poorly performing part of the AONB
- Support the new employment space, the rugby hub and the country park

4.6 National Autistic Society

- The Applicant will provide serviced land for NAS to construct an education / training facility and a one million pound seed-funding contribution.
- The new facility would deliver great benefits for children with Autism Spectrum Disorder and their teachers with the advantages of a modern, purpose-built facility
- This will have lifechanging effect for some of the Borough's most vulnerable people and their families.
- The delivery of such a significant social benefit should be a material consideration in the decision-making process.

4.7 Mid-Kent College - Medway Campus

- The project will provide increased opportunities for young people and adults to find work during construction and help the economy.
- The proposed Kent Food and Drink Hub will improve opportunities to raise the skills of local residents and benefit the wider Kent community.

4.8 Maidstone Rugby Club

- The existing Mote site requires significant investment, but the Club are unlikely to secure more than 10-15 years lease.
- A 125yr lease at Binbury would allow the Club to invest in its future, secure improved revenue streams, widen the range of teams supported.
- The scheme is supported by both the RFU and Sport England

4.9 Kent Woodland Employment Scheme

- The charity's aims are relief of unemployment and education.

- KWES is working with KCC to raise funds to improve White Horse Wood Country Park, which it owns...
- The proposal, if carried out appropriately, will strengthen and assist KWES's plans for improvements at White Horse Wood Country Park
- Support the proposed multi-functional bridge (over the A249)

#### 4.10 Kent Community Housing Hub

- Land availability and price are barriers to community-led housing
- Together with Senacre and Oakapple are liaising with the site promoter

### **CONSULTEES**

Where possible consultee responses are grouped by topic.

#### **Adjoining Local Authorities**

##### 4.11 Kent County Council

- Secondary Education 275 secondary pupils are forecast to be generated with no spare places in existing schools. To mitigate KCC would expand an existing secondary school in Maidstone to provide the places required....
- Community Services The site is not near to any libraries, community learning, adult or youth service provision. KCC would seek to provide some services through the mobile library service and visiting youth workers.
- Public Rights of Way and Access Service The development would have a significant impact on the PRoW network, transforming the character of existing routes that currently pass through open countryside.
- Potential impacts on PRoW network from new residents seeking outdoor recreation. KCC raise a holding objection until plans have been put forward to consider the PRoWs affected.
- The new bridge across the A249 is welcomed it would provide a safe crossing.
- Rural lanes provide vital connections for equestrians and cyclists travelling between PRoW routes. The development could deter public use of the PRoW network if vehicular traffic substantially increases along the lanes. Recommend provision of new cycling and equestrian opportunities, potentially through enhancements to the PRoW network.
- Minerals and Waste Detling Aerodrome industrial estate is home to waste management facilities safeguarded under the Minerals and Waste Local Plan, which are often associated with levels of noise, dust, lighting and HGV movements which may cause annoyance to neighbours and effective mitigation may be required.
- Sustainable Urban Drainage KCC is satisfied that attenuation prior to discharging via deep bore soakaways for surface water will not increase the risk of flooding.
- It is important that, being in a Source Protection Zone 3, the Environment Agency signs off this method.
- Resilience and Emergency Planning The resilience, sustainability and practicality of establishing a large residential community on the A249 in

proximity to sensitive semi-natural habitats raise significant resilience challenges.

4.12 Swale BC (03/12/18)

Expect the proposed development to include measures to mitigate against any negative impacts on traffic at the M2 junction 5 with the A249.

**Parish Councils**

4.13 Stockbury PC

- No exceptional circumstances, nor in the public interest.
- MBC has identified sufficient land for development.
- The impact on the landscape would be extreme, causing irreparable harm to the character and nature of a protected landscape.
- Rural lanes are used extensively by cyclists, horse riders and farm vehicles, "rat running" would have a massive detrimental impact.
- The site has major discovered and undiscovered archaeology.
- The development would occupy part of the catchment for the chalk aquifer, increase demand whilst reducing the capacity of the land to absorb rainfall.
- The Parish Council objects to this development of the AONB.

4.14 Thurnham PC

- Local Plans provide certainty as to where development will and will not be acceptable.
- The application does not accord with the plan-led approach.
- A feature of the local plan process is community engagement. Approving this development would disenfranchise and alienate local people.
- Exceptional circumstances do not exist. The applicant has not assessed opportunities outside of the AONB. Impacts cannot be moderated.
- Unsustainable - its remote location means that it will be car dependent.
- Increased traffic on a congested local highway network, with inadequate mitigation
- Garden Communities need to be of a sustainable scale. The proposal falls well short and to embrace garden city principles and be fully self-sufficient, would ultimately have to be considerably bigger.
- The site is rich with heritage assets, intrinsically linked to the landscape that provides their context and setting. There is a direct link between the AONB designation and heritage assets.
- The loss or deterioration of ancient woodland should be refused unless there are wholly exceptional reasons.
- This development will make the situation within the AQMA worse.
- The site is underlain by a chalk aquifer and designated as a Source Protection Zone. Risk of a harmful effect on the quality of public drinking water. Building over will have a negative effect on the re-filling of the aquifer.
- Will introduce unacceptable significant lighting into darker night skies which are particularly important in the AONB.

- Will fundamentally change PRow character and routing, diminishing access to, and enjoyment of the countryside. Rat running through rural lanes will impact upon safety of horse riders, cyclists and walkers.

#### 4.15 Detling PC

- Contrary to the adopted Local Plan
- Exceptional circumstances for development in the AONB do not exist.
- It fails all three tests set out in the NPPF.
- Traffic will increase air and noise pollution within the village and increase the problem of motorists using the narrow main street as a cut through.

#### 4.16 Hartlip PC (Swale)

- The Emerging Local Plan earmarks sufficient land to meet housing needs.
- Detrimental impact on wildlife, landscape, open countryside and the AONB.
- No compelling reasons have been put forward and exceptional circumstances have not been demonstrated.
- Not a sustainable location and too remote to access existing services.
- Would lead to further pressure on rural lanes
- Inappropriate light spillage in a dark night sky area.

### **Countryside Organisations**

#### 4.17 Natural England

Natural England objects to this proposal. Given the size and scale and the harm it would cause to the AONB, we consider it is a matter of national importance.

We advise that if the local authority is minded to approve, Natural England would seek call-in so that the application can be determined by the Secretary of State.

- Serious concerns of a significant adverse impact on the special qualities of the AONB.
- The proposal contradicts policies of the Kent Downs AONB Management Plan.
- The applicant has failed to demonstrate the need for the development
- The Landscape Assessment fails to give sufficient weight to the value of the AONB, underplays the sensitivity of the landscape, the magnitude of change and the significance of the impacts.
- The scale and severity of the effects would significantly damage the key features of the Kent Downs AONB.

Landscape and Visual Impact Assessment - Serious concerns about the scale and density of the scheme, the AONB land take and significant adverse impacts on landscape character, visual amenity and the special qualities of the AONB.

There are significant deficiencies in the LVIA assessment, for example, it does not explicitly assess the impacts on the fundamental components of the Kent Downs AONB character (the special qualities)

Landscape character and AONB impacts - Development will have effects on key characteristics of the landscape:

- The site exhibits an open rural semi-natural character, with undulating landform.
- Mature trees and hedgerows connect to surrounding woodland, areas of ancient woodland and offer biodiversity support.
- Permanent replacement of 120 ha of semi-natural environment with dense development.
- At least 1.6ha of ancient woodland will be lost.

Existing land use - Agricultural land will be converted to urban and introduce urban characteristics such as noise and light pollution, odours, littering and significant increase in traffic.

Experience of the site - The site is largely tranquil with a sense of openness connected with and part of the wider landscape. The proposals will significantly alter the experience through intrusion of built development and obstructed views.

Harm to the fundamental components of AONB character (special qualities):

- Dramatic views and landform
- Farmed landscape.
- Tranquillity and remoteness.
- Woodlands and trees
- Biodiversity-rich habitats

Sensitivity - Given the site's location within the AONB, its landscape has a very high level of sensitivity.

Magnitude of change and significance of impact - The proposals impact on key special qualities of the AONB and represent a substantial loss and detriment to the AONB.

Its sheer scale will have a direct and permanent detrimental impact on the landscape character of the AONB through:

- Substantial land take and fundamental change from agriculture to densely built.
- Significant loss of mature belts of woodland including ancient woodland.
- The proposals do not respect the character of historic Kent Downs AONB settlements in terms of scale, form and design

Visual impacts - Serious concerns regarding obstruction of local views of the skyline and the wider landscape, including views towards the Thames Estuary.

Considers the impacts will be of major / substantial adverse significance, of a permanent and direct nature, and long-term.

#### 4.18 Kent Downs AONB Unit

##### National planning policy

- There are legal requirements for protecting AONB's.
- The scale and extent of development should be limited

- Permission should be refused for major development in AONBs, except in exceptional circumstances and where it is in the public interest.
- The AONB Unit does not consider that any exceptional circumstances nor a public interest case have been demonstrated

Need for the development:

- No national need has been identified.
- There is no need for the site to be released for development.

Scope for development elsewhere:

- 73% of the District does not fall within the AONB and could be more appropriate to meet any strategic development needs.

Detrimental effect on the landscape

- The site is consistent with the landscape characteristics identified in the Kent Downs Landscape Character Assessment, including arable fields on the plateaux, surviving ancient woodland, and steep sided dry valleys.
- The site contributes to the scenic beauty of the AONB.
- The scale of development would be wholly uncharacteristic. Harm would arise as a result of the urbanisation of agricultural land.
- Tree removal, including 14 groups and 1.6 ha of Ancient Woodland, would have a detrimental impact on landscape character.
- The sports facilities are wholly out of keeping with landscape character. Floodlighting would be highly detrimental to the dark skies of the AONB.
- Highways infrastructure would result in further urbanisation of the A249, failing to conserve and enhance the special qualities and character of the AONB.
- The AONB Unit is of the view the development would result in a major adverse impact to landscape character.

Visual Impacts

- There would be substantial impacts in shorter distance views from PRoW and the experience of users of these would be substantially altered.
- Long distance views northwards across the Isle of Grain, a special characteristic and quality of the AONB, would be lost
- Tranquillity is a special quality of the AONB. The proposal would further erode tranquillity by virtue of increases in noise, activity and traffic.
- The development would result in a significant harm to visual amenity, removing the current sense of openness.

Planning Policy

- The proposal would be contrary Local Plan Policy SS1, DM3 and SP17.
- Maidstone has an up-to-date Local Plan and five year supply of housing, the application should be determined in accordance with the Local Plan.

Kent Downs AONB Management Plan

- The proposal would also be contrary to policies in the Management Plan, for example:

*MPP2 local authorities will give high priority to the AONB Management Plan in development management decisions.*

*SD1 The need to conserve and enhance natural beauty is given the highest level of protection within ... development control decisions.*

*SD2 The local character, qualities and distinctiveness of the AONB will be conserved and enhanced in the, ...scale ...and setting of new development.*

*SD3 New development will be opposed where it runs counter to the primary purpose of the Kent Downs AONB.*

*SD7 To retain and improve tranquillity and dark skies.*

*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.*

*LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty and landscape character will be supported.*

*WT1 Threats to woodland and transitional habitats will be resisted. The loss of ancient woodland will be opposed.*

*AEU14 Proposals which detract from the amenity and enjoyment of the PRow network will be resisted.*

#### Landscape elements, pattern and character

- The site lies within a nationally recognised landscape designation and has a recognisable landscape structure and should be assigned High Sensitivity.
- The overall character of the landscape would be wholly compromised, with the loss of arable farmland and its substitution with an urban townscape. We consider that there would be a long term, high degree of change, and a substantial loss of the landscape resource, representing a High Magnitude of Change, resulting in a Substantial Adverse effect.

#### Visual Impacts:

The AONB Unit does not agree with many of the conclusions of the assessment of visual effects and consider that the Magnitude of Change is significantly underestimated, for example:

- views across open countryside to woodland beyond would change to views of a large scale urban development at close range.
- views of open countryside looking northwards, with long distance views to the Isle of Grain would change to close up views of a large scale urban development, with the long distance views lost.
- a Public Right of Way with extensive views of open countryside would change beyond recognition from an open country view with few visual detractors to a large housing estate.

#### Conclusion

The application site lies within the Kent Downs AONB, a nationally protected landscape.

The scale of the development and its inappropriate location would result in a significant detrimental change to landscape character as well as harm to visual amenity, failing to conserve and enhance the landscape and scenic beauty of the AONB.

The impact to the AONB could not be satisfactorily mitigated by landscaping.

The proposal would weaken and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty.

The applicant has not demonstrated that the development could not be provided outside of the AONB.

The development does not represent exceptional circumstances, nor would it be in the public interest, given the scale of development and significant harm that would arise to a nationally protected landscape.

The application fails all three NPPF tests for major development within AONBs and is contrary to the duty to afford great weight to conserving landscape and scenic beauty.

The application is contrary to policies SP17 and DM3 of Maidstone's Local Plan as well as policies MPP2, SD1, SD2, SD3, SD7, SD8, LLC1, FL1, FL7, WT1, AEU2 and AEU14 of the Kent Downs AONB Management Plan.

#### 4.19 CPRE Kent

##### Plan-led development

- Not in conformity with adopted Local Plan. The planning system should be plan-led. The site is not allocated and lies within the AONB.
- Should be refused as the Council has sufficient land supply for housing and employment.
- Approval would undermine the delivery of sites allocated in the local plan.
- There are no 'exceptional circumstances' to justify the scheme:
- There is no need for the housing and employment floorspace.

##### Light pollution

- Will have a major adverse effect on the AONB at night, introducing lighting to an area that benefits from darker skies.
- Will have an adverse impact on wildlife both on site and in the ancient woodland and Local Wildlife Sites within and adjacent to the site.

##### Ancient Woodland and Local Wildlife Sites

- There are no exceptional reasons to justify loss or deterioration.
- Residential development in close proximity to the ancient woodlands / Local Wildlife Sites will result in intensification of recreational activity.

##### Ecology

- Concerned that the Application plays down the presence of importance of key protected species.
- Concern that the assessment underestimates the cumulative impact of the site's habitats.

##### Air quality

- There is a severe air quality issue on the M20 between junctions 6 to 7 which exceeds the national objective. The development would make this worse. The park and ride is unlikely to make any improvement to air pollution in the AQMA. We consider that the development will not contribute towards compliance with national objective.

##### Not in a sustainable location

- The site is not previously developed or brownfield.
- The application will neither limit the need to travel nor offer a genuine choice of transport modes. The site has no rail service. It is difficult to contemplate any household on the development not having a car.

##### Designated and non-designated heritage

- Open landscape is a physical and visual reminder, together with the airfield defences, of the role that the airfield played in both World Wars. Development will remove this open 20th century historic landscape.'
- There is no clear or convincing justification for the harm to, and loss of, the site's heritage assets.

#### 4.20 KCC Ecology

- Generally satisfied with the range of ecological surveys carried out.
- In terms of bats (in relation to a pill box), whilst suitable mitigation could be provided, the preference is that the pill box is retained.
- The outline mitigation strategy provides an overview/understanding of how the habitats and species within the site will be mitigated. However this is not necessarily reflected within the submitted parameter plans.
- The breeding bird survey recorded farmland birds within the site (including skylarks). The development will result in the loss of arable farmland. As mitigation an arable field adjacent to the site would be managed for use by ground nesting birds such as skylarks.
- The proposals will result in an increase in recreational pressure. An Outline Ecological Management Plan has been submitted to demonstrate that appropriate management of the habitats can be implemented. We are satisfied with the principles proposed.
- An updated BNG assessment has been submitted and suggests a proposed net gain of over 20% within the red line boundary.
- (NOTE KCC have subsequently advised that even with the additional 37 ha of adjacent BNG land, they question whether 50% BNG is achievable over the wider area and consider that the figure would be closer to 30%-40%.)
- The 'green fingers' through the built areas will provide habitats such as wooded strip, hedgerow corridor or wildflower grassland planting.
- Information to inform an HRA has been submitted and we advise that as MBC is the determining authority they will have to undertake the HRA.

#### 4.21 Forestry Commission

- Ancient woodland is an irreplaceable habitat.

#### 4.22 Woodland Trust

- Ancient woodland takes centuries, even millennia to develop. The vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats provide for many of the UK's most important and threatened fauna and flora species.
- The Trust objects to the potential damage and disturbance to: Murrains Wood, Longreach Wood, Beaux Aires/ Sherway Wood and Longton Wood
- The Trust is particularly concerned about:
  - Intensification of recreational activity of humans, pets, disturbance to habitats, vegetation damage and litter;
  - Fragmentation of semi-natural habitats;
  - Risk of non-native plant colonisation;
  - Noise and light pollution, including construction phases;

- Risk to ground water and surface water quantities and quality
- Natural England's Standing Advice states ..... " *Where a proposal involves the loss of ancient woodland, you should not take account of the existing condition of the ancient woodland when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development.*"
- The development does not meet the exceptional test and should be refused.
- Trust object due to the loss of and damage to ancient woodland. The proposed development does not fit the criteria set out in the NPPF and as such should be refused.

## **Heritage**

### 4.23 Historic England

#### Summary

- The following suggestions have not been adopted by the applicant.
  - The school buildings have not been moved further from Binbury Castle and Bimbury Manor to reduce harm to their setting.
  - The heights of buildings in the school area have not been reduced.
  - The Masterplan does not respond to the historic character of the site as a former airfield by incorporating elements of its layout.
- We have yet to see evidence of a heritage-sensitive approach to design to allow preservation of historic structures and buried archaeological remains.
- We are concerned regarding the level of harm that would result to designated assets and the historic landscape character.
- Historic England's listing team considers the group of WWII military defensive structures are nationally important and worthy of designation due to:
  - the historic interest of the wartime airfield,
  - the evidence of rapidly developing airfield defences that the group provides and their good overall survival.

#### Assessment

- The site includes a scheduled monument, grade II listed building and significant but undesignated military structures and buried remains, some of which may be of listable quality. There is also potential for other archaeological remains.
- The proposals result in less than substantial harm to the scheduled monument and listed building. The non-designated heritage assets within the development area would be subject to a variety of impacts up to and including substantial harm or total loss.

#### Significance

- The castle survives as a substantial mound (the motte) with a large surrounding moat. The castle bailey lies to the south-east and includes the bailey walls and the upstanding remains of a tower, incorporated into the later medieval listed Bimbury Manor.
- They are significant as visually impressive survivals of medieval landscape, important for study of the period and have value as an educational resource.

- Their original medieval setting has been greatly altered, although the rural landscape includes attributes probably present in their original setting, such as topography and open views. The contemporary setting still enables appreciation of their original purpose and contributes to their significance.
- Detling airfield is associated with both World Wars. Above-ground elements survive in varying conditions, including pillboxes and other structures.
- Buried remains of the airfield are also present, including the former runway, a compass platform, anti-invasion trenches and three Pickett Hamilton forts (an extremely rare and early form of rising pillbox).
- The landscape character of the airfield has been obscured by removal of the runways and re-apportionment into smaller fields. However, the wide, open character of the airfield is retained in the current landscape and the survival of the road system and historic structures scattered around the site makes its former function appreciable to visitors.
- Buried remains and surviving earthworks of WW1 trenches and other defences are of high significance, as are any remains of any WW1 airfield artifacts. Some of these assets may be of listable quality. Given the importance of the airfield during both World Wars, and also its level of survival, it is of moderate significance as a historic landscape.
- The site has potential for significant as-yet unidentified prehistoric, Roman, early medieval, medieval, and post-medieval remains to be present. Some of the potential remains are of high significance, including Palaeolithic deposits and Iron Age ironworking sites.

#### Impact of the proposals

- The setting and views out from Binbury Castle to the north and west would be largely preserved within the country park. However, there would be harm to the Castle due to construction of school buildings in the view south. We consider this harm to be less than substantial.
- Total loss of many of the non-designated historic structures located within the development area would be substantial harm.
- Widespread effects on buried archaeological remains throughout the development area.
- Total loss of the airfield's historic landscape within the site boundaries results in a high degree of harm to the historic landscape, although this harm is likely to be less than substantial.

#### 4.24 Airfields of Britain Conservation Trust (ABCT)

- Detling Airfield is an extremely famous and distinguished historical and national asset: it continues to perform a tremendously valuable service in numerous respects in its current existing form and therefore the proposed new community should very much be discouraged.
- Detling's history is thankfully relatively well known. It was one of Britain's most important airfields during World Wars One and Two.
- Aside from Detling Airfield's tremendous historical interest through its significant involvement in both World Wars, there is considerable architectural, technical and social interest in its remaining infrastructure and buildings ....
- The proposed new community plan would not be of any benefit and should therefore be strongly opposed.

#### 4.25 KCC Archaeology

- The site has a particularly rich and diverse cultural heritage, with designated heritage assets and high potential for as yet unidentified, significant heritage assets to survive particularly associated with 20th century military heritage. The site contains the Scheduled Monument medieval Binbury motte and bailey castle and there is potential for assets from prehistoric and later periods.
- Binbury Castle was a strategic location forming a military network with Stockbury and Thurnham Castles.
- The principal focus of heritage interest is Detling Airfield. This is a very important heritage complex which includes identified placed network of pillboxes, Pickett Hamilton Forts , airfield fixtures and fittings, remnants of hangars, stores, runways etc. It is highly likely that unknown upstanding structures and further buried features survive, which may be of national importance.
- It is essential that the historic landscapes of the application site are suitably assessed and mitigated. Particular concerns focus on:
  - The need for a chronological description of the archaeological potential of the site and an appropriate specialist interpretation of the archaeological resource with informed assessments of impact.
  - There is no special assessment of sufficient detail of the Scheduled Monument of Binbury Castle. The proposals to improve it are not based on sufficiently detailed and specialist assessment and there is a lack of understanding of the significance and character of this heritage asset:
  - The scheme does not sufficiently recognise the significance of the WWII elements. The layout does not reflect the character of the historic airfield; the existing historic structures associated with the airfield are not suitably integrated into the scheme and some may be severely harmed.
  - There needs to be more consideration of how heritage can be integrated into the new scheme, as encouraged by NPPF

### **Transport**

#### 4.26 National Highways (formerly Highways England)

- *Progress has been made and most matters have been agreed to a certain point. However, some new matters have arisen very recently that require further investigation, assessment and, potentially, agreement regarding mitigation. Therefore, as matters stand, the application has not yet demonstrated that the proposals would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the Strategic Road Network.*
- *As such it is, therefore, not able to demonstrate compliance with national planning and transport policy. Consequently, in accordance with our normal practice, **our formal response to the Council is a Holding Recommendation that: The Council should not determine the application (other than a refusal if they so wish) for a period of three months from the date of this response***

- The outstanding matter relates to M2 J5:
  - *While the modelling indicates that the proposals would not unacceptably impact on the post M2J5 improvement Stockbury Roundabout capacity; further work is required to discern the impacts and any necessary mitigation with regards the M2J5/A249 junction merges and diverges.*
- Matters that are agreed include:
  - *Trip generation assumptions for the various land uses*
  - *An impact assessment on showground even days*
  - *M20 J7 impacts and mitigation*

#### 4.27 KCC Highways

##### Site Access

- KCC Highways is satisfied that a compliant access design is achievable.

##### Minor Road Access Points

- Remain concerned that access to Binbury Lane and Scragged Oak Road will result in increased traffic on roads with a narrow carriageway and limited visibility but, on balance, an in-principle objection could be difficult to sustain.

##### M20 J7

- The M20 J7 improvement is achieved via a financial contribution to cover any funding shortfall in relation to the planned signalisation scheme as well as the cost of the extension to that scheme now proposed by the development.
- This has the benefit of enabling improvements to M20 J7 to be delivered as a single package, thereby minimising disruption to road users. KCC could only proceed with a S106 funding mechanism once a robust cost estimate is generated.

##### A249 Bearsted Road

- The impact on the Bearsted Road corridor will be marginal in terms of queuing and delay. The planned improvement scheme should be in place in advance of large-scale development on the A249 corridor.

##### A249 Chiltern Hundreds Roundabout

- To mitigate the impact of additional traffic, an improvement involves widening the Sittingbourne Road arm to form a three-lane approach and the Penenden Heath Road arm to a two-lane approach. This is achievable on land that falls within the public highway.

##### A249 Corridor

- Additional development traffic has the potential to increase risks associated with minor road junctions such as Rumstead Lane and Church Hill.
- A grade-separated development access will reduce right-turn movements by affording a convenient opportunity to u-turn.
- KCC acknowledge that the new road layout will, at least in part, mitigate the impact on highway safety.
- KCC are mindful of the highway safety benefit associated with the improved access and parking at the Showground. This will be beneficial to highway safety along the A249 corridor in maintaining a more efficient traffic flow when major events are in progress.

- When viewed as a whole, KCC Highways conclusion is that the benefits of the proposals are likely to outweigh any worsening of highway safety at individual minor road junctions.

#### Public Transport

- Limited weight can be given to the park and ride feasibility assessment due to its age and lack of recent dialogue with operators.
- There is uncertainty as to the attractiveness of a park and ride service for road users travelling southbound on the A249 to Maidstone town centre, given the additional journey time associated with deviating into the site to use the service. Furthermore, the journey time for car users will be made more attractive by the proposed capacity improvements at M20 J7.
- A further concern is the potential for the park and ride service to attract customers who use other existing local bus services, which could in turn adversely impact on the viability of those services.
- KCC support the applicants' intention that public transport should be at the heart of the proposals to encourage sustainable travel patterns. There are advantages associated with introducing a bus service to meet the needs of the development whilst also encouraging some car users on the A249 to switch modes.
- A co-ordinated approach to public transport provision, with a financial contribution payable to the County Council, to facilitate the provision of a half hourly bus service serving the development, will enable the County Council, as Local Transport Authority, to determine what form of service is suitable.

#### Recommendation

- Several of the concerns previously raised have now been addressed. Those that remain are either capable of being resolved or are insufficiently substantive in the context of the National Planning Policy Framework to justify an objection to the planning application.
- The following items will require timely resolution in the event that planning permission is granted:
  - the need for alterations to the proposed M20 J7 layout design in accordance with the Stage 1 Road Safety Audit recommendations and KCC Highways requirements;
  - funding arrangements for M20 J7 and bus service provision;
  - completion of a Stage 1 Road Safety Audit for the Chiltern Hundreds roundabout modifications; and
  - the submission and approval of design layouts for the minor road access points.
- The recommendation of no objection is subject to
  - a condition that prevents occupation until the A249 Bearsted Road Improvement Scheme has been implemented.
  - a Section 278 Agreement to secure the required highway works on the A249 corridor including Chiltern Hundreds roundabout, Binbury Lane, Scragged Oak Road and Pilgrims Way prior to first occupation.
- The following should also be secured via a Section 106 Agreement and planning conditions as appropriate:
  - A financial contribution to facilitate delivery of the M20 J7 signalisation scheme and associated junction enlargement;

- Implementation of a site-wide Travel Plan approved by the planning and highway authorities;
- Travel Plan monitoring fee;
- A financial contribution to facilitate the delivery of a half hourly bus service to connect the development to the town centre;
- A financial contribution towards bus stop improvements on the A249 corridor;
- Details for approval of access points on Binbury Lane and Scragged Oak Road;

### **External Agencies**

#### 4.28 West Kent CCG

- The proposal includes a medical centre/healthcare facility but need in this location has not been identified by the CCG or discussed with the developers.
- Whilst the development is for up to 1,750 dwellings (4-5,000 people), the CCG's Local Care Plan details that investment in new general practice premises would only be considered where population growth would support a list of over 8,000.
- This development alone would not therefore trigger consideration of the commissioning of a new general practice as it is not a resilient, safe, sustainable or attractive service model to commission new practices serving a small population.

#### 4.29 Sport England

- The sports provision has an emphasis on rugby and we have consulted the national governing body.
- The RFU have stated that the development would potentially offer a solution to the sustainable development of rugby union in the area. The current Playing Pitch Strategy (PPS) identifies the fact there is insufficient accessible and secured provision to meet future demand for rugby union at present.
- Neither rugby club identified in the borough has secured access to playing provision and this is key for the sustainable delivery of the sport.
- The PPS highlights the poor quality of existing rugby pitches; that midweek match equivalent activity was negatively impacted by the lack of floodlit provision in the borough. The RFU would welcome a solution to this issue to ensure adequate floodlit training and competitive opportunities can be offered to all forms of the game.

#### 4.30 Kent and Medway Economic Partnership

- The scheme comprises a number of key benefits:
  - Flexible business units, incubator units and a bespoke food hub will create up to 2,865 FTE jobs and over 260 construction jobs per annum.
  - The specialist food and drink manufacturing hub is innovative.
- The scheme will deliver significant employment opportunities at a strategic location between the M2 and M20 corridors.
- Binbury Park offers opportunities to create synergies with the Kent Showground conferencing and event centre.

- Enhanced public transport services and a Park & Ride facility will benefit both Swale and Maidstone residents.
- Highway improvements will have a major positive benefit to highway safety and reduce congestion and queuing times on the A249.
- Significant infrastructure benefits and highways, economic, environmental and housing benefits will have a positive impact on Maidstone and Kent.
- There are compelling reasons to endorse the proposed development to ensure that the objectives of the Kent and Medway Growth Plan can be met.

4.31 Kent Police

- We strongly recommend this site follows guidance found on the SBD website.
- We require a condition to be included to address designing out crime to show a clear audit trail for Designing Out Crime.

4.32 Environment Agency

- The previous use as an airfield presents a high to medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located on a source protection zone and on a principal aquifer.
- The reports submitted demonstrate that it will be possible to manage the risks posed. Further detailed information will however be required before built development is undertaken.
- Planning conditions recommended requiring the submission of a remediation strategy carried out by a competent person.

4.33 Southern Water

- No foul sewerage shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network are complete.
- A desk study of the impact that additional foul sewerage flows from the development will have on the existing public sewer network indicates that there is an increased risk of flooding unless network reinforcement is provided by Southern Water.

4.34 South East Water

- The site is underlain by chalk and is designated as a principle aquifer by the EA and is within a 'Source Protection Zone' near to two operational SW sites.
- It is therefore essential that any risk to the aquifer yield and the abstraction of groundwater is assessed for both the construction and operational phases.

4.35 UK Power

- Object as have a substation within 6metres and have not received a party wall notice.

4.36 NATS

- NATS has nationally important equipment located on the site comprising:

- (Doppler VHF omni-directional range equipment ("DVOR");
- Far field local monitoring equipment ("FFM"); and
- (associated distance measuring equipment ("DME").
- The DVOR/DME beacon serves aircraft over London and the South East and into Europe and for aircraft entering and exiting the controlled airspace of the London area airports. Its geographical position is key to the provision of a ground based air-navigation service in this region.
- The DVOR beacon provides a pilot with navigation information. . The system's performance relies on signal integrity and needs to be protected from obstacles and obstructions within 100m and no large obstructions protruding over a specific height criteria.
- The DME beacon is generally less susceptible to obstacles further away.
- Whilst the DVOR Equipment is due to be removed from service there is currently no firm plan or timeframe for decommissioning.

#### Impact Of Proposed Development On NATS Equipment

- Any development around the installation can block or reflect signals, causing a degradation in the performance of the beacon. This can lead to aircraft receiving conflicting or inaccurate information.
- We have agreed with the Applicant the use of an Exclusion Zone that protects the DVOR installation and NATS is satisfied that sufficient certainty exists at this time, to allow the continued operation of the DVOR beacon. Options have been agreed with the Applicant around alternative arrangements for the DME beacon
- Planning conditions would allow the Applicant to implement the Development and reduce the impact on the Equipment and ensure the continuity of the DME operation once the DVOR has been decommissioned.
- NATS requests the following planning conditions:
  - No development within 100m without prior consultation
  - Heights and form limited to the parameter plans
  - Existing equipment shall not be de-commissioned unless in accordance with an agreed strategy
  - Approval of a crane management plan

#### 4.37 Ministry of Defence

- The application site is outside of Ministry of Defence safeguarding areas therefore confirm no safeguarding objections to this proposal.

### **MBC Teams**

#### 4.38 Mid Kent EHO

##### Air Quality

- The air quality assessment suggests that the impact on nearby receptors will largely be low/imperceptible. Two of the modelled receptors are predicted to experience an increase described as medium, but the total NO2 level remains very low and well below the relevant objective. The air quality assessment includes a damage cost calculation which yields £677,006.35

- The report includes some suggestions of how this money can be spent to mitigate the air quality impact of the development. However, owing to the size of the development, it is important that a fully costed mitigation scheme is developed and implemented.

#### Noise

- The environmental statement describes operational measures which can make the construction of the development acceptable to surrounding properties and states that noise levels within the new properties can be made acceptable through suitable mitigation measures. Recommend the attachment of a condition requiring a detailed construction management plan, plus a noise condition.

#### Contaminated land

- Evidence of potential contamination on the site, therefore recommend a contaminated land condition.

#### Lighting

- Recommend the attachment of a condition to ensure that nearby properties are not affected by light spill from the development.

#### Recommendations

- No objection subject to the following conditions.
  - Air quality mitigation
  - EV charging
  - Travel plan
  - Noise levels
  - Contamination investigation
  - Lighting scheme
  - Construction management plan

#### 4.39 Parks & Open Spaces

- The proposed 96 hectares of open space meets the standards of Policy DM19.
- Request that on-site play provision includes a range of LAP, LEAP and NEAP facilities.
- For the country park, request dedicated facilities such as public transport and vehicle/cycling parking to enhance accessibility for the wider community.

#### 4.40 MBC Heritage (04/01/21)

- The main heritage considerations are the settings of Binbury Castle (scheduled monument) and Bimbury Manor (grade II listed and included in scheduling), and the impact on significant non-designated military remains relating to Detling Airfield.
- The Historic Landscape Assessment notes the castle's historic setting has primarily been rural, wooded and agricultural prior to wartime development. The assessment concludes that the castle's primary defensive and aesthetic setting has been to the north and north-west, which would be least affected.
- Notwithstanding the above, the development would substantially increase the built form and activity in the vicinity of the castle and manor, with this likely to result in harm. Enhancements to the setting of the heritage assets, including consolidation of the ruins, selected clearance and provision of

access, interpretation and a management regime are potential heritage benefits that could partially offset this harm.

- The condition of Bimbury Manor is of particular concern and it is considered a building at risk. If the development were to be permitted, consolidation / repairs to the structure should be secured.
- A thorough assessment of the important non-designated wartime remains has been submitted and I have no reason to disagree with its findings. However, it appears that the remains and the overall spatial characteristics of the former airfield would effectively be swept away by the development and I consider that this would be unquestionably harmful. Recording and interpretation of the remains and site could counteract this harm to a degree.

## **5 RELEVANT POLICIES**

### **5.1. Principles of Development**

#### *The NPPF 2021*

- 7-10 The purpose of the planning system is to deliver sustainable development
- 11 Decision-making should involve a presumption in favour of sustainable development – (11c) approving development that accords with an up to date development plan
- 12 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for consideration
- 17 It is a legal requirement for LPA's to prepare a development plan which must include strategic policies to address the LPA's priorities for the development and use of land in its area
- 20 Strategic policies should set out an overall strategy for the provision of sufficient development, its pattern, scale .... for housing, employment ..... and infrastructure
- 22 Strategic policies should look over a minimum 15 year period
- 23 Strategic polices provide a strategy for bringing development forward, including allocating sites
- 119 Spatial growth strategies should seek to make best use of PDL or brownfield land

#### *MBLP 17 Policies*

- '*Spatial Vision*'
  - Deliver sustainable growth and regeneration whilst protecting and enhancing the borough's natural and built assets
  - Development will be associated with the timely delivery of infrastructure
  - The characteristics, distinctiveness, diversity and quality of the borough's heritage assets will be conserved and enhanced
- '*Spatial Objectives*'
  - To provide for a balance of new homes, employment and increased skilled employment and learning opportunities

- To focus development in the urban area and strategic development locations incl' M20 J8
- To safeguard and maintain the character of the borough's landscapes including the Kent Downs Area of Outstanding Natural Beauty
- To ensure that infrastructure needed to support delivery is brought forward in a co-ordinated and timely manner
- SS1 Spatial Strategy
  - SS1/1 Provision is made for 17,660 new dwellings, 39,830m<sup>2</sup> floorspace for office use, 20,290m<sup>2</sup> floorspace for industrial use, 49,911m<sup>2</sup> floorspace for warehousing use

*Draft Regulation 19 Spatial Policies*

- *'Spatial Vision'*
  - To deliver vibrant and prosperous urban and rural communities
  - To embrace growth which provides improved infrastructure, economic opportunities and new homes whilst addressing biodiversity and climate change challenges and protecting heritage and natural resources
- *'Spatial Objectives'* To:
  - Provide for a balance of new homes and employment opportunities
  - Protect the Kent Downs AONB
  - Ensure that development mitigates the impacts of climate change
  - Provide local and strategic infrastructure
  - Support the renewal of Maidstone urban area
  - Meeting housing needs
- LPRSS1 Spatial Strategy (to 2037)
  - Provision is made for:
    - 17,746 new dwellings,
    - 33,340 sq.m floorspace for office use,
    - 27,135 sq.m floorspace for industrial use,
    - 40,990 sq.m floorspace for warehousing use
  - Garden settlement and strategic development locations at Lenham, Lidsing and Invicta Barracks
  - Strategic employment sites at J8 and Syngenta

5.2. Development within the AONB

*The NPPF 2021:*

- 8c The environmental objectives of sustainability include protecting and enhancing the natural environment
- 11d The presumption in favour of sustainable development does not apply if there are clear reasons for refusing permission based upon harm to an AONB
- 174 Planning decisions should contribute to and enhance the natural environment by:
  - a protecting and enhancing valued landscapes and geological value
  - b recognising the intrinsic character and beauty of the countryside
- 176 Great weight should be given to conserving and enhancing landscape and scenic beauty in .... Areas of Outstanding Natural Beauty
- 177 Major development within AONB's should be refused other than in exceptional circumstances and in the public interest

*Maidstone Borough Local Plan 2017:*

- *'Spatial Vision'*
  - The Kent Downs Area of Outstanding Natural Beauty and the distinctive landscape character of areas of local landscape value will be conserved and enhanced
- SS1 Spatial Strategy
  - SS1/9 Protection will be given to areas of rural character
  - SS1/10 The AONB will be conserved and enhanced
- SP17 The Countryside
  - Need to accord with other policies, plus.....
  - SP17/1 Development not permitted unless no harm to character and appearance of the area
  - SP17/3 Great weight shall be given to the conservation and enhancement of the AONB
  - SP17/4 Development should not have a significant adverse impact on the AONB
  - Account should be taken of the AONB Management Plan Policies
- DM1 Good Design
  - DM1 (ii) respond to and enhance local landscape, rural and heritage character
  - DM1 (v) respect topography and local l/s & trees
- DM3 Natural Environment
  - DM3 1(i) – protect positive landscape character and avoid sign adverse effects
  - DM3 1(iv) – seek biodiversity enhancements linked to existing conditions
  - DM3 3 Link POS
  - DM3 4 – where sig harm unavoidable seek adequate mitigation

*Kent Downs AONB Management Plan 2021-2016 (3rd Revision)*

- The AONB MP is a material consideration in decision-making
- SD1 Projects should adopt a landscape-led approach
- SD2 The local character, qualities, distinctiveness and natural resources of the AONB will be conserved and enhanced
- SD3 Development shall cumulatively conserve and enhance the character and qualities of the AONB
- SD7 Development shall conserve and enhance the tranquillity and where possible the dark skies
- SD8 development shall not negatively impact upon, eg, distinctive landform, character, setting and views
- SD9 The design and materiality of development shall respect local character
- SD11 Major development shall avoid the AONB in accordance with the NPPF
- SD12 transport and infrastructure schemes should avoid the AONB where possible, or where unavoidable, mitigate their impacts
- SD13 BNG
- LLC1 The protection, conservation and enhancement of the AONB's special qualities and natural beauty will be pursued
- LLC5 The landscape character assessment shall be used to inform proposals
- BD1 Creation of new habitats will be pursued

- BD2 National/regional/local BNG targets will be adopted (BD9 20%)
- BD5 Distinctive habitats should be protected / enhanced
- BD8 A greater connection between people and nature will be pursued, whilst diverting visitor pressure from sensitive wildlife sites
- FL1 Valued farming character to be retained
- WT1 Existing woodland connections will be retained and enhanced
- HCH1/2 The conservation, enhancement and interpretation of the historic character of the landscape will be pursued
- HCH7 heritage features under threat will be protected, conserved and enhanced.
- GNR geological features
- AEU11/11 Promotion of alternatives to the car and traffic on rural lanes.
- AEU14 Proposals which detract from the amenity and enjoyment of PRoW will be resisted

### 5.3. DEFRA Landscapes Review

In January 2022 The Government published its response to the 2019 Landscapes Review (The Glover Report) and made a number of recommendations which are currently out for consultation. These include:

- Bringing National Parks and AONB together under a single definition of 'protected landscapes' recognising that together they "*.....are our most iconic and beautiful places. Based on their geology and history, these characteristic landscapes contain swathes of ancient woodland .... Protected landscapes represent our shared heritage and national identity, and are home to many of our rural communities and businesses. They also support our nation's health and wellbeing as unique places to experience natural beauty and tranquillity.*"
- Providing stronger governance in order to champion protected landscapes
- Rather than simply conserving or enhancing AONB, policy will be strengthened "*... to actively recover nature in these areas, rather than simply conserve what remains...*" such that "*a core function of protected landscapes should be to drive nature recovery*"
- Enhanced access and recreational opportunities
- Promoting sustainable tourism whilst managing visitor pressures
- Giving greater weight to their special qualities in planning policies, procedures, and decisions
- Granting AONB Units statutory consultee status

### 5.4. Housing Development

*The NPPF 2021*

- 60 Sufficient land must be made available to meet housing needs
- 61 The minimum number of homes needed shall be informed by a local needs assessment
- 73 The supply of large numbers of new homes can often be best achieved through planning for larger scale development, where this can be done in a sustainable way

- 75 LPA's should be able to demonstrate a 5-year supply of housing (plus buffer) through an up-to-date local plan

*MBLP 17 Policies*

- SS1 Spatial strategy (housing targets) (targets to be met through site allocation)
- SP19 Housing Mix
  - The Council will seek to deliver sustainable mixed communities
  - Large schemes should consider custom and self-build plots as part of housing mix
- SP20 Affordable Housing
  - 40% requirement – AR 70/30 Int – subject to discussion with the Council's Housing team.
- H1 Housing site allocations
- H2 Broad locations

5.5. Employment Development

*The NPPF 2021*

- 81 LPA's should create conditions for business to invest and expand,
- 81 Support economic growth, including areas with high productivity
- 82(b) LPA's should identify strategic sites for local and inward investment
- 83 LPA's should recognise the specific locational requirements of different sectors, including the potential for business clusters
- 85 LPA's should recognise that some rural businesses may have specific locational requirements

*MBLP 17 Policies*

- SS1 Spatial strategy
  - SS1/3 An expanded urban area will be the principal focus for development, together with strategic locations
  - SS1/4 A prestigious business park is planned at M20 J8 and will make a substantial quantitative and qualitative contribution to meeting need.
- SP21 Economic Development
  - The Council is committed to supporting and improving the economy through the allocation of sites and:
    - i retaining, intensifying and regenerating designated EDA's
    - iii enhancing the town centre
    - iv supporting proposals that reduce outward commuting
    - viii supporting rural enterprise - a manner appropriate to rural and landscape character
- SP22 Retention of employment sites – Detling Aerodrome
- EMP1 (4) Delivery of Woodcut Farm
- RMX1 (4) Syngenta

5.6. Other Commercial Uses

*The NPPF 2021*

- 92 Development should promote community cohesion through, for example, neighbourhood centres
- 93 Development should ensure that a community's needs for say local shops is met

*MBLP 17 Policies*

- SP21 Supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37
- DM16 proposals for main town centre uses should be located in an existing centre unless – sequential - The development is in the countryside and is in accordance with Policy DM37 or Policy DM40;

5.7. Education and Community

*The NPPF 2021*

- 93 Development should be supported by social, recreational and other facilities to meet the needs of the population
- 95 It is important that school places are provided to meet growth

*MBLP 17 Policies*

- DM20 The provision of education and community facilities are an essential component of new residential development.
- ID1 Where a need is generated by a development

5.8. Sports, Recreation and Open Space

*The NPPF 2021*

- 92 LPA's should promote healthy, inclusive places that (a) promote social interaction and connectivity (b) are safe and legible and (c) support healthy lifestyles
- 93 Development should be supported by social, recreational and other facilities to meet the needs of the population
- 95 It is important that school places are provided to meet growth
- 98 Communities should have access to a network of high-quality open spaces
- 100 PRoW's should be protected

*MBLP 17 Policies*

- DM3 Protect PRoW's and provide publicly accessible open space
- DM19 Provision of open space, recreation and sports facilities.
- DM20 The provision of education, community and sports facilities are an essential component of new residential development.
- ID1/4/iii The provision of open space is an infrastructure priority

(Members should also note the AONB MP policies on recreation in the countryside listed at 3.2.3 above)

5.9. Quality of Design and Placemaking

*The NPPF 2021*

- 125 Character assessments and design codes can ensure that land is used effectively while also creating beautiful places
- 126 Good design is a key aspect of sustainable development
- 129 Design codes can be prepared at a site specific scale
- 130 Development should be sympathetic to local character and landscape

- 131 Trees make an important contribution and new streets should be tree-lined
- 134 Development that is not well designed should be refused

*MBLP 17 Policies*

- DM1 Good Quality Design
- DM2 Sustainable Design

*MBC Building for Life 12*

- Does a scheme integrate with its surroundings
- Does it contain the necessary services
- Is there adequate public transport
- Is local housing need being met
- Is the character locally defined or distinctive
- Does the development work with landform and landscape features
- Is it legible
- Are streets and places inclusive

*Garden Community Principles*

The application is promoted as adopting Garden Village principles. The TCPA identifies a number of principles for such settlements, which are based around:

- Land value capture for the benefit of the community
- Vision and leadership
- Mixed housing tenures
- Walkable employment
- Enhancement of the natural environment
- Opportunities for community growing areas
- BNG and zero-carbon technology

In 2018 The Council published its own Garden Communities Prospectus, which followed Government guidance that qualities embedded within such communities should include:

- A clear identity with an identifiable 'heart'
- A sustainable scale
- Be well designed in terms of homes and workplaces
- A strong vision defined through local engagement
- Support transport mode options including public transport
- Provide a network of open spaces and opportunities for wellbeing

*National Design Code*

- The characteristics of a well designed place include are centred upon three principles of; Character, Climate and Community, for example:
  - Context – does a place enhance its surroundings
  - Identity – is it an attractive and distinctive place
  - Movement – is it easy to move around
  - Is nature enhanced / optimised
  - Are public spaces safe and inclusive
  - Are uses mixed and integrated
  - Provide clear stewardship arrangements

#### 5.10. Access and Transport

##### *The NPPF 2021*

- 105 Significant development should be focussed in locations which are or can be made sustainable and which offer a genuine choice of transport modes.
- 110/112 When assessing development LPAs should ensure that:
  - opportunities to promote sustainable development are optimised,
  - safe routes for all are provided, with first priority on pedestrians
  - any significant impacts can be cost effectively mitigated
- 111 Development should only be refused on highway grounds if the unacceptable impacts on safety or cumulative impacts are severe

##### *MBLP 17 Policies*

- SP23 Sustainable transport -
  - 2(i) The transport system should facilitate economic prosperity
  - 2(ii) Secure modal shift through public transport enhancement
  - Traffic signalisation of the M20 J7 roundabout, widening of the coast bound off-slip and creation of a new signal controlled pedestrian route through the junction.
- DM21 Assessing the transport impacts of development
  - 1(i) Mitigate the impacts of traffic generated by development
  - 2 Major development should provide for public transport integration

##### *Local Transport Plan (LTP4)*

The principle objectives of LTP4 are

- Enabling economic growth by improving travel times and minimising congestion
- Reducing the environmental impact of development
- Promoting accessible and affordable transport choices
- Providing a safer network
- Promoting active travel choices to support health and well being

#### 5.11. Infrastructure

##### *The NPPF 2021*

- 55 Planning obligations or conditions may be necessary in order to make a development acceptable
- 57 Planning obligations should only be sought where they are
  - necessary to make the development acceptable
  - directly related to the development
  - fairly and reasonably related in scale

##### *MBLP 17 Policies*

- SS1 Spatial Strategy
  - SS1/11 Infrastructure that supports development needs will be supported
- SP23 Sustainable transport
  - SP23/1 The Council will work with delivery partners to secure transport infrastructure necessary to support growth
- ID1 Infrastructure

## 5.12. Heritage

### *The NPPF 2021*

- 189 Heritage assets are an irreplaceable resource and should be conserved in an appropriate manner
- 194 an applicant should demonstrate that they understand the significance of any heritage assets affected, including any contribution made by their setting
- 195 LPA's should identify and assess the particular significance of any heritage asset that may be affected by a proposal
- 197 In determining applications, local planning authorities should take account of:
  - a the desirability of sustaining and enhancing the significance of heritage assets;
  - b the positive contribution that conservation of heritage assets can make
  - c the desirability of new development making a positive contribution to local character and distinctiveness
- 199 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation
- 201 Where development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss
- 202 Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal
- 203 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

### *MBLP 17 Policies*

- SP18 the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced
- DM4/1 Development shall conserve or enhance heritage assets and be supported by a proportionate heritage assessment

## 5.13. Ecology and Biodiversity

### *The NPPF 2021*

- 180 LPA's should apply the following principles
  - a Avoid or mitigate harm to biodiversity
  - c refuse the loss of or deterioration of irreplaceable habitats unless there are exceptional reasons circumstances
  - d integrate measures to improve biodiversity within development

### *MBLP 17 Policies*

- DM3 Protect positive landscapes and ancient woodland and other areas of habitat value
- Development should be accompanied by an appropriate assessment of ecological impacts
- New public open space should also be designed to provide other benefits
- Where significant harmful impacts cannot be avoided, compensatory schemes may be considered.

#### 5.14. Climate Change

##### The NPPF 2021

- 8 Mitigating and adapting to climate change is a core planning objective.
- 152/4 The planning system should support a transition to a low carbon future and respond to climate change
- 156 LPA's should support community level low carbon schemes

##### MBLP 17 Policies

- DM2 Sustainable Design

#### 5.15. Air Quality

##### The NPPF 2021

- 185 planning decisions should ensure that new development is appropriate for its location taking into account of pollution and:
  - a mitigate the impacts of noise on the quality of life
  - b protect the amenity of tranquil areas
  - c limit the impact of light pollution on dark landscapes
- 186 Planning decisions should seek opportunities to improve air quality or mitigate impacts
- 187 New development should be capable of integrating with existing businesses without prejudicing their ongoing operation

##### MBLP 17 Policies

- DM6 Air Quality
  - Major development must be accompanied by an AQ Impact Assessment
- xx

##### Air Quality Strategy for England (AQS)

- a framework for reducing hazards to health from air pollution and ensuring that international commitments are met in the UK
- sets standards and objectives for ten main air pollutants to protect health, vegetation and ecosystems, in relation to.....
- C<sub>6</sub>H<sub>6</sub>, 1,3-butadiene (C<sub>4</sub>H<sub>6</sub>), CO, Pb, NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, O<sub>3</sub> and PAHs

## **6 ASSESSMENT**

### **6.0 ENVIRONMENTAL IMPACT ASSESSMENT**

6.0.1 Due to its scale the Planning Application is accompanied by an Environmental Statement prepared in accordance with the 'The Town and Country Planning (Environmental Impact Assessment) Regulations 2017' (EIA Regulations).

6.0.2 The Environmental Impact Assessment (EIA) process introduces a further level of detail and complexity to the preparation and assessment of planning applications.

- 6.0.3 The findings of the EIA are published in the Environmental Statement (ES). These are covered within individual chapters set out within Volume 1 of the ES. The supporting technical appendices are contained within Volume 2; with a Non-Technical Summary in Volume 3.
- 6.0.4 The ES contains chapters covering the following topics:
- Transport and Access;
  - Air Quality;
  - Noise and Vibration
  - Landscape and Visual Amenity
  - Ecology and Nature Conservation
  - Water Quality, Hydrology & Flood Risk
  - Soils, Geology, Contaminated Land
  - Archaeology and Cultural Heritage
  - Climate Change
- 6.0.5 The EIA process requires an applicant to identify what reasonable alternatives to the proposed development have been considered and the reason for the option chosen. The ES considers impacts during both the construction and operational phases of the development, including any phasing. In doing so it also assesses the likely cumulative impacts having regard to other known proposals or committed projects.
- 6.0.6 Whilst much of an ES is based upon technical and environmental assessments, in many instances the assessment of the sensitivity of a 'receptor' and the significance of any effects is a matter of judgement for the decision-maker.
- 6.0.7 Those effects are generally categorised under the following structure:
- **Major Adverse** effect – where the Proposed Development would cause a significant deterioration to the existing environment
  - **Moderate** Adverse effect – where the Proposed Development would cause a noticeable deterioration to the existing environment
  - **Minor** Adverse effect – where the Proposed Development would cause a barely perceptible deterioration to the existing environment
  - **Neutral/ Negligible** – no discernible improvement or deterioration to the existing environment
  - **Minor Beneficial** effect – where the Proposed Development would cause a barely perceptible improvement to the existing environment
  - **Moderate** Beneficial effect – where the Proposed Development would cause a noticeable improvement to the existing environment
  - **Major** Beneficial effect – where the Proposed Development would cause a significant improvement to the existing environment
- 6.0.8 Whilst Regulation 24 of the EIA Regulations 2017 states that the Council must (a) examine the submitted EIA and (b) reach a conclusion on the likely significant effects; within Section 6 of this Report, Officers do not report upon nor rebut every element of the lengthy (many thousands of pages) ES; although these have of course been considered within the overall assessment. Where necessary we do

draw attention to areas where we may agree or disagree with the Applicant's assessment where it assists Members in understanding Officer's conclusions.

6.0.9 Members are advised that where a planning application is subject to an EIA, under Regulation 26(2)(b)(i), the LPA is obliged, through a statutory statement, to set out the main reasons and considerations on which the decision was based, including:

- a. its assessment of the submitted environmental information (the ES)
- b. a reasoned conclusion on the significant effects of the proposed development on the environment
- c. out the main reasons and considerations on which the decision was based
- d. what conditions or other measures should be imposed.

6.0.10 This officer report and recommendation performs this function. However, it is critical that if Committee disagree with the Officer assessment, it must provide a statement which explains why and following the Dover/CPRE case, the Courts have ruled that this statement must constitute more than simply the meeting minutes and must provide an *intelligible and adequate explanation of the decision* and that it should constitute '*an intrinsic part of the procedure, essential to ensure effective public participation*', in effect a contemporary statement and not something prepared sometime after planning permission is granted.

6.0.11 This duty is considered a matter of common law where planning permission might be granted:

- in the face of substantial public opposition
- against the advice of officers
- for projects which involve major departures from a development plan, or from other policies of recognised importance.

## **6.1 PRINCIPLE OF DEVELOPMENT**

### Spatial Development Strategy

6.1.1 The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making and where a proposal does not accord with an up-to-date development plan, taken as a whole, the NPPF states that planning permission should be refused unless material considerations indicate otherwise.

6.1.2 The Council has prepared and adopted a Local Plan that sets out its vision and strategy for meeting development needs to 2031, which seeks to achieve a balance between delivering growth and protecting natural assets.

6.1.3 The specific development targets are set out within Policy SS1, and are met through, for example, strategic locations for housing and a business park at

Junction 8. Whilst there is a limited reliance upon windfall housing, the majority of the Borough's needs are addressed through a plan-led approach to site allocations.

- 6.1.4 The application site lies outside of the adopted spatial development strategy and is within an area of development constraint and as such is not in accordance with the adopted 'sustainable' spatial development strategy.
- 6.1.5 Notwithstanding the adopted Local Plan, the Council has a duty to monitor its delivery of sites to meet identified development needs, both in terms of planning permissions and completions. If targets are not being met, then the LPA must identify a remedial strategy to address any shortfalls.

#### Housing Delivery

- 6.1.6 The most recent Annual Monitoring Report (AMR) confirms that in terms of allocated housing sites; by April 2021 40% of the dwelling target had been completed, 22% were on site with a further 22% benefitting from planning permission. Recent Government releases also identify that the Council has met 175% of its delivery test.
- 6.1.7 The AMR identifies that the Council has 5.6 years' housing land supply and for the period 2011 – 2031, a current prediction of a surplus of 2,130 dwellings.
- 6.1.8 The Applicant has not provided any evidence in support of the Application to suggest that there is a need to release further housing land of a strategic scale.
- 6.1.9 Whilst the Council is able to demonstrate that it is providing a positive platform for the delivery of housing, there are a number of town centre and urban area regeneration schemes which face challenges that are not typically experienced by greenfield developments, but which are nevertheless important sites in terms of not only their housing component, but also their wider contribution to the town centre regeneration strategy and to delivering sustainable development. The release of a significant amount of windfall housing land in excess of identified needs has the potential to undermine the delivery of these important sites and place at risk their contribution to the successful regeneration and vitality and viability of the town centre and surrounding urban area

#### Employment Land Delivery

- 6.1.10 As identified in Section 6.3 below, planning permissions have recently been granted for strategic employment land allocations at Syngenta and Woodcut Farm (J8). These sites will deliver a significant amount of new employment floorspace with a range of office, industrial and warehousing accommodation.
- 6.1.11 The Applicant has not submitted any evidence to demonstrate that the proposed employment accommodation would meet a need that cannot be met through existing or allocated employment sites and for which there is an identified need.

- 6.1.12 The Council's Economic Development Needs Study (March 2021) identifies that sufficient employment floorspace is available to meet the objectively assessed need over the proposed plan period for the next local plan of 2022-2037. However, it goes on to recommend the Council "*should identify a realistic delivery trajectory for its pipeline employment supply ..... (and) ..... evidence how the Borough's portfolio of allocations .... will support delivery of new space over the short, medium and long-term....*"
- 6.1.13 The Council has therefore undertaken an assessment of all employment sites within the Regulation 19 draft Local Plan to understand whether sites are available and deliverable. This includes employment sites rolled forward from the adopted local plan.
- 6.1.14 The conclusion of this assessment is that across the portfolio of town centre / urban area, allocated strategic and mixed-use sites and the garden settlements, the Council is able to demonstrate that it can deliver an appropriate supply of office, industrial and warehousing floorspace across the proposed plan period to 2037. On this basis, there is no expectation that the Council will need to amend the planned employment land strategy
- 6.1.15 To conclude on this matter, it is considered that by virtue of its scale and location, the proposed development does not accord with and would harm the delivery of the spatial development strategy set out within the adopted Local Plan. In doing so it would undermine the principle of sustainable development as required by the NPPF and prejudice the delivery of key housing, employment and regeneration sites set out within the adopted Local Plan.

#### Local Plan Review

- 6.1.16 The Council considered consultation responses and proposed modifications to the Regulation 19 draft LPR at the Strategic Planning and Infrastructure Committee on March 21 2022, following which it has requested that the Regulation 22 be submitted for examination.
- 6.1.17 The overall spatial strategy as outlined in the Regulation 19 draft plan, which does not include the Application Site, is however, the subject of a significant number of objections, in particular the two proposed garden settlements.
- 6.1.18 Paragraph 48 of the NPPF advises that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight);*
  - b) *the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight); and*
  - c) *the degree of consistency of the relevant policies to the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

- 6.1.19 Having regard to the above guidance, Officers consider that limited weight should be afforded to the draft local plan when assessing this application.
- 6.1.20 The NPPF advises at paragraph 50 that planning permission should not be refused on the grounds of prematurity unless, for example; the scale of the development is so substantial that to grant permission would undermine the plan-making process. Having regard to the stage that the LPR has reached and the fact that to grant permission for this proposal would potentially undermine the consideration of the draft spatial strategy, it is considered that it would be prejudicial to that process.

## 6.2 AONB & COUNTRYSIDE CONSIDERATIONS

- 6.2.1 AONB are a nationally designated landscape afforded a high level of protection for their landscape and scenic beauty. Section 85(1) of the 2000 Act requires that:

*"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving or enhancing the natural beauty of the area of outstanding natural beauty."*

This duty to 'have regard' is a statutory duty.

- 6.2.2 The purpose of the AONB designation is set out in the Countryside Agency's 1991 Policy Statement:

*"The primary purpose of the designation is to conserve and enhance natural beauty."*

- 6.2.3 The NPPF states at paragraph 175 that planning decisions should respect the hierarchy of landscape designations and at 176 states that:

**"Great weight should be given to conserving and enhancing landscape and scenic beauty ... (in). Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.**

The Courts have made clear that decision-makers should ensure that they have proper regard to the high level of protection that must be afforded and the requirement to afford *great weight* to any harm to the AONB in the balance assessment. Paragraph 176 continues:

*"The scale and extent of development within .... these designated areas should be limited."*

- 6.2.4 NPPF paragraph 177 provides clarity on the approach to major development within the AONB:

*"When considering applications for development within .... Areas of Outstanding Natural Beauty, **permission should be refused for major development other than in exceptional circumstances**, and where it can be demonstrated that **the development is in the public interest**. "*

Whilst there is no statutory definition of 'exceptional' and the matter is very much for the decision maker, the NPPF provides some guidance:

*"Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."*

- 6.2.5 As such, in addition to the general requirements when assessing development in the AONB, there is a specific requirement for the Council to demonstrate that exceptional circumstances exist.

- 6.2.6 MBLP 17 policies SS1, SP17 and DM3 are consistent with the NPPF in that they recognise that the distinctive landscape character should be conserved and enhanced.

- 6.2.7 In addition to NPPF and Local Plan policies, Section 89 of the Countryside and Rights of Way Act 2000 requires that in taking decisions on planning applications, decision-makers must 'adopt' the policies of any AONB Management Plans (AONB MP) that cover their area

*(NPPG) "local planning authorities .....should have regard to management plans for ... Areas of Outstanding Natural Beauty....The management plans highlight the value and special qualities of these designations ....."*

#### Existing Character

- 6.2.8 The current AONB MP was adopted in 2021 and is a key document informing an understanding of the special qualities of the AONB. It recognises that the Kent Downs AONB is a nationally important landscape which was described by the Designation Committee as:

*"The scarp slope and dry valleys of the Kent Downs are the main target for designation, particularly where they retain a downland character, that woodlands are highly valued throughout the designated area and particularly on the scarp slope and dry valley sides, and that other*

*qualities of note are views from the escarpment, pastoral scenery, parklands, villages, churches and castles."*

MBC is a Member of the AONB Partnership's *Joint Advisory Committee* and has contributed to the formulation of the latest AONB MP.

6.2.9 The AONB MP identifies 'The special components, characteristics and qualities of the Kent Downs AONB'

*"The rich landscape of the Kent Downs AONB, is made up of landscape components with special characteristics and qualities which together distinguish it as a landscape of national and international importance and underpin its significance and natural beauty. "*

It identifies these landscape components as including:

- Dramatic landform and views – informed by geology and including plateau, dry valleys and long-distance panorama
- Biodiverse rich habitats – including chalk grasslands and woodland
- Farmed landscapes
- Woodland & trees – significant tree coverage with 23% of the woodland being ancient
- A rich legacy of historic and cultural heritage – reflecting human activity over significant periods and including castles and other defensive structures
- Geology and natural resources – a landscape underpinned by its geology with natural resources such as aquifer
- Tranquillity – including dark skies.

6.2.10 The AONB MP defines 6 principal Landscape Character Areas, with the Application Site lying within the 'Chalk Downs', the principal characteristics of which are:

*Chalk Downs - Behind the scarp, open plateau and dry valleys offer a beautiful, greatly valued and intimate feature of much of the Kent Downs landscape and they are often criss-crossed by a maze of tiny, sunken one-track lanes.*

6.2.11 The Application Site and its surroundings typify these defining characteristics of the AONB. The plateau forms the main body of the site, the flat character and overall elevation of which informed its past military use as it was both a defensible point created by the geology of the area, with significant views; as well as providing the opportunity for a flat airfield at a high elevation.

- 6.2.12 The Cox (dry) Valley forms the northern part of the site and is flanked by mature woodland. The open plateau in this area possesses limited tree planting across major parts, again a reflection of its airfield history (and subsequent agricultural use) the effect of which is to afford a greater appreciation of its defining geology and history.
- 6.2.13 Beyond the main body of the site, where not cleared for farming or the airfield, areas, pockets and strips of woodland are more common. Whilst these interrupt some medium to longer distance views into and out of the Site; from the northern parts of the Site, as identified in the AONB Management Plan clear long distance views exist across the dip slope towards the Medway Estuary.
- 6.2.14 The A249 is a significant piece of built infrastructure which clearly has an impact upon the character and appearance of the area adjacent to the Site, as does the related roadside development and the Aerodrome Industrial Estate (AIE). The road is low lying, with much of it tree-lined, such that visual impacts are generally limited to the immediate road corridor and views along its length. Artificial street lighting and vehicles (both noise and light) inevitably have significant impacts. The carriageway both visually and functionally severs the landscape, limiting E-W and N-S connectivity.
- 6.2.15 The AIE covers circa 15 ha and also impacts upon the character of the area; with the scale, building form and uses being alien to the typical dispersed character of development in the wider rural area. Much of the industrial estate is screened so impacts are primarily limited to users of the adjacent PRoW, one of which passes through the estate.

Tranquillity is a key characteristic of AONBs and to some extent both the A249 and activities on the AIE have impacts. In addition, on larger event days the showground would also have a significant impact on the character of the area in terms of activity levels and their impact upon character and tranquillity. However, these features in themselves should not be considered to fundamentally undermine the tranquillity of the area.

6.2.16 In terms of PRoW's:

- KH73 wraps around the south west / western boundaries of the site. At its southern end it is severed by the A249. Extending from the A249, it initially runs through open land, including KCAS's overspill parking area, before turning north and entering woodland along the northern side of the Cox Valley. To the north west it intersects with ...
- KH62 which runs roughly W – E from Cox Street, taking a diversion through part of the AIE before turning east to Bimbury Lane,
- KH74 diverts off KH62 on the northern edge of the AIE and close to Bimbury Manor, heading north and crossing the lower (northern) part of the Cox valley
- KH88 connects to Bimbury Lane approximately 180m to the south, before heading to the northeast through agricultural fields.

6.2.17 The site contains areas of woodland, hedgerow and shrubland. As previously described, much of the site, particularly the central and southern areas previously associated with the airfield (which form the main development areas) are open. However, there are number of tree belts within the site, including; sections of the A249 frontage, the perimeter of the AIE, other tree wind break lines and field margins.

6.2.18 The greatest concentrations of natural planting lie within the northern parts of the site, with extensive areas of ancient woodland (AW) along the Cox Valley and between Bimbury Lane and the A249. Other smaller pockets of AW and deciduous woodland and field margins break up the boundary adjacent to the Stockbury Valley and the site's north western boundary.

#### Development Characteristics

6.2.19 The proposed development represents large scale urban development. In addition to areas of built development, there are elements of infrastructure such as access roads, junctions, areas of parking and sports facilities which also possess built / urban characteristics.

6.2.20 The development is not dispersed, but is essentially a single large development site, which is not assimilated into the natural landscape into which it is inserted and but for small elements of retained woodland etc, the significant areas of built development and infrastructure simply replace open countryside.

6.2.21 Within the residential areas the average density of proposed development is relatively high, with an indicated average residential density of 38 dph.

#### Impacts

6.2.22 The landscape is highly sensitive and vulnerable to the effects of change. This is due not simply to the open rural character of the site, but the fact that it possesses landforms and other characteristics that are in themselves define the "special qualities" of the AONB. As such, the legal duty to afford "great weight" to its conservancy is engaged and justified.

6.2.23 As identified by Natural England. the proposals will permanently replace a very large area of open farmland and semi-natural environment with relatively dense residential development up to three storeys high, a commercial / industrial complex with large footprint buildings of up to 12m in height, together with significant highway infrastructure and hardstanding.

6.2.24 This will fundamentally change the character of the plateau and the setting of the adjacent dry valleys. The intervention of built development of this scale will remove the sense of openness that is experienced in views into, across and out of the site.

- 6.2.25 An appreciation of the landform of the plateau will be lost due to the land coverage, density and height of proposed development. The topography is not only a result of the geology that formed the AONB landscape, but is also a characteristic informing the site's defensive / military heritage, which increases the weight that should be afforded to its historical / cultural significance.
- 6.2.26 The masterplan parameters offer no acknowledgement of, for example, the former airfield functions such as runway or boundaries and future occupiers of the site would be unlikely to appreciate this significant element of the site's history.
- 6.2.27 There will be a loss of farmed landscape of a significant scale and whilst many of the elements of woodland and tree belts will be retained and incorporated into landscaping and open space within the development, their role and contribution to the semi-natural character of the area will be significantly harmed.
- 6.2.28 Whilst the Cox Valley will be protected as semi-natural open space and public access to it enhanced, it is considered that the valley's setting and tranquillity will be undermined by the adjacency of a very large urban complex.
- 6.2.29 As identified above, tranquillity is a defining characteristic of the AONB and despite the presence of the A249 and the AIE, the PRoWs that pass through or adjacent to the site benefit from this, affording users a significant appreciation of the characteristic of openness and remoteness.
- 6.2.30 The character of the PRoW's will significantly change. Rather than passing through open countryside (albeit with the brief intervention of the AIE), with medium to long distance views broken only by natural landscape and topography; they will now pass through, adjacent to, or within the setting of a major urban development. This development will not only change the character of their setting, but severely affect views from them, changing the experience from open countryside to narrow corridors through or adjacent to urban development.
- 6.2.31 Looking at the three PRoW identified in 3.2.23 above:

KH73 currently enjoys views from the showground boundary over open land towards pockets of ancient woodland sitting above the Cox Valley (first picture below). In Year 1 this outlook will be lost to an extensive area of urban development. The Year 15 image shows that whilst new planting will obscure views of much of the development, the character of this section of the PRoW will fundamentally change and the views over the character-defining undulating plateau will be permanently lost.

Image - Existing/Proposed View from Showground Boundary Looking North into the Site  
Yr1



Photomontage PM4: Existing View



Photomontage PM4: Proposed View at year 1

**BINBURY PARK, BINBURY LANE, DETLING KENT**

Date: July 2018

Appendix 10.14

0193/P03

PM4 – Photomontages at year 1

Sheet size: A3

Horizontal field of view: 90 degrees



Yr 15



Photomontage PM4: Proposed View at year 15

**BINBURY PARK, BINBURY LANE, DETLING KENT**

Date: July 2018

Appendix 10.14

0193/P03

PM4 – Photomontages at year 15

Sheet size: A3

Horizontal field of view: 90 degrees



- KH62 The visual impacts upon the section of this PRoW running through the Cox Valley will be negligible, with development hidden behind the ridge and existing planting. However, as highlighted above, there will be a change in the perceived character of the area, with the valley being bounded by large scale urban development.

However, after crossing the dry valley and prior to passing through the AIE, this footpath enjoys open view southwards (see photo 8 below, which shows the view from the proposed location of the schools). This view, which is over open farmland interspersed by wooded areas (as described as a defining feature in the AONB Management Plan) would be replaced by circa 1,000 houses.



Photograph No 8 - View taken from Public Footpath No. KH62 looking southwards.

Further, after leaving the AIE, rather than running through open countryside with glimpses and views down the dip slope towards the Estuary to the north, the footpath will run through the heart of a housing estate for circa 330m and adjacent to another part for circa 280m (see photo 6 below)



Photograph No 6 - View taken from Public Footpath No. KH62 looking eastwards.

KH74 will generally be unaffected

KH88 instead of longer distance views to the north (or south towards Binbury Lane) across open arable fields the footpath will now pass through a short section of the self-build housing area and the sports complex

*Existing view southwards from KH88 towards the site of the proposed sports complex.*



Photograph No 27 - View taken from Public Footpath No. KH88 looking south westwards.

6.2.32 Public access to and appreciation of the AONB is a key element of their designation, as reinforced by the findings of the 2019 Glover Report (paragraph

5.3 above). Whilst the proposals would afford access to the new country park, itself a benefit, it does not in the view of Officers mitigate the significant and harmful change in the experience of the application site for those accessing the PRow network.

6.2.33 However, further factors that must also be taken into account when assessing the severity of impact on the PRow network include (i) their quality and accessibility, for example, are they clearly signposted, maintained and accessible and (ii) their level of patronage. A number of sections of the above network appear to be in need of improvement in order to be fully utilised / appreciated. If permission were to be granted, Officers consider that a wider PRow enhancement strategy would be necessary.

6.2.34 A further key feature of AONBs is dark skies. The site's location contains a number of existing sources of artificial light including; the A249 itself, vehicles using it, operational and security lighting within the AIE, other more isolated commercial uses and the service stations. These are confined to the A249 corridor and the AIE itself.

6.2.35 The proposed development will introduce a significant expanse of urban development and artificial lighting into an area that currently benefits from darker night skies. The Applicant indicates that where possible, the impact of artificial lighting will be minimised, where possible; but with significant areas of highways / street lighting, public realm areas, residential gardens, security and H&S needs on commercial sites and of course the need to ensure the safety of residents walking and cycling through the site; it is inevitable that the degree of change through the introduction of urban development with relatively intensive artificial lighting will be highly significant and harmful.

6.2.36 Officers concur with the AONB Unit and Natural England that in terms of the impact of artificial lighting, the development will have a significant adverse impact upon the character of the AONB, over a wide area beyond the site's boundaries.

#### Mitigation

6.2.37 In terms of mitigating visual impacts, The Applicant relies to a great extent on the ability of retained / enhanced and new structural planting and in particular significant belts of advance planting along the A249 and NW boundary, to reduce adverse impacts in the earlier phases of development.

#### Conclusion

6.2.38 Both Natural England and the AONB Unit consider that The Applicant has underplayed the sensitivity of the existing landscape and the magnitude of impacts of the development in terms of both the character of the area and its visual impacts. They consider that The Site's landscape is more sensitive than The Applicant has assessed and consider that The Applicant has afforded insufficient

weight to the landscape character components of the Kent Downs AONB (the special qualities) that the site possesses.

6.2.39 One of the challenges of reviewing an EIA-led approach to landscape impacts is that the ES can become quite a formulaic process, with judgements of character, sensitivity and impact set into 'boxes' with hierarchical judgements as to the degree or scale of sensitivity, change and impact; yet, ultimately, it is for the decision-maker to assess their own response, albeit that this must be carried out in a rational manner and having regard to the evidence.

6.2.40 Officers consider that in terms of 'visual impact' (rather than character), there are factors that contribute to concluding that the potential visual impacts are moderated to some extent by, for example:

- The moderate 'visual quality' of the farmed landscape that is to be developed
- The existence of detractors in close proximity such as the A249, the AIE, roadside developments and to some extent the showground
- The effectiveness of existing visual screening
- The ability for the development to significantly enhance this screening with further buffers, thus reducing impacts from the A249 and longer distance views towards the site

6.2.41 There is no doubt that for traffic passing by the development, visual impacts could be limited to, subject to the effectiveness of both landscaping and lighting strategies; the new junction, associated signage, potential glimpses of (and the sense of) a large development beyond.

6.2.42 For users of the PRoW, who it must be assumed will increase in number as a result of both the development itself generating further activity and also the new A249 footbridge improving connectivity from the east; where impacts are experienced, they will be substantially adverse. Whilst development would be screened by new landscape buffers, views across countryside will be lost and openness replaced with permanent urban development of a significant scale.

6.2.43 It is also important to rely upon an assessment of changes in the character of the landscape, rather than simply whether the development can be hidden from view.

6.2.44 Having regard to:

- the sensitivity to change afforded by the AONB designation,
- the fact that the site possesses several defining landscape character features for which the AONB is designated,
- the fact that open countryside will be replaced by urban development,
- the significant scale of the development,
- the fundamental change in the character of the site,
- the fact that visual impacts cannot be wholly mitigated

...Officers conclude that the development would cause significant harm to both the character and appearance of the site and the AONB, that is, the special qualities for which it is designated.

6.2.45 In doing so, it would undermine the primary purpose of the AONB designation, that is, the conservation and enhancement of its natural beauty. As such the proposal conflicts with both the NPPF and the adopted MBLP 17.

6.2.46 Paragraph 177 of the NPPF imposes further tests, namely that:

***permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*** "

However, as this judgement requires consideration of wider land use and other issues assessed within the remainder of Section 3 of the report, the paragraph 177 tests are considered within the 'balancing' assessment in Part 2 of the bundle below.

## 6.3 LAND USE CONSIDERATIONS

### Housing

#### Meeting Housing Needs

6.3.1 This is principally addressed in Section 6.1 above in that is LPA's are required to identify sufficient land to meet objectively assessed needs and to ensure through regular review, that both supply and delivery rates are maintained. For example, the NPPF states:

- (74) *Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period*
- (74) *The supply of specific deliverable sites should in addition include a buffer*
- (76) *To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. .... the Housing Delivery Test*

6.3.2 As also identified in Section 6.1 above, in terms of the current local plan period, the Council is able to demonstrate a positive delivery record in relation to both housing site allocations and modest levels of windfall development. In the medium term it can demonstrate a housing land supply in excess of 5 years. Insofar as the Local Plan Review is concerned, the R19 draft identifies that the objectively assessed need, together with any past shortfalls, can be met for the period to 2037 without the need to release additional land beyond that identified.

### Site Capacity

- 6.3.3 In terms of the capacity of the site to accommodate 1,725 units, as highlighted under Section 6.4 below, Officers have concerns regarding the suggested densities that are proposed and the impact that this may have upon place-making, in particular the ability to respond to Garden Community principles.
- 6.3.4 The Application refers to an average density of 38 dph, which is a relatively high net density - of an urban/suburban fringe character and far exceeds the 5 year average for rural service centres and larger villages of 27 dph (source AMR). The density parameter plans show higher density ranges of 45-60 dph and Officers have concerns as to whether these densities can be sustained whilst ensuring that an appropriate quality of place can be achieved having regard to place-making elements such as open space, landscaping and amenity.
- 6.3.5 The indicative masterplan and parameter plans show residential clusters close to, for example; the southern boundary to the showground and the wider boundaries of the AIE. In terms of the latter, as an allocated employment site and one which contains 24/7 operators, including waste and highway maintenance operators, it is critical that sufficient spacing is achieved between the residential and commercial uses in order that (i) the viability of the allocated employment site is not prejudiced and (ii) that the not affected by means of dust, noise and artificial light impacts from neighbouring commercial sites, many of which incorporate active open yards.
- 6.3.6 In some areas, the separation is a little as 10metres, which is not considered to be appropriate having regard to the character of commercial uses on the estate and the limited restrictions on hours of operation. Whilst the impact can be managed through, for example, increased buffers, having regard to existing concerns in relation to overall residential densities, a reduced residential development area would place further pressures upon the achievable quantum of housing.

### Housing Mix

- 6.3.7 The NPPF requires that the supply of homes meets the needs of groups with specific requirements (para 60), including affordable housing (para 63). MBLP 17 Policy SP19 reiterates the importance of providing a mix of housing types and unit sizes to meet needs, whilst SP20 requires 40% of all units to be affordable.
- 6.3.8 The Applicant proposes 40% affordable housing in accordance with policy. An indicative housing mix is shown at 3.27 above, but it is considered that if planning permission were granted, an appropriate mix of housing would be sought through conditions. Nevertheless, the parameters show a mix of dwelling heights and typologies that offer comfort that an appropriate mix of both unit sizes and typologies could be achieved.

- 6.3.9 In terms of the delivery of affordable housing the AMR demonstrates that the Council has secured a percentage of affordable homes broadly aligned with the percentage targets as set out in Local Plan policy SP20. There are, however, shortfalls over a 6-year period of 511 units. This is material but having regard to the complex viability of a number of sites and the relative values, particularly within the town centre, this is considered to be a broadly positive performance.
- 6.3.10 The Application would deliver 40% affordable housing, that is, 690 units. Policy compliance on such a large development would inevitably assist in making a meaningful contribution to future housing need and reduce the overall historical shortfall.

#### Custom and Self Build

- 6.3.11 The Council is required under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to keep a register of those seeking serviced plots of land for self-build and custom housebuilding. In addition, the Council has a duty to grant planning permission for enough suitable serviced plots of land to meet the demand.
- 6.3.12 Since the introduction of the self-build register in 2016, in the 4-year period there have been 120 applications for self-build dwellings permitted, which equates to a sustained low delivery of self-build plots. However, only 3 units were approved in the first two years and since 2018, there has been a significant increase in delivery and in 2020 the number of plots approved represented 92% of registrations. Nevertheless, the delivery of a dedicated area for 50 custom/self-build units would represent a material benefit arising from The Application.

#### Summary

- 6.3.13 The objectively assessed need as identified in the current local plan period is being met, indeed exceeded. The Council is able to demonstrate a strong housing land supply in excess of Government targets and a positive housing delivery test performance. As such, the proposal is not required in order to meet current development plan needs to 2031.
- 6.3.14 Similarly, the Local Plan Review process has identified sufficient sites to meet the objectively assessed need for the plan period to 2037.
- 6.3.15 Should there be a need to review trajectories for the LPR period to 2037, then this should be a matter considered as part of the LPR process, both in terms of any potential deficiencies and the appropriateness of any alternative scheme and its location.
- 6.3.16 The delivery of a large amount of affordable housing would offer benefits in terms of addressing historical undersupply, however, Officers would be concerned if such a large amount of affordable housing were delivered in what is considered to be a relatively unsustainable location.

## The Economy / Employment

- 6.3.17 Paragraph 81 of the NPPF states that LPA's should create positive conditions for investment and that significant weight should be placed on the need to support economic growth, including the needs of local businesses. Paragraph 83 emphasises the need to support the specific needs of market sectors and to enable business clustering, whilst paragraphs 84 and 85 highlight the importance of meeting the needs of rural businesses.
- 6.3.18 Policy SS1 of the adopted Local Plan identifies the level of additional employment floorspace in terms of office, industrial, warehousing (and medical) uses to be delivered over the plan period. This equates to a net additional requirement of 13,955 sqm across all employment types). The AMR notes that since 2016/17 there has been a net loss of 36,282 sqm of employment floorspace, thereby increasing the overall net floorspace requirement to 50,237 sqm by 2031.
- 6.3.19 In response, the Council has enabled a net pipeline supply of employment floorspace (i.e. extant permissions) of 49,288 sqm. As such, in quantitative terms there is an outstanding need to provide just 948 sqm of additional employment floorspace to 2031.
- 6.3.20 However, as identified under 6.1 above, the Council is also required to ensure that the needs of various sectors are met, for example, by use class and type of accommodation. In terms of the progress towards meeting MNL 17 needs, the position as at the end of 2020/21 was:

Use Class	(former) B1			B2	B8
	a	b	c		
Requirement	24.6			-18.6	+8.0
Net losses / gains in f/s	-38.4	+1.15	-1.9	+ 0.9	+2.0
Permissions	+1.9	+7.1	+16	+1.7	+22.7
Net Outstanding Requirement	+38.8			-21.1	-16.7

Figures in 000 sq.m

The above table demonstrates that the Council has planned for a significant oversupply of both industrial (B2) and warehousing (B8) floorspace, although there is a need to provide what was formerly Class B1 (now Class E et al) floorspace. However, the requirement for office floorspace is negligible, with the main requirements being within the R&D / light industrial typologies. The ability to satisfy these requirements is assessed below.

- 6.3.21 In addition to enabling new employment sites, MBLP 17 Policy SP22 seeks to protect and enhance designated Economic Development Areas (EDA's).

Monitoring data shows that in the previous year a total of 1,164 sq.m of B2 and B8 accommodation has been completed and a further 1,057 sq.m approved.

6.3.22 The adjacent AIE is designated under SP22 as an EDA and therefore the Council seeks to protect its future role and the ability of operators on it to continue their operations without constraint.

6.3.23 The proposals will envelop the AIE, with residential and educational uses in close proximity. Reinforced buffers are proposed, but in some areas these are relatively narrow, potentially as narrow as 10m. Officers consider that adjacent to all of the AIE's boundaries, there would need to be an acceptable level of separation and that at this stage, the parameters do not afford this. Further, the access route into the AIE passes between / adjacent to areas of proposed housing. Having regard to the 24/7 nature of some occupiers and the nature of traffic and vehicle types generated by occupiers of the AIE, Officers consider that access to the estate should not be routed through or adjacent to proposed housing. Both of these matters would require an amendment to the current development parameters and also further evidence that acceptable levels of residential amenity could be achieved.

6.3.24 In addition to the EDA's, the Council is working with partners to bring forward the employment elements of MBLP 17 allocations. These include, for example:

- Planning permission has recently been granted for the former Syngenta Works (RMX1(4)) for up to 46,447sqm B1/B2/B8 accommodation, with the developer recently briefing the Council on planned progress.
  - B1(c) or B2 - no more than 19,943m2 combined
  - B8 uses - 26,504m2
- Woodcut Farm (EMP1(4)) has permission for in excess of 45,000 sq.m with a combination of office, light industrial, R&D and warehousing / distribution floorspace and site preparation works are underway
  - Use Class B1(a)(b) - 10,000m2
  - Use Class B1(c) - 12,840m2
  - B8 uses - 22,455m2

Woodcut farm is located adjacent to J8 of the M20, so has immediate access to the strategic road network, the A20 corridor and the eastern parts of the district and Ashford. It is also a short drive time to the A249 and the routes to the M2.

- Permission exists at Newnham Park (RMX1(1)) for 24,750 sq.m of medical-led office and R&D space, with a meeting having been recently held with the next phase design team. This site is located close to the town centre, but also has good access to the M20 A249 interchange and thus the M2 corridor.

6.3.25 It is clear from the evidence that there is a significant quantitative oversupply in industrial and warehousing floorspace. Despite this, the Council continues to enable provision of modern facilities in key locations across the Borough to ensure that there is a wide range of accommodation to meet the needs of businesses across a range of sectors, including offices, workshops, industry and distribution.

- 6.3.26 Allocations at the three above strategic employment sites, together with town centre allocations will provide in excess of the 'B1' requirements of the plan, both in terms of overall quantum and variety of building typologies.
- 6.3.27 On this basis, it is considered that there is no evidence of a quantitative or qualitative need for the employment elements of the proposals and having regard to the proximity of allocated sites, there is no locational advantage to these proposals.
- 6.3.28 The Application site is not considered to be a sustainable location for a significant level of office floorspace, which with higher employment densities, should be focussed in locations with greater accessibility to a range of transport choices. Whilst there is likely to be a proportion of jobs taken by residents of the site, it is expected that the employment elements of the site will principally attract staff from the wider employment catchment.
- 6.3.29 To provide significant levels of office accommodation in a location such as the Application Site also risks an adverse impact upon the economic regeneration of the town centre.
- 6.3.30 Whilst the Applicant has referred to elements such as a food and drink hub and business incubator units, which may offer support to existing or new rural businesses, in the absence of a detailed evidence-base for any need for such accommodation and no evidence of a specific un-met demand, limited weight can be afforded to their potential.

#### **Other Commercial Uses**

- 6.3.31 In addition to the main employment area, the development includes further commercial uses in the form of (i) the local centre and (ii) a hotel adjacent to the showground.
- 6.3.32 The local centre is a necessary element of the overall masterplan in providing a range of retail and related units to meet the daily needs of residents and employees within the scheme and having regard to the site's relatively unsustainable location, it will reduce their need to travel for basic essential services.
- 6.3.33 The proposed hotel would be located adjacent to the showground entrance. Hotels are capable of providing economic benefits as they support both leisure tourism and business activity. A location adjacent to the showground would arguably provide a beneficial synergy. However, the established policy approach for hotel uses is to seek sequentially preferable locations such as the town centre or established locations such as Eclipse Park.
- 6.3.34 The Applicant has not provided any evidence to demonstrate that there is a quantitative need for additional hotel accommodation that would outweigh the

cumulative impact that the hotel complex would have on the character of the AONB; nor have they provided a sequential assessment to show that more sustainable locations are not available. As such, not only would this element of the scheme contribute to cumulative harm to the AONB, but it would also be contrary to the spatial objectives of the Local Plan, which seek to transform the offer, vitality and viability of Maidstone town centre, including its office, retail, residential, leisure, cultural and tourism functions and to provide a variety of well-integrated attractions including, leisure, tourism, and cultural facilities.

## **Education and Community**

### Education

- 6.3.35 The provision of a 2FE primary school primarily meets the needs of the development, providing a facility easily accessible on foot to any new community. It may also provide a closer option for some of the surrounding rural community, but no evidence has been put forward by KCC of a specific shortfall. As such no material public benefit arises that outweighs overall harm that the development as a whole will cause.
- 6.3.36 The development is not large enough to require a secondary school on-site. KCC advise that they would expand an existing school within the urban area, but do not provide any evidence of which location and whether physical capacity exists. Inevitably such a location would not suit pupils wishing to walk or cycle and would be dependent upon a further dedicated bus service in order to avoid a high proportion of car trips.
- 6.3.37 With regard to the SEN facility, weight could be provided to a facility that met a need for conditions such as autism that extended beyond the needs of the development and made a material contribution to an un-met need. The Applicant advises that the National Autistic Society (NAS) has signed a contract for the delivery of the facility and that it would cater for special educational needs up to the age of 25, for which they suggest there is a gap in statutory provision. In addition, they state that the facility would provide further SRP support to pupils with additional needs within mainstream education.
- 6.3.38 The Applicant also advises that the latest data from KCC shows a total of 23 SRP places within existing schools within the Borough, with 8 places at East Borough Primary School and 15 at Langley Park Primary, but with a need of c.185 spaces. It is suggested that KCC's data also shows an acute shortage of SRP support for ASC pupils across the County. (KCC has not commented on this element of the scheme)

### Community Uses

- 6.3.39 In terms of community and health provision, whilst the CCG do not require a GP surgery on the site, the inclusion of community facilities would be an expected

provision for a development of this scale and its distance from the nearest settlements.

- 6.3.40 KCC identify that having regard to the site’s location, they would look to provide a series of ‘remote/mobile’ services. If permission were to be granted, it may be necessary to investigate whether this needed to be addressed through s106 or CIL funding.

### **Sports, Recreation and Open Space**

#### Proposed Open Space

- 6.3.41 The provision of open space is an essential element in creating a sustainable community and providing an environment that supports health and well-being.
- 6.3.42 Much of the detail of the open spaces would be designed at the reserved matters stage, however, the Application includes open space parameters which indicate minimum areas for open space provision and identifies general open space typologies.

The table below provides a comparison between what is proposed in the development against the requirements of Policy DM19. It can be seen that the proposals are broadly compliant with policy and in some areas exceed the requirement.

	<b>Proposed (ha)</b>	<b>DM19 Requirement (ha)</b>
Amenity Green Space	22.37	2.87
Children’s Play	1.0	1.03
Allotments	0.97	0.82
<b>Sub Total</b>	<b>24.34</b>	<b>4.72</b>
Sports	7.07*	6.57
Semi/Natural	64.72**	26.69
<b>Total</b>	<b>96.13</b>	<b>37.98</b>

\* The sports provision is limited to one sporting activity, ie, RFU

\*\* Not all of the semi/natural open space would be publicly accessible

- 6.3.43 Within the scheme there are areas of open space, the principal function of which is to provide screening of the development, there are also areas of habitat such as retained / enhanced woodland. Within these areas access to the public for recreational purposes would be limited in order to prioritise biodiversity.
- 6.3.44 In terms of accessible open space, the parameters define a series of green (non-vehicular) corridors that intersect the various residential character areas. These connect a number of larger open spaces such as village greens that will provide

useable spaces as well as visual hubs across the site. Within six of these areas, dedicated children's play areas are planned.

- 6.3.45 It is considered that these broad parameters would allow for the creation of a network of open space areas allowing future residents to move through much of the development without the need to encounter trafficked areas.
- 6.3.46 A new country park would form the major element of the semi-natural open space at 50ha. This is sited along the Cox Valley, but also connects via a green corridor around the northern perimeter to the sports hub. Circa 15 ha of the country park is ancient woodland within which public access would be restricted and additional buffers created.
- 6.3.47 The creation of a country park of this scale is a significant benefit to the scheme and will provide future residents with a 'doorstep' area of semi/natural parkland which exceeds the requirements of Policy DM19. Although the population density in the wider area is very low, in being connected to the existing PRoW network, the new country park would also serve as a benefit to existing nearby residents and others that use the PRoW network in the locality for recreational purposes.
- 6.3.48 In addition to the new country park, a bridge would provide a footway / bridle connection over the A249 to connect to the existing White Horse Country Park. Having regard to the severance impacts of the A249, it is considered that subject to appropriate connections on either side, the new bridge connection would be a material benefit to users of the respective PRoW and country park users on both sides of the A249.
- 6.3.49 Two allotment areas are proposed at circa 0.4-0.5 ha each. Whilst these are individually below the indicative minimum threshold of 0.66 ha, they are reasonably close together and of a size that would provide useful community gardens/growing areas and it is considered that they would contribute to health and wellbeing objectives.
- 6.3.50 The area around the current NATS beacon is shown as a future green amenity area and is a large area with flexibility to accommodate a number of recreational activities. At this stage it is expected that this area will only be available once the operational beacons are decommissioned. If there were to be any material delay in the availability of this open space, it may be necessary to review the phasing of development and potentially the overall quantum of housing.
- 6.3.51 In terms of the NATS facility, even if this area of pen space is not immediately opened up to public use, what is currently a remote facility will sit adjacent to a growing residential and working population. Officers consider that there would be an increased risk of encroachment, vandalism or accidental damage and were permission to be granted we would expect to see a strategy to ensure it is protected.

6.3.52 A key feature of the open space strategy promoted by The Applicant is that the open space on the site would be managed by the Land Trust. It is indicated that the Trust would take freehold ownership of the open spaces and be responsible for their long-term stewardship. The Trust indicate that their model encourages engagement with local groups to create a community-based management regime.

6.3.53 This is considered to be a proactive approach to the longer-term management of open space, although Officers would wish to see further details of how the long-term finance element of this stewardship is secured.

#### Sports

6.3.54 In addition to the informal recreation opportunities afforded by the proposed open spaces across the site, the Application proposes a dedicated Sports Hub that would provide a new 'home' for Maidstone Rugby (Union) Club.

6.3.55 Whilst a sporting development plan has not been submitted in support of the application (which would identify existing constraints and future opportunities in more detail), Officers consider that the provision of a dedicated sports hub for the Rugby Club would provide a number of benefits, for example:

- Providing the club with security of tenure in the long-term
- A clubhouse that would have:
  - dedicated facilities for both male and female teams
  - enhanced accommodation for relevant education, training and fitness
  - opportunities to improve revenue to underpin club investment
- Improving the quality and number of pitches available for both matchday and training
- The ability to enhance the range of teams across both age ranges and gender – enabling an increased level of participation in sport
- Enabling an increased use of pitch time

6.3.56 Sport England confirm that both they and the Rugby Football Union recognise that the existing operation of the Club is constrained, including pitch access and thus support this element of the proposals.

6.3.57 In order to conclude on the level of weight that could be afforded to this element of the scheme, Officers consider that the submission of a sporting development plan is necessary, together with further evidence to demonstrate that the impacts of this element of the scheme, particularly on the PRoW and artificial lighting are appropriately mitigated.

## 6.4 QUALITY OF DESIGN / PLACE-MAKING POLICIES

### Assessment

- 6.4.1 Whilst this is an outline application where detailed design matters are not for consideration, it is nevertheless important to assess whether the various parameters offer comfort that through future design codes and reserved matters, will it be possible to (i) achieve the quantum of development sought and (ii) deliver a high-quality place. In this context the NPPF states:

*126 the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*

*134 Development that is not well designed should be refused*

### Context

- 6.4.2 Having regard to the emphasis upon creating sustainable communities, the fact the site is not located adjacent to an existing urban area, RSC or larger village, means that it does not offer the opportunity to be able to integrate with existing communities or their infrastructure. This places an additional burden on the need for the development to be able to demonstrate that it can create a community in itself, reduce the need to travel and provide appropriate amenities for all sections of the community. In effect the demands of place-making are a significant challenge.
- 6.4.3 Being located within a rural area the site also faces the challenge of being able to ensure that it respects its setting. Whilst we identify above that visual impacts can, to some extent be moderated by new screening, the impacts upon the character of the countryside remain significantly harmful. This adverse impact is significantly amplified due to the site's location with a designated landscape.
- 6.4.4 The need for development to integrate with its surroundings is a requirement of BfL 12 and the National Design Codes, but the Application is considered to fail in this respect. In terms of garden community principles, by their very nature, such developments will normally require significant areas of greenfield land and therefore the expectation is that they are able to deliver enhancements to the natural environment. Having regard to the weight that is attached to the function and quality of the AONB and the test in NPPF 177b to seek locations with less environmental sensitivity, it is considered that the scheme fails to demonstrate that this is an appropriate location.

6.4.5 In contrast to its rural surrounding the development represents a large, dense urban mass that is out of character with the dispersed pattern of development in the surrounding countryside.

#### Garden Community Principles

6.4.6 Whilst this Application is not specifically promoted as a garden community, it implies that it has been developed using garden community principles and in size terms it would lie towards the lower end of what could possibly be considered to be a garden community. One of the fundamental principles of a successful garden community is the principle of long-term leadership and stewardship. The proposal for the Lands Trust to control the open spaces is in this respect positive, subject to further evidence, ie, a funding mechanism, that this is a viable long-term position.

6.4.7 However, there is no further information to indicate how the development as a whole would be managed. Whilst an estate management strategy might suit a smaller development, with, for example, a Board comprising estate management specialists and representative from each part of the community, ie, residents, employers and commercial uses, no such structure has been put forward.

6.4.8 There are other garden community principles that the scheme does adopt, and these include:

- The creation of a walkable community, including access to employment – although as indicated above, the development is otherwise isolated
- Promoting BNG and zero carbon technology
- Integration of public transport

6.4.9 Were permission to be granted, it is considered that this should be subject to the Applicant providing a framework to cover longer-term stewardship of the site as a whole, with an emphasis upon building community cohesion and the promotion of sustainable living. Such a framework should be integrated with other elements such as green travel plan measures.

#### Parameters

6.4.10 As an outline application subject to EIA, the scheme is defined by a series of parameters which describe, for example, street routes and hierarchies, minimum areas of open space and their location, maximum built parameter boundaries by land use, plus densities and heights.

6.4.11 The purpose of the parameters is to allow the LPA to assess, for example, the capacity of the site to accommodate the quantum of development suggested, the quality of place-making and its potential impacts upon the environment.

6.4.12 The broad land use parameters are logical, for example, placing commercial uses closer to the A249, locating the hotel close to the showground and placing

the community hub close to the site access and between the two main residential areas. A distinct self-build area is also logical as this allows for phased build-out and avoids conflicts with traditional housebuilder delivery.

6.4.13 Notwithstanding its landscape and AONB impacts, were the development as a whole to be considered to be acceptable, the location of the sports hub away from the denser parts of the residential development and close to the main site access is reasonable.

6.4.14 The educational uses are located on northern fringe of the site, such that their playing fields face onto the country park and away from residential neighbours. The Applicant suggest that this will allow interaction with the country park. This is understandable, but the adjacency to the industrial estate is not ideal.

#### Design Codes

6.4.15 For a large-scale development such as this, whilst matters of detail are reserved, it is nevertheless necessary to assess whether the development is capable of delivering an appropriate quality of design, including contextual responses to materials etc.

6.4.16 The submitted DAS provides indicative character areas and 'vignettes' of how particular elements of the development might appear. These tend to focus upon areas incorporating open spaces and do not refer in any detail to the main housing areas.

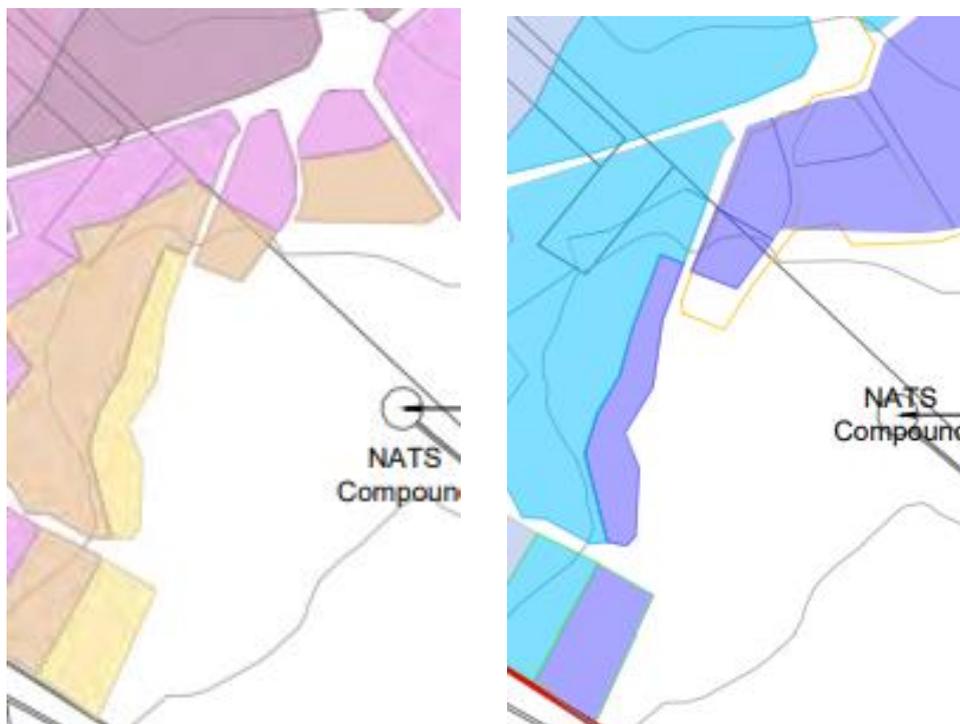
6.4.17 Having regard to officer concerns below relating to the overall densities, it is considered that further evidence would be necessary, illustrating the capacity of the housing areas and the resulting design characteristics, in order to demonstrate that an acceptable environment and quality of design could be achieved.

6.4.18 These should be provided ahead of any decision to permit and should then be encapsulated in a condition requiring design codes to be approved ahead of the submission of reserved matters.

#### Density and Height

6.4.19 Officers consider that there is a potential conflict between, for example, density and height parameters. The extracts from the parameter plans below illustrate this. On the left are height parameters. The lightest colour is a low height single storey parameter, the darkest is up to four storeys. The low heights are driven by proximity to the NATS equipment and the current need to limit heights to protect their operational integrity.

6.4.20 In contrast, on the right is the density parameter plan, the darker being 45-60 dph, the mid-tone range being 35-45 dph.



6.4.21 Whilst higher residential densities might be appropriate away from the more sensitive site edges, it is not logical that very low heights and higher densities would coincide. The significance is that this raises further questions as to the achievable site capacity and whether this affects the viability of development and delivery of infrastructure.

6.4.22 In addition, the overall densities across the site are high, with an average density of 38 dph more akin to an urban/suburban context, rather than a rural AONB site. A significant proportion of the site is shown at the higher density range of 45-60 dph and the medium 35-45 dph. This is considered to be very high and excessive having regard to the sensitive setting of the site.

6.4.23 Officers are concerned that a development at these densities would struggle to deliver quality in terms of place-making features such as landscaping, street trees, car parking and the dense form of development would contrast with its rural setting.

#### Open Space Parameters

6.4.24 As assessed above, it is considered that the overall level of open space proposed has the potential to support the level of residential development proposed, but there are some reservations:

- A meaningful proportion of the 'amenity green space' lies adjacent to the A249 frontage where its useability and attractiveness would be limited
- A significant proportion lies within the NATS exclusion area and may not be available until the facility is fully de-commissioned

- The proportion of the country park, circa 30% +, which not accessible as it is ancient woodland, reduces the overall level of accessible open space
- The fact that densities appear high and therefore place greater pressure on communal amenity areas, particularly those within the development parcels.

6.4.25 However, these potential limitations need to be balanced against:

- The provision of and access to sporting facilities on-site
- The provision of a 'doorstep' country park
- Connections to the wider countryside via the PRow network

6.4.26 On balance, it is considered that were the development to proceed, subject to addressing the above points, in particular the densities proposed, the level of open space proposed would be capable of contributing positively to wellbeing.

#### Conclusion

6.4.27 Having regard to the above assessment, whilst there are many positive aspects to the masterplan parameters, Officers consider that further evidence would be necessary to (i) demonstrate that the site has capacity to deliver the maximum number at a high quality and that (ii) other matters raised in this chapter such as proximity to the industrial estate are addressed.

## **6.5 ACCESS AND TRANSPORT**

### Existing Conditions

6.5.1 The site is located within the open countryside, circa 7.5km north of the town centre. It is remote from any village or service centre with only isolated roadside services on the A249.

6.5.2 Bus services that pass the site start and terminate at Maidstone Bus Station. The nearest train stations are Bearsted at circa 6.5km and Maidstone East at 7.5km. Neither has direct connection to the site via bus services.

6.5.3 The site is not considered to be a highly sustainable location, with, for the scale of development proposed limited passing bus services and no adjacent stops, no nearby rail connections and a poor pedestrian / cycle environment, particularly in terms of connectivity to the urban area. There are a number of PRow within or nearby the site, but these serve as principally local recreational routes rather than affording access to local centres or services. The road environment for cyclists is poor due to the scale and speed of traffic on the A249 and also the harsh topography of the scarp slope.

6.5.4 Traffic flows on the A249 are heavy, with pre-2019 surveys advising:

- During the AM Peak hour flows indicate that 1,700 vehicles headed northbound and 2,300 vehicles southbound with 1,600 vehicles entering the M20 J7.
- In the PM Peak hour period, northbound movements were 2,400 vehicles with 1,600 vehicles travel south, with 1,500 vehicles utilising the M20 J7.

In addition to the existing traffic levels, account must be taken of the future impact of growth from committed development within both Maidstone and Swale Boroughs.

#### Proposed Site Access

- 6.5.5 The principal access point to the site would be via a new junction on the A249 that would replace the existing layby that serves the AIE and which also connects Bimbury Lane to the A249. The new grade separated 'all movement' junction would essentially comprise new on/off slip roads on both carriageways of the A249, connected beneath the A249 by a new underpass.
- 6.5.6 This new junction will also allow southbound traffic on the A249 to access the showground without either (i) having to first return via M20 J7 or (ii) attempting right hand or u-turns at the existing uncontrolled junction with Scragged Oak Road, which is a known accident risk; indeed, all entry/exit movements from Scragged Oak Road will be removed, thereby removing any accident risks.
- 6.5.7 The new main access will also serve the industrial estate, which at present can be accessed via either the slip road for northbound traffic or southbound by uncontrolled right hand turn movements across the opposite carriageway. As such HGV and other movements associated with the AIE would be managed in a manner that is an improvement to the existing and improves safety.
- 6.5.8 A secondary dedicated access to the showground will replace the existing access point and will include a deceleration lane for traffic slowing to turn into the KCAS site from the northbound carriageway.
- 6.5.9 On the southern part of the site a new KCAS overspill parking area is proposed.
- 6.5.10 In summary, the principle of the proposed access points will not only serve the proposed development itself, but also offer improvement to both the showground and the AIE, not only reducing accident risks but also ensuring that the free flow of traffic on the A249 is not obstructed.

#### Park & Ride

- 6.5.11 As part of the scheme a park and ride facility is proposed, which the Applicant suggests will encourage residents, occupiers and visitors to the site to reduce their level of private car usage. The Applicant also suggests that it would divert some traffic off the Maidstone bound A249.

6.5.12 Officers consider that the latter benefit is not likely to have any material impact in that:

- Only a modest amount of southbound traffic on the A249 continues into the town centre, with the majority either heading north on the M20 or heading to the Bearsted Road
- There would be significant impacts on journey time for commuters having to (i) exit the A249 and enter the site, park, wait, board a bus that then re-joins the highway where they left
- With proposed off-site mitigation works reducing queuing on Detling Hill at the approach to J7, there will be a lesser incentive for car-borne commuters to use a P&R system.

KCC Highways concur with this view.

6.5.13 Although the P&R may be of limited benefit to existing users on the A249, it is considered that having regard to the site's location, the significant distances to the nearest rail stations and the limited existing bus services, a park and ride / 'kiss and ride' scheme would be an essential element of any successful sustainable transport strategy for a new settlement in this location. The dovetailing of existing twice hourly services on the A249 with new dedicated P&R buses would create an acceptable 15min frequency of services.

6.5.14 However, the submitted business plan assessment for a P&R on the site was undertaken in 2016, with only brief expressions of support from bus operators. In order to conclude any assessment on the effectiveness of such a scheme, Officers consider that further information would need to be provided in relation to:

- A fresh up-to-date business plan
- Evidence of commitment from existing bus operators, particularly having regard to the closure of the Town's other P&R schemes
- The mechanism to introduce and retain dedicated buses
- The ring fencing of funding/subsidy of the scheme for an acceptable period to address (i) the completion of all phases of the development and (ii) the scheme reaching self-sufficiency
- The manner in which the scheme will be integrated into the travel plan and associated incentives, for example, free or subsidised use for residents for an initial period.

6.5.15 The final highways element of the scheme is the proposed footbridge / bridleway crossing which, for recreational pedestrians using the PRow network, parties wishing to move between the two country parks and horse riders will address the current severance effect of the A249.

#### Off Site Works

6.5.16 A number of off-site improvements and other mitigation measures are proposed and include:

- Widening of the M20 J7 roundabout
- If necessary the Applicant is willing forward fund any budget deficit for the J7 signalisation scheme
- Provision of a bus priority lane on the southbound A249 approach to J7
- Removal of the right hand turn in/out movements at the A249 junction with Scragged Oak Lane
- A new foot/cycleway fronting KCAS
- A249 (Chiltern Hundreds) roundabout improvement scheme
- Enhanced bus services on the A249 corridor, increasing the frequency of the 334 route from 2 to 4 services p/hour
- Bus and emergency vehicle only entry into Pilgrims Way Detling

### Traffic Modelling and Impacts

6.5.17 The study area for potential traffic impact assessments includes

- A249 M20 to M2 corridor
- M2 J5, M20, J7, and their slip roads
- Bearsted Road / New Cut Road
- Sittingbourne Road / Chiltern Hundreds

6.5.18 Having regard to the original date of submission of this application, the relevant highway authorities requested updated survey data and modelling on account of the original survey data going back to 2016. The collection of revised traffic data has been compounded by factors including the impacts of Covid on traffic and, in particular, peak hour travel to work movements. As such the modelling of impacts and the assessment by the Highway Authorities has been an iterative process throughout the application period.

6.5.19 Modelling in relation to the capacity of J7 as part of the preparation of MBLP 17 identified necessary mitigation in the form of a signalisation scheme; funding contributions for which are secured through s106 payments from a number of Adopted LP site allocations, including SW Maidstone housing sites and KIMS. Modelling shows that this would deliver some betterment, ie, capacity above the impacts of those MBLP 17 allocations. However, this is not in itself sufficient to mitigate the impacts of the proposed Binbury Park development and in order to create sufficient capacity at M20 J7, the transport assessment identifies the need for an additional lane widening on the over-M20 roundabout bridge (in addition to the signalisation scheme).

6.5.20 As there is no current timeframe for the implementation of the J7 signalisation scheme, the Applicant has advised that they would be willing to plug any funding gap, ie, the financial gap between scheme costs and current s106 income. Arguably this would be a benefit as it would bring forward MBLP 17 infrastructure sooner, although this would inevitably depend upon the timeframe differences between the Applicant delivering and s106-led funding. As such, if the development were to proceed, Officers would expect the J7 scheme to be prioritised in terms of the overall development programme.

- 6.5.21 The Applicant advises that modelling shows that with these two improvements, even taking into account the additional traffic generated by Binbury Park, there would be improvement over the 'no development' scenario with queuing on all four arms significantly reduced. The Applicant suggests that this represents a betterment over and above the necessary scheme-led mitigation, with the primary benefit being on the local road network (LRN), but also some beneficial impacts on the SRN. In discussions with National Highways, they have suggested that whilst J7 is congested and that with committed development it will get worse, there is no evidence to suggest that it will become unsafe and impact on the SRN (motorways) without the Applicant's works.
- 6.5.22 On this basis, National Highways advise that whilst the Development will be able to mitigate its impacts, there is no significant additional benefit to the SRN.
- 6.5.23 With regard to the M2 J5, which lies to the north within Swale BC, the predicted impacts are circa 4% additional traffic. The Applicant has carried out further modelling to take account of the junction scheme that is now being implemented and National Highways have confirmed that whilst the capacity of the Junction can accommodate traffic generated by the development, there are adverse impacts on 3 out of 4 of the M2 on/off slips. As yet National Highways have not agreed the extent of any necessary mitigation with the Applicant and have issued a holding objection.
- 6.5.24 The Applicant has agreed to improvements to the Chiltern Hundreds roundabout, with additional lanes added to both the Sittingbourne Road and Penenden Heath Road arms in order to reduce queuing.
- 6.5.25 The Applicant also seeks to place weight upon benefits to the general A249 corridor. They highlight KCC's Local Transport Plan 4: Delivering Growth without Gridlock 2016–2031 which identifies a 'Bifurcation of Port Traffic' as both a strategic and national priority. The Applicant asserts that in addition to improvements to the efficiency of J7, they also contribute to this LTP objective by addressing the following issues:
- Traffic flow and safety on the A249 is adversely affected by existing conditions including:
    - Removal of right hand turn movements of HGV traffic across the northbound A249 entering the AIE slip road
    - Limited visibility of HGV and other traffic merging onto the A249 from the AIE slip road
    - Removal of right hand turn movements of traffic both into and out of Scragged Oak Lane onto / off the A249.
- 6.5.26 Members should note that in addition to the above operational phase impact assessment, there would inevitably be significant construction phase impacts associated with the construction of the site accesses and other works to the A249 and wider network. These impacts will principally be temporary but would involve additional delays and congestion principally on the A249 corridor. Having regard to the nature of the junction design, there are no alternatives

that would avoid this short-term impact and it would be for the Highway Authorities to seek to secure timing and phasing of works to ensure that adverse impacts are minimised as far as possible.

### Conclusions

- 6.5.27 The assessments demonstrate that with the mitigation proposed, the development would not result in any significant / severe adverse impacts on the surrounding highway network, indeed, that there would be improvements at the M20 J7 in the form of increased capacity and reduced queuing. The Applicant advises that in addition to the J7 widening scheme, they would also address the funding gap on the committed J7 signalisation scheme, allowing this MBLP 17 infrastructure scheme to come forward earlier than currently anticipated. This would be a particular benefit, should funding for that scheme be delayed. However, National Highways advise that there is no evidence that J7 is approaching unsafe conditions.
- 6.5.28 There will be notable local improvements to the safety of users on the A249 and the reduction in the impacts of showground events on the free flow of traffic on the wider network. This is material in the context of not simply highway safety the County Council's LTP4 identified above.
- 6.5.29 Officers consider that there are clear benefits associated with the removal of movements that affect the safety of users of the A249 and measures which assist in improving traffic flows along the A249. This includes benefits associated with J7 and the showground. However, in the absence of data to demonstrate accident records at the specific points of improvement, it is difficult to assert more than moderate weight to these improvements.

## **6.6 INFRASTRUCTURE**

- 6.6.1 Section 216(2) of the 2008 Planning Act defines "infrastructure" as:
- (a) roads and other transport facilities .....
  - (c) schools and other educational facilities
  - (d) medical facilities
  - (e) sporting and recreational facilities
  - (f) open spaces
- (the provision of affordable housing was deleted by the CIL Regulations and Localism Act)
- 6.6.2 Regulation 122 of the CIL Regulations and the Localism Act sets out three tests that must be applied, where a planning obligation is cited as a reason for granting planning permission, namely, that it is:
- (i) necessary to make the development acceptable in planning terms;
  - (ii) directly related to the development; and
  - (iii) fairly and reasonably related in scale and kind to the development.

6.6.3 The Courts have simplified the definition of infrastructure as “that which facilitates”. This is particularly relevant as it extends the definition of infrastructure from not simply physical works, but to the wider interpretation of capital investment as the ‘funding of’. This was clarified by Regulation 59(1) of which reads:

*59(1) A charging authority must apply CIL to funding [the provision, improvement, replacement, operation or maintenance of] infrastructure to support the development of its area.*

6.6.4 Case law on planning obligations is clear that an offered planning obligation which has nothing to do with the development save that it is offered by the developer will not be a material consideration. It also guides that if there is more than a de minimis connection between the proposed development and the planning obligations then it is for the decision maker to determine the extent to which the planning obligations affect the decision

6.6.5 Should the development be considered to be acceptable, then some elements of infrastructure impacts would be covered by CIL income generated by the development, however, a key requirement of a garden settlement is that the scheme is able to capture land value change in order that infrastructure investment can principally be met by the developer.

6.6.6 The level of any CIL income would ultimately depend upon the mix of house types, tenure and sizes, but with a typical 3-bed unit measuring say 85 sq.m, the development could yield in the region of £8 - 8.5 million in CIL income (The Applicant suggests that it could be closer to £10 million), the receipts for which would be received over the phasing of the overall development.

6.6.7 As detailed in the preceding sections, there are elements of both on and off-site infrastructure that are either necessary to make the development acceptable, or which are enabled by the scheme. However, it is important that in reviewing these, Members have regard to the guidance in, for example, the Community Infrastructure Levy Regulations 2010, which notably place restrictions on the role of planning obligations where they may constitute a reason for granting planning permission. This is particularly the case where an authority has a CIL regime in effect in its area.

6.6.8 The new principal site access is necessary in order to ensure that traffic generated by the development is able to safely exit / enter the highway network. As identified in 6.5 above, the Highway Authority considers the location and design to be acceptable.

6.6.9 In addition to serving the proposed development, the access will also serve traffic that would:

- enter / exit the aerodrome industrial estate
- enter / Bimbury Lane
- access the showground from the southbound A249 and exit northbound

- 6.6.10 The AIE attracts a significant number of HGV movements, including right hand turn movements into the site across the northbound carriageway, which is a potential safety risk having regard to the 70 mph speed limit. Similarly local traffic accessing Bimbury Lane also uses this manoeuvre.
- 6.6.11 Traffic approaching the showground from the north currently has to continue to M20 J7 before returning up the M20. On larger event delays this results in considerable congestion on both carriageways. The new northbound access to the showground will, together with the principal site access, assist in addressing the impacts of this on flows on the A249. It will allow improved access to the showground site and reduce the impact of queuing on the northbound carriageway which can have significant impact on traffic navigating the steep scarp incline. Together the two junctions also allow more responsive traffic management when there are peak flows into the showground.
- 6.6.12 The removal of right-hand turn movements into an out of Scragged Oak lane, whilst off site, are an integral element of the proposed site access scheme.
- 6.6.13 Removing all of these uncontrolled movements and congestion will provide safety and congestion benefits in terms of the LRN.
- 6.6.14 As previously discussed, it is not considered that the P&R scheme will have a significant impact on existing traffic on the network, but is essential in terms of contributing to the sustainability of the proposed development, with EV buses assisting in reducing the climate change impacts. However, for these reasons, whilst the P&R would contribute to the sustainability of the development, it provides limited wider benefits.
- 6.6.15 The proposed pedestrian bridge over the A249 would connect existing PRoW that are currently severed by the A249. This is beneficial to PRoW users and will encourage connectivity between the two country parks. It will also contribute materially to the recreational objectives of AONB designation.

#### Highways and Transport (off site)

- A249 (M20 J7 approach) widening scheme / bus lane
  - M20 J7 improvement scheme – signalisation and widening
  - A249 (Chiltern Hundreds) roundabout improvement scheme
  - Bus service enhancement contribution / A249 bus stops contribution
- 6.6.16 The widening of the southbound approach to J7 is effectively part of the Applicant's park and ride mitigation scheme, by making the service more attractive to users by allowing a dedicated lane on the approach to the M20. This benefit would serve existing bus services on the A249.
- 6.6.17 However, as the modelling of improvements to J7 would reduce queuing to negligible levels, it is not considered that this infrastructure contribution is either

necessary or result in material benefits. As such it is not considered that this element would afford limited weight in the overall assessment.

- 6.6.18 As discussed above, The Applicant proposes to co-join the planned J7 signalisation scheme into their necessary mitigation scheme to widen the roundabout to provide an additional lane. Whilst the J7 signalisation is a committed infrastructure project, the proposed development at Binbury Park could not proceed without both elements and therefore, if the development is to proceed early, as The Applicant suggests, they would need to enable the delivery of both elements of the improvement scheme.
- 6.6.19 Nevertheless, having regard to the fact that the works are necessary to mitigate the impacts of the development and that National Highways consider there to be no material benefits to the SRN it is considered that benefits associated with the improvement of J7 are at best moderate.
- 6.6.20 The improvement of the Chiltern Hundreds Roundabout are necessary to mitigate the impacts of the development. However, their benefit over and above this is negligible.

#### Education

- Land and funding / delivery scheme for a 2FE primary school
  - Serviced plot and £1m contribution to the NAS
- 6.6.21 As identified in the preceding sections of this report, educational facilities are necessary infrastructure, indeed essential social infrastructure, particularly for a relatively isolated site.
- 6.6.22 The proposed 2FE primary school must be on-site as this age group is highly dependent upon proximity. Whilst the capacity of the proposed primary school exceeds the needs of the development, 2FE is the minimum necessary. The weight that might be applied to the additional capacity serving the surrounding rural community, is (i) limited by the lack of evidence and (ii) the fact that the development is not easily accessible by non-car modes from the surrounding rural area.
- 6.6.23 The development would generate a need for secondary school places. KCC assume that this need would be met through any associated CIL income, however, as highlighted above, there is no evidence as to how the needs of the development would be met and the impact that this may have upon the existing secondary network.
- 6.6.24 As such, the secondary education impacts of the development are considered to be neutral to potentially adverse.
- 6.6.25 The Applicant seeks to place significant weight on the provision of an SEN facility, which is supported by the National Autistic Society (NAS). The Applicant

would provide a serviced plot of land and a £1m seed-funding contribution to development costs, the remainder being provided by NAS. However, only limited evidence is provided in relation to need and the benefits arising, which undermines the overall level of weight than can be afforded to this element of the proposals.

Sports & Open Space (on site)

- Delivery scheme for 50ha new country park
- Delivery strategy for Maidstone Rugby Club and £2m financial contribution (total costs £4.3m)
- (off site) Unspecified contributions towards improvements to the White Horse Country park

6.6.26 As identified above, the proposed new country park that is proposed within the application site exceeds the needs of the development (subject to deductions for non-accessible areas such as ancient woodland) and would also be a benefit to the surrounding rural community and users of the PRoW network, particularly west of the A249. However, there is already an adjacent country park on the east side of the A249 and no evidence is provided to suggest that it is suffering from over-use; which undermines the weight that can be attached to the benefits that this element provides beyond mitigating the needs of the development.

6.6.27 The delivery of new sports hub, in terms of sporting need and health and wellbeing objectives, is a significant piece of infrastructure that has the potential to deliver significant public benefits. This would be enhanced through a community access agreement that could be secured through a s106 agreement to allow access for other sporting groups.

6.6.28 However, as highlighted above, this element of the Planning Application is supported by very limited information in respect of, for example, the deficits of the rugby club's existing facilities, the impacts that this has upon their ability to deliver sport and wellbeing programmes and the benefits that would arise from this new facility.

6.6.29 Whilst it is accepted that such a facility would, by its nature, require a greenfield location, the Planning Application provides no evidence that there has been an alternative site search to demonstrate that it could be provided in a less significant and less sensitive landscape. This further serves to undermine the weight that can be applied to this element.

## **6.7 HERITAGE**

- 6.7.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty upon decision makers to have special regard to the desirability of preserving the setting of a listed building.
- 6.7.2 In assessing proposals that may affect a Scheduled Monument, the decision-maker must give great weight to their conservation and in cases that would lead to less than substantial harm to the significance of a Scheduled Monument the harm will be weighed against the public benefits of the proposal.
- 6.7.3 In addition to their intrinsic value, ancient monuments can contribute to our perceptions of cultural identity and spirit of place, including the character of our landscapes and seascapes. In doing so they provide unique opportunities for research, education, leisure and tourism, delivering social benefits and contributing to economic growth.
- 6.7.4 The NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including their setting and take this assessment into account when considering the impact of a proposal. The NPPF also requires that when considering the impact of a proposal on a heritage asset, the Council should first consider whether the development has sought to minimise any impacts through its design, before considering what the residual level of harm may be.
- 6.7.5 There are a number of designated and non-designated heritage assets within the Application Site. Binbury Castle, a motte and bailey is a scheduled monument whilst Bimbury Manor is GII listed. They are located immediately to the north of the AIE. Non-designated assets include a series of wartime defensive structures. Within the wider area there a number of individual listed buildings, mainly GII.
- 6.7.6 The Castle's remains comprise a substantial mound (the motte) a surrounding moat, the eastern part of which has been infilled. The castle bailey lies to the south-east and includes the bailey walls and the upstanding remains of a tower, which was later incorporated into the medieval Bimbury Manor. The Manor is identified on Historic England's register as a '*building at risk*'. Both features are considered to possess a high evidential value
- 6.7.7 Non-designated assets include both above and below ground elements including pillboxes, shelters, trench, a coalhouse, bomb stores and other structures. Geophysical surveys carried out by the Applicant identify covered/buried features such as the former runway, anti-invasion trenches, and Pickett Hamilton forts (a rising pillbox). A blister hanger remains towards the site's north east boundary, although this is believed to have been moved here from its original position.
- 6.7.8 The setting of the Castle / Manor are already adversely affected by the existing AIE, which lies immediately to the south, but which will serve to screen the

majority of the development site. Their relationship to the dry valley to the north and north east, which almost certainly conceived this as a defensive position will generally be preserved. The principal impacts will arise from the proposed school buildings, which although separated by open playing fields, are larger building blocks. Historic England consider the harm to be less than substantial; MBC Officers consider it to be at the lower end and that impacts can be reduced through effective landscaping.

- 6.7.9 Regard also needs to be had to the proposed restoration works, which will reveal their significance and allow further study. This in itself represents a heritage benefit that could be considered to partly offset any harm. That said, at this stage the weight to be afforded is undermined by the lack of detail. However, were planning permission to be granted, further detail could be secured through a pre-commencement condition.
- 6.7.10 With regard to the non-designated assets, their significance is derived from multiple periods. Firstly their role as part of the Chatham Land Front and more recently as part of the sites airfield history. The surviving airfield defensive structures show evidence of design evolution and thus offer both historical and evidential value. The Pickett-Hamilton forts are rare and for Detling to retain three is of national significance.
- 6.7.11 There is a disagreement between The Applicants and both KCC and Historic England, the latter considering the potential loss to be significant with substantial harm arising. The Applicant commissioned a further assessment of the structures and the ability for them to be retained. It identifies that in the main, they can be retained, the majority not lying within the main development areas, but where they do, that they could be incorporated into areas of public open space. Their setting would inevitably change, but having regard to the historic landscape value of the airfield being eroded and subject to a strategy for, for example, future interpretation, it is considered that impacts could be mitigated.
- 6.7.12 However, Officers do not consider that the retention of wartime assets and their future setting has been adequately transferred into the development parameters and at this stage, further information would be necessary in order to confirm that there will be a high level of retention and that their resulting setting was appropriate. Subject to this, Officers consider that on-balance, there would be 'less than substantial' harm to the designated heritage assets and moderate to limited harm to the non-designated wartime assets.
- 6.7.13 In relation to the less than substantial harm to Bimbury Manor / Castle, having regard to the adjacency of the AIE, the impacts are principally limited to the new educational complex, the design of which mitigates impacts by setting the buildings in the farthest part of the complex, with open space between. In addition, there are heritage benefits arising from restoring the complex that balance the harm. Should the need for SEN education facilities be shown, it is considered that the public benefits of meeting SEN needs would outweigh the limited harm arising.

- 6.7.14 In terms of the non-designated assets, Historic England consider that they are significant and worthy of consideration for statutory listing. Officers consider that there is scope for a significant number to be retained, but that insufficient evidence has been put forward to demonstrate that for those which fall within the proposed development areas, their future setting would be appropriate and would not conflict with their preservation.
- 6.7.15 To conclude in relation to the non-designated assets, it is considered that the design of the scheme has not demonstrated that the overall impacts have been sufficiently mitigated there is some moderate to limited harm which should be carried forwards into the 'planning balance' as to whether to grant or refuse planning permission.

## **6.8 ECOLOGY AND BIODIVERSITY**

- 6.8.1 Within the application site area there are no nationally designated habitats or other statutory designations, although the North Downs Woodland SAC (SSSI) is circa 1.3km to the west
- 6.8.2 Local designations include Cox Street Valley Woods / Yelsted Local Wildlife Site (LWS) which is partly located within the site, within the area of the proposed country park. Existing pockets of ancient woodland in this area will be retained and protected by buffers to mitigate any risks associated with recreational pressures.
- 6.8.3 Stockbury Wood LWS is located adjacent to the eastern boundary of the site, north of the A249, whilst two further LWS designations are present within 500m of the site, namely Squirrel Wood, Stockbury Valley LWS and Thurnham Castle LWS
- 6.8.4 The site is dominated by arable and species-poor grassland habitats which are considered to be of low ecological value, such that the majority of the site is considered to be relatively unconstrained in terms of habitats
- 6.8.5 Further bat surveys have been undertaken since the original appraisal which identifies that a pillbox has been recorded to support low numbers of hibernating Brown Long-eared bats, with a maximum count of two individuals. This suggests the pillbox is of value at the local level for this widespread bat species, although does not support high levels of roosting activity. This is within a proposed area of amenity so could be retained with any necessary buffer.

### Ancient Woodland

- 6.8.6 Natural England standing advice reiterates the NPPF, stating that planning permission should be refused if development will result in the loss or deterioration of ancient woodland unless both of the following apply:

- there are wholly exceptional reasons
  - there is a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons)
- 6.8.7 The proposals would involve a loss of a circa 1.6ha area of ancient woodland on the south side of the A249, which is necessary in order to create the new site access. The area forms part of Longton Wood, which in the inventory is described as Ancient Replanted Woodlands (Plantations) - areas of ancient woodland where the former native tree cover has been felled and replaced by planted trees, predominantly of non-native commercial varieties. Evidence suggests that the site meets the definition of 'Ancient Woodland' ie, that it has been wooded continuously since at least 1600 AD. The soil in ancient woodlands tends to be of particularly high ecological value.
- 6.8.8 The Applicant identifies that of the 1.6ha, only 0.5ha will be permanently lost to roadworks, with 1.1ha being reinstated following constructions works. However, it is considered that the impacts of construction works would inevitably have a detrimental impact upon ground conditions.
- 6.8.9 The Applicant asserts that the harm caused is lessened due to the fact that, inter alia, they consider the land possesses very few features of ancient woodland or indicator species. However, Officers note that soil surveys were not undertaken and so the evidence base is not complete.
- 6.8.10 Nevertheless, Natural England's Standing Advice, which is a material consideration, clearly states ..... " Where a proposal involves the loss or deterioration of ancient woodland or ancient or veteran trees you should not take account of the existing condition of the ancient woodland or ancient or veteran tree when you assess the merits of the development proposal. Its existing condition is not a reason to give permission for development. A woodland or tree in poor condition can be improved with good management.."
- 6.8.11 As part of their compensation scheme The Applicant proposes new woodland planting totalling 5.5ha is provided within the construction working area and within land along the southern edge of the A249. The new planting will be established as mixed native woodland through the planting of both a canopy tree layer and shrub layer at a compensation ratio of 3.5:1. However, standing advice indicates that compensation measures cannot be considered as part of the assessment of the merits of the development proposal
- 6.8.12 As such, unless there are exceptional reasons, the LPA cannot consider the compensatory measures as part of the planning balance.

#### Biodiversity Net Gain

- 6.8.13 A BNG assessment has been submitted by The Applicant in accordance with the Government's latest guidance and Biodiversity Metric. This suggests that within the red line boundary a 21.5% net gain can be achieved and that together with

the introduction of the adjacent 37 ha of farmland, this would increase to almost 50%.

6.8.14 This is achieved through the enhancement of existing wooded habitats, creation of new wildflower grassland on previously farmed areas and pond habitats.

6.8.15 However, KCC Ecology question whether the higher level of BNG is achievable and suggest that the BNG figure could be closer to 30-40%, even with the additional 37ha of land.

6.8.16 In assessing the weight to be afforded to the BNG achieved through the adjacent land, Members must consider whether it accords with the CIL tests identified in s3.6 above. Officers consider that as (i) it lies outside the red line boundary and (ii) is not necessary to meet any specific policy-target or harm caused by the scheme, then no weight can be afforded to the additional BNG associated with the 37ha.

#### Protected Species - Dormouse

6.8.17 The Local Planning Authority (LPA) has a legal duty under the Conservation of Habitats and Species Regulations 2017 in relation to European Protected Species (EPS), when determining a planning application for a development which has an impact on European Protected Species (EPS), to have regard to three derogation tests contained within Article 16 of the Habitats Directive. These include:

- Imperative Reasons of Overriding Public Interest
- No Satisfactory Alternative
- Favourable Conservation Status of the species must be maintained

6.8.18 The Applicant asserts that the loss of woodland and other potential Dormouse habitat is limited to lower quality areas and, for example, areas that lack connectivity to wider habitat areas. To mitigate potential impacts The proposals include 9ha of new woodland planting, of which 5.8ha is connected to existing woodlands and would be readily available to Dormice, equivalent to circa 190% of the total area of wooded habitat to be lost, ensuring that habitat losses are compensated at a ratio of approximately 2:1

6.8.19 In addition, to provide enhanced nesting opportunities within the site, Dormice nest boxes will be erected within suitable habitat. This new nest box provision will provide new nesting opportunities for Dormouse, particularly within areas where natural opportunities for nesting may currently be lacking. This will therefore provide benefits to local Dormice and will encourage the expansion of the population across the site.

6.8.20 KCC Ecology have now submitted their final comments following further information submitted by The Applicant in February and conclude:

- Adequate surveys have been undertaken to inform an acceptable understanding of the site
- No adverse impact on protected species

- In principle the outline mitigation strategy is acceptable, but has not been sufficiently translated into the development parameters
- Loss of ancient woodland and the acceptability of a compensatory scheme is a planning rather than ecological matter ?
- Information to inform an HRA has been submitted and we advise that as MBC is the determining authority they will have undertake the HRA. The HRA predominantly considered the impact from traffic and the impacts on the North Downs Woodlands SAC. We are not air quality specialists so we are unable to assess if that information is valid/correct.

### Conclusion

- 6.8.21 The assessment demonstrates that taken as a whole there will be no adverse impact upon protected species and that, should it be necessary, the loss of one 'pill box' bat habitat could be mitigated. The net impact of the development is mitigated by the fact that the majority of the development areas are proposed on arable farmland where there is limited ecological habitat. Nevertheless, these areas lie within a principally rural area and forms part of a far larger area of undeveloped countryside. Notwithstanding the existence of the A249 and the AIE the site the arable areas no doubt provide opportunities for foraging and migration and are therefore important elements in the overall connection of habitats.
- 6.8.22 Whilst the development parcels will incorporate green spaces and corridors, the fact that they will principally serve as recreational areas limits their ecological potential. In addition, there will be some selective loss of existing tree belts and hedgerow.
- 6.8.23 The net losses in themselves are not significant when regard is had to the scope of new planting that will take place, with the A249 frontage, for example, being recreated as a new woodland buffer, plus additional buffer planting on other site margins. Overall, with the further enhancement of the non-development parcels, it is considered that the new planting and enhanced buffers to areas of AW would to some extent mitigate for the change in the character of much of the application site from open countryside to dense urban development.
- 6.8.24 There will be a loss of circa 1.6 ha of ancient woodland to the east of the A249, required in order to allow the construction of the new site access. The NPPF advises that the loss or deterioration of AW requires exceptional reasons, whilst Natural England standing advice states that its existing condition is not a material consideration in the decision-making process.
- 6.8.25 Having regard to the preceding assessment, principally that there is no overriding need for the development and therefore highways works of this scale are not required, Officers consider that there are no exceptional reasons to justify the loss of such an area of AW and therefore no weight should be afforded to the compensatory scheme.

#### Appropriate Assessment

- 6.8.26 The North Downs Woodlands SAC / Wouldham to Detling Escarpment SSSI is, at its closest point, located approximately 1.3km to the west of the Site. It is designated for supporting two relevant habitats, Asperulo-Fagetum beech forests and *Taxus baccata* woods plus semi-natural dry grassland and scrubland facies on calcareous substrates.
- 6.8.27 The results of the Applicant's modelling as set out in the EIA indicate that a potentially significant impact on airborne NO<sub>x</sub> concentrations is likely within the area of the North Downs Woodland SAC/SSSI closest to the A249. The assessment indicates that although an increase in nitrogen deposition rates is predicted, the increase is small in comparison to the background deposition rates and Critical Loads, therefore the Applicant considers the impact to be insignificant.
- 6.8.28 The ES indicates that with the mitigation measures in place the area of the SAC/SSSI that is predicted to exceed a 1% increase in annual mean NO<sub>x</sub> concentrations as a result of the Proposed Development is contained within 150m of the SAC/SSSI. The ES suggests that this increase is small in comparison to the critical load and background deposition rates and that having regard to the limited extent of the SAC affected, the development would not result in a significant effect on the integrity of the SAC in the context of an otherwise improving baseline.
- 6.8.29 In terms of potential recreational pressures, the SAC forms part of a Kent Wildlife Trust nature reserve that would be accessible to residents of the proposed development (notably by car). The ES suggests that the development would lead to a limited number of additional visitors, ie, one additional visitor per 11 days in winter and per 3-4 days in summer. Officers agree that such low levels of additional use are unlikely to result in any degradation of the SAC.
- 6.8.30 Notwithstanding the assessment within the Applicant's EIA, European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora required Member States to set in place regulations to protect habitats and species of European importance, through the establishment and conservation of a network of European Sites (Natura 2000).
- 6.8.31 Regulation 63 of The Conservation of Habitats and Species Regulations 2017 requires an assessment where a project may give rise to significant effects upon any Natura 2000 site including Special Areas of Conservation (SAC), designated under the Habitats Directive for their habitats and/or species of European importance.
- 6.8.32 Were the LPA minded to consider granting planning permission, it would be necessary to carry out an appropriate assessment as to the potential effects and for this to be incorporated as part of any overall planning balance of the scheme.

## **6.9 CLIMATE CHANGE POLICIES**

### Policy Context

- 6.9.1 Addressing climate change and carbon neutrality is central to the planning process and is backed by legislation and policy at national level, for example.
- The Climate Change Act 2008 sets out the risks of climate change, objectives, and proposals and policies for meeting climate change, including the requirement to reduce greenhouse gas emissions by at least 100% of 1990 levels (net zero) by 2050.
  - A statutory duty is placed upon LPAs under Section 19(1A) of the Planning and Compulsory Purchase Act 2004, which obliges LPAs to include in their Local Plans 'policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigations of, and adaptation to, climate change'.
- 6.9.2 The Government's sustainable development strategy is based upon a number of overlapping principles, including:
- protection of the environment
  - prudent use of natural resources
  - wherever possible blending the often competing requirements of the economy, social needs such as housing and the environment, so as to minimise land-take requirements
  - optimising the use of land in appropriate locations
  - maintaining and enhancing the viability and vitality of urban centres
  - increasing the use of renewable or low carbon technology
  - promoting development that is 'lean, mean and green'
- 6.9.3 The PPG highlights that appropriate measures for climate change mitigation include:
- reducing the need to travel and providing for sustainable transport
  - providing opportunities for renewable and low carbon energy technologies
  - providing opportunities for decentralised energy and heating
  - promoting low carbon design approaches to reduce energy consumption in buildings, such as passive solar design
- 6.9.4 In April 2019 Maidstone Borough Council approved a motion recognising global climate and biodiversity emergencies. Following this declaration, the Council developed a Biodiversity and Climate Change Strategy and Action Plan which recognises that the sustainable siting of new housing and commercial development is crucial to the delivery of carbon neutrality.

### Site Context / Impacts

- 6.9.5 As identified above, the substantial loss of greenfield land that is afforded a national landscape designation is not considered to represent sustainable

development in itself. This harm is reinforced by the absence of an assessment of alternatives.

- 6.9.6 The location of the site, with no rail link and limited bus accessibility or integration with the existing urban area is not considered to be sustainable. Notwithstanding the mitigation proposed, such as bus improvement works and a park and ride, the development will still be a major generator of private motor vehicle trips.
- 6.9.7 Vehicle emissions are recognised as a major contributor to poor air quality. The designation of AQMA and the Integrated Transport Strategy aim to decrease vehicle emissions and improve air quality through a reduction in the need to travel. This is reiterated in the Maidstone Low Emissions Strategy.
- 6.9.8 Locations with good connectivity for walking and cycling in terms wider networks can also decrease the number of road journeys. However, as identified above, the Application Site, by virtue of its remoteness and position atop the steep scarp slope does not suit pedestrian and cycle connectivity to the urban area.

#### Mitigation

- 6.9.9 The Application is accompanied by a Sustainability and Energy Statement (dated 2017) which states that the Applicant seeks to achieves significant enhancements in performance beyond policy requirements and to be a net zero carbon development.
- 6.9.10 A preliminary Breeam pre-assessment suggests that a 'very good' rating would be achieved for non-residential buildings.
- 6.9.11 The Applicant advises that they assessed options for district heating including the use of either a CHP system or district heating network and biomass, but these were dismissed.
- 6.9.12 In addition to the above measures, the Applicant has introduced the concept of a 'smart grid' that would serve 450 (26%) of the scheme's residential units. The principle of the smart grid is described as:
- Both individual plot and communal solar PV installations
  - Home heat pumps
  - Centralised on site battery storage
- 6.9.13 In addition to reduced energy costs, the 'smartgrid' would incorporate features included within a physical hub such as:
- Communal/community EV car and e-bike charging,
  - EV car / e-bike hire club
  - Delivery lockers
  - Cycle storage

The smart grid is a potentially innovative element to the scheme and the Applicant advises that it can incorporate elements such as a café and co-working space, which could further contribute to reduce travel. However, at this stage there are no details as to its location within the development parameters nor any evidence to demonstrate that it is deliverable. If permission were to be granted, Officers consider that these matters would need to be resolved.

#### Conclusion

- 6.9.14 It is considered that the location of the development and limited alternatives to private car use places considerable challenges in terms of securing sustainable patterns of travel and reductions in carbon use.
- 6.9.15 Measures such as the proposed park and ride have the potential to promote more sustainable modes of travel for residents of the scheme, but are not expected to take significant levels of existing traffic off the network.
- 6.9.16 Together with a high quality green travel plan and associated incentives, the P&R scheme could encourage low carbon travel between the site and the urban areas (and public transport connections beyond). Having regard to the poor pedestrian and cycle links, this would be essential, however, the submitted business case for the P&R scheme dates to 2016 and lacks up-to-date evidence on the support of operators.
- 6.9.17 The Applicant indicates that they would support increased frequencies in existing bus services between Maidstone and Sittingbourne. This would not only assist occupiers of the development, but parties seek to commute between the two urban areas. However, as with the Park and Ride, the lack of up-to-date evidence from operators undermines the weight that could be attached to this benefit.

## **6.10 AIR QUALITY**

### Air Quality - Existing Conditions

- 6.10.1 The site does not lie within an AQMA, but ultimately traffic generated by the development has the potential to interact with AQMAs beyond.
- 6.10.2 There are a limited number of residential receptors within the vicinity of the site, the closest being cottages adjacent to the site at Bimbury Lane, to the north along Cox Street and more dispersed both along the A249 and surrounding rural lanes.
- 6.10.3 There are potential ecological receptors, including general woodland and ancient woodland.

- 6.10.4 The Council's rural AQ monitoring station is located only 500m to the west of the site and therefore provides a good indication of local rural levels, although being located away from the A249, these are not likely to reflect conditions in the road corridor itself. The rural station not surprisingly shows both NO<sub>2</sub> and PM<sub>10</sub> levels well below objective levels.

#### Potential Air Quality Impacts

- 6.10.5 Potential construction phase impacts will be centred around dust generating activities relating to demolition, earthworks, construction and track out.
- 6.10.6 Potential construction impacts upon residential receptors are localised and could be managed through a CEMP that would control how the construction site and processes are managed, including construction related traffic.
- 6.10.7 The overall process of trackout is identified by the Applicant as having a medium level impact on adjacent residential properties. However, Officers consider that due to the fact that residential properties in Bimbury Lane are enveloped by the overall development site, the potential impact upon them is significant and due to the lengthy timeframe for the overall development and their proximity to the principal site access, impacts are likely to be felt for many years.
- 6.10.8 Once construction traffic is off-site and on the local network, having regard to the fact that the A249 is heavily trafficked with a significant proportion of this being heavy goods vehicles, it is not anticipated that there would be a significant impact upon air quality.
- 6.10.9 During the operational phase of the development, potential air quality impacts are likely to be traffic generated concentrations of oxides of nitrogen (NO<sub>x</sub>) and Particulate Matter (PM<sub>10</sub> and PM<sub>2.5</sub>). These will be generated by traffic within the development itself and also by traffic that accesses the surrounding highway network.
- 6.10.10 However, the ES suggests that net changes in, for example, NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> levels will be low to imperceptible and would remain below objective levels, thus an 'insignificant' impact. However, at two receptors NO<sub>2</sub> impacts rise to medium (at the foot and summit of the scarp slope).
- 6.10.11 As assessed in 5.8 above, the ES also carries out an assessment of the potential impacts of nitrogen deposition at the North Downs Woodland SAC/SSSI from an increase in road vehicle emissions generated by the development.

#### Air Quality Mitigation

- 6.10.12 In order to ensure that construction impacts do not adversely affect nearby dwellings and ecology habitat by way of dust, it is critical that an effective CEMP is secured ahead of any works commencing. This would focus on mitigating the impacts from dust (as well as noise and surface water runoff impacts) both from activity on the site and the track-out of vehicles onto the A249.

- 6.10.13 However, having regard to the overall scale of development and the length of the construction period, it is considered that the impact on nearby properties will be significant; a factor exacerbated by the change that will be affected to their existing isolated rural setting. A CEMP may have some ameliorating impact but is unlikely to successfully mitigate harmful impacts to an acceptable level for this small group of properties.
- 6.10.14 Having regard to the narrow and constrained nature of surrounding country lanes, it would be necessary for any permission to be accompanied by measures to ensure that construction traffic is limited to the A249.
- 6.10.15 An 'Emissions Mitigation Calculation' has been carried out as part of the overall air quality Assessment. This is intended to inform both scheme design and other measures to assist in mitigating AQ impacts. The Applicant states that measures would include:
- Comprehensive EV charging across the development
  - Car clubs
  - Green Travel Plan
  - Employing heat pumps rather than gas where possible
  - A contribution to the Council's AQ monitoring programme.

These would be in addition to measures such as the P&R scheme.

## **6.11 Noise and Vibration**

- 6.11.1 With regard to noise and vibration, there will be impacts during both construction and operational phases on receptors such as ecology, users of the PRoW network and nearby residents.
- 6.11.2 Whilst construction phase impacts will be temporary, they will be experienced over a significant period, likely to be over a decade and as such would have a significant adverse impact upon the character of the AONB areas surrounding the site (as well as the site itself)
- 6.11.3 Officers consider that the impact of construction upon nearby residents will be substantial and adverse, but should there be overriding reasons to permit the development, the impact of these could be managed through conditions controlling for example, development phasing, hours of operation, construction traffic routing, location of compounds, operation of machinery etc. However, it is considered that in terms of residential amenity, impacts will still be moderate to limited over significant periods of the development programme.
- 6.11.4 Ecological impacts during the significant construction phase will also be significant and would need to be subject to a management plan. Both noise and vibration are likely to result in species migrating away from the site for the period, including some of the retained areas of woodland within or adjacent to

the wider development areas as the quality of the habitat will be significantly eroded.

- 6.11.5 Impacts upon the PRow network and also the character of the AONB will also be substantial and adverse throughout the construction period and it may be necessary to divert some sections of PRow during the construction period. Should permission be granted, then Officers would ask for a PRow impact assessment and strategy to manage construction impacts
- 6.11.6 For the operational phase, ie, an occupied development, the proposed residential areas will be sufficiently separated from the A249 and proposed commercial uses so as not to be adversely affected. However, having regard to the nature of operations on the AIE, as outlined above, it is considered that the buffers between the AIE and nearby residential areas need to be increased, particularly on the SW side and also, residential areas moved away from the access route to the AIE.
- 6.11.7 This is necessary not only to protect residential amenity for future occupiers, but also the long-term viability of the AIE, by avoiding the need to impose constraints on occupiers.
- 6.11.8 Adjacent residents will inevitably experience permanent impacts from the activity associated with the development. Having regard to landscape buffers, the impact of general traffic is likely to be mitigated to acceptable levels and should not exacerbate existing conditions.
- 6.11.9 Whilst there are some landscape buffers, the sports complex will impact upon an adjacent property. Being a rural area noise is more noticeable and will be sourced from competitive matches, training, supporter groups and traffic. To some extent the impact could be managed through, for example, locating the all-weather pitch away from residents and limiting evening use of adjacent pitches.

## **6.12 Other Matters**

- 6.12.1 As detailed at the beginning of section 6, there are a number of matters that have been considered in the Officer assessment of this application which are not reported in detail as they are considered to be matters that can be managed through conditions and would not alter the overall balance in the following section of this report. These include, for example:
- Surface water drainage and flood risk
  - Ground water quality
  - Ground conditions
  - Agricultural land
  - Minerals and waste

- 6.12.2 In relation to flooding and in particular ground water impacts, as this has been raised by a number of consultees; the submitted FRA demonstrates that there are no recorded events of surface or groundwater flooding, principally due to the site's elevation and underlying permeable chalk geology.
- 6.12.3 Surface water runoff during the construction phase will be managed through a temporary drainage network with measures to ensure that runoff is controlled and discharged in a manner that does not increase the overall runoff rate. In the operational phases, flows will be managed through a SUDS scheme, the details of which have been agreed by statutory consultees.
- 6.12.4 In terms of groundwater quality, the following aquifer designations are identified as underlying the site:
- Head Deposits - Secondary Undifferentiated.
  - Lewes Nodular Chalk - Principal Aquifer.
  - 13.38 The Groundwater Vulnerability Category is reported as "Major Aquifer"
- 6.12.5 For the construction phase the CEMP would incorporate management / mitigation measures to ensure that no construction related contaminants or disturbed ground pollutants enter the wider surface water run-off. This can be achieved through measures such as bunding compounds etc.
- 6.12.6 For the operational phase the SuDS system will incorporate a 'treatment train' approach to manage risks and maintain water quality. For example, emergency shutoff valves would be incorporated into the surface drainage outfall to allow discharge to the downstream attenuation features to be closed off in the case of an emergency, such as an accidental spillage.
- 6.12.7 The surface water runoff from potentially polluted areas (e.g. access roads and parking areas) will be discharged via source control measures which manage suspended solids, heavy metals and hydrocarbons from the runoff, providing water quality treatment.
- 6.12.8 On this basis, it is considered that adequate mitigation is proposed in order to protect the quality of the aquifer.

## **6B ADDITIONAL INFORMATION**

- 6B.1 Should Committee consider that they may be minded to reach a different conclusion with regard to any part of the above planning assessment it is considered that there are a material number of matters where further information would be beneficial or necessary in order for Members to complete a full assessment and weighting of planning and other material considerations before undertaking a balancing assessment / judgement.
- 6B.2 Further information would also be required in a number of areas to inform an assessment as to whether appropriate mitigation can be secured through either planning conditions or legal agreements.
- 6B.3 It would also be necessary to identify what infrastructure or mitigation would be subject to s106 agreement or CIL.
- 6B.4 Development Parameters
- A management plan to demonstrate how the operation NATS area of the site will be safeguarded
  - Updates to the LVIA in collaboration with the AONB Unit and Natural England to demonstrate that the visual impacts of the development have been accurately assessed and minimised, including from views into and within the site – including the PRoW network. For this process to then inform whether there are any necessary updates to the landscape parameters.
  - An capacity assessment of the proposed residential development parcels having regard to the stated density parameters to demonstrate that development at the stated densities and height parameters is capable of being delivered with DM19 compliant open space and the achievement of high-quality neighbourhoods
  - An enhanced buffer between the educational parameters and the scheduled ancient monument / listed building site.
  - Further enhancement of the buffers between the AIE and the residential development parameters, particularly the western boundary.
  - Creation of a buffer between residential parameters and the AIE access route.
  - High level design codes for each of the character areas / parameters to demonstrate that building scale, typology and materials will create distinct character areas.
  - Artificial lighting strategy/parameters for public areas, sports and commercial uses to demonstrate an acceptable level of artificial light management having regard to dark skies objectives.
  - Details of measures to ensure that controls can be placed in private residential areas to manage lighting impacts.

#### 6B.5 Delivery & Infrastructure

- An updated viability appraisal, including evidence of forward funding and phasing for the development to include infrastructure delivery both on and off-site (to include any changes in site capacity arising from 6B.4 above)
- Further evidence of housing trajectory assessments
- Evidence of binding agreements with funders
- Preparation of a CEMP / EMP / CTMP that directly responds to the construction phase assessment within the ES with mitigation measures including impacts on the surrounding rural lane network
- Schedule of infrastructure funding / delivery by s106, CIL, other means.

#### 6B.6 Employment

- Phasing strategy for the employment elements of the scheme
- Evidence of market testing in relation to the form and scale of employment accommodation proposed
- Evidence to demonstrate that the proposals would not adversely impact on the successful delivery and viability of designated employments sites at J8, Syngenta, KMC et al.
- Clarity in relation to the F&D hub in terms of function, proposed operators, levels of business support, any level of market discount on rent etc
- Hotels bed-spaces needs assessment and sequential / impact assessment
- Local employment strategy

#### 6B.7 Transport / Highways

- Updated operation strategy for the park and ride service (current is 2016), to include bus operator support, service timings, funding for the scheme to ensure the operation is maintained until it becomes self-funding.
- A more focused GTP which demonstrates how significant modal shift can be achieved in the long-term.
- An assessment of whether enhanced access can be achieved without the significant loss of ancient woodland.
- Further evidence to demonstrate how the proposals would assist in the delivery of the M2/M20 bifurcation scheme.

#### 6B.8 Open Space

- Provision of a detailed mapping of open space by typology, size and accessibility, including areas on non-accessible habitat.
- Clarity on the scope of the Lands Trust management responsibilities, ie, will they manage all open space including amenity areas within the residential, roadside landscaping etc and a financial illustration for the long-term management regime

- Clarity on the enhancement measures proposed for the White Horse Country Park

#### 6B.9 Ecology

- Delivery and maintenance strategy for the 37ha BNG site.

#### 6B.10 PRoW

- Updated strategy to improve the setting and character of PRoW within and adjacent to the site.

#### 6B.11 Heritage

- A restoration strategy / long-term management plan for the Bimbury Castle / Manor complex.
- Detailed heritage parameters to demonstrate that the impacts on the setting of the network of non-designated wartime heritage assets are appropriately minimised, plus details of a heritage enhancement strategy for the wartime elements.

#### 6B.12 Education

- Further evidence from NAS relating to the level of unmet need for SEN pupils and training, how this scheme addresses identified deficiencies in the wider educational network.
- Evidence that KCC support the scheme and will work with NAS to ensure that the facility works as part of the coordinated provision of SEN services.
- Financial delivery model for the NAS facility, ie, above the land and £1m contribution, evidence that they have a delivery and finance plan in place to complete the scheme.

#### 6B.13 Sports

- Evidence of the deficiencies in the existing pitch and associated facilities provision for Maidstone RUFC and the impacts/constraints arising, including age group and gender.
- The sporting, health and welfare benefits associated with the scheme for a new sports club complex.
- Any wider community benefits offered beyond RFU.
- Clarity on the financial payments to be made to the club and any conditions.

## **7 THE PLANNING BALANCE**

- 7.1. Within this section we bring together a concluding assessment of the Application, principally drawing from the detailed analysis carried out in Section 6 above. We consider the potential benefits and impacts under the following headings, affording weight to the relative considerations:
- Plan-led development
    - Housing delivery
    - Employment delivery
  - Development in the AONB
    - AONB Impacts
  - Tests for Major development in the AONB
    - Need
    - Alternatives
    - Environmental Harm
  - Infrastructure and highways – potential benefits
  - Ancient woodland tests
  - Heritage tests

### **Plan-Led Spatial Development Strategy**

- 7.2. As identified in Section 6.1 above, s38(6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.3. The Council has an adopted Local Plan spatial development strategy that is in accordance with the NPPF requirement to deliver sustainable growth.
- 7.4. Alongside locations for growth, the Local Plan also identifies areas such as open countryside, the character and appearance of which will be protected through a general policy of restraint and in accordance with the NPPF it includes a reflection of the high bar which is needed to allow major development in an AONB.
- 7.5. It is against this spatial strategy that sustainable growth within the Borough is being delivered and **significant weight** is afforded to this plan-led approach.
- 7.6. Section 6 also demonstrates that the Council is meeting both housing and employment land supply and delivery targets. In particular, it is meeting employment land needs in-part with a series of strategic employment sites and in accordance with the NPPF, in respect of both the existing and emerging Local Plans, it is overproviding in order to ensure flexibility for different sectors.
- 7.7. It is considered that by virtue of its scale and location, the proposed development does not accord with and would harm the delivery of the spatial development strategy set out within the adopted Local Plan. In doing so it would undermine

the principle of sustainable development as required by the NPPF and potentially prejudice the delivery of important regeneration sites set out within the adopted Local Plan

- 7.8. In the absence of any un-met need, evidence of oversupply and flexibility, together with the potential for significant harm to other policy considerations **very limited weight** can be afforded to the principle of the large-scale employment and housing aspects of the development.
- 7.9. Whilst The Applicant seeks to promote a development that aims to follow **garden community principles**, as identified in Section 6.4 above, there are concerns regarding some of the place-making elements of the scheme, such as high densities. In addition, a future garden community should be promoted through the Local Plan Review process with a clear stewardship strategy, which is absent and therefore **no weight** is afforded to the presentation of this scheme as a planning application-led garden community.
- 7.10. Further consideration of the individual land use element of the proposed development and the associated infrastructure are set out below.

#### Housing Delivery

- 7.11. We conclude in Section 6.3 above that there is no strategic need for additional 'windfall' housing in the present local plan period and therefore we afford **limited weight** to the principle of a significant windfall housing element. The Applicant asserts that the scheme will assist the Council's housing trajectories and that weight should be attached to the opportunity for **early delivery**, particularly when compared to the garden communities promoted in the Local Plan Review. However, they do not provide any evidence to support this assertion as part of the planning application. Nor has the Council's Strategic Policy team identified a trajectory risk that needs to be addressed outside of the LPR process. On this basis we **cannot afford weight** to the trajectory argument.
- 7.12. The Application would have the potential to deliver a large number of **affordable homes** through a single, albeit phased, permission. There is evidence of a shortfall of 511 affordable units over recent years, although much of this was accumulated in the earlier part of the monitoring period. The scheme would deliver in excess of this shortfall, which in isolation would be potentially significant. However this has to be considered in the context of the view that this is not a sustainable location and that the affordable housing would be part of a larger scheme and would cumulatively contribute to the harm to the AONB. These factors reduce the level of weight that can be afforded to the need for affordable housing, which we consider to be **moderate**.
- 7.13. We do identify that the Council has a duty under the **Self-build and Custom Housebuilding Act 2015 / Housing and Planning Act 2016** to address the needs of this sector. In recent years the rate of permissions against registrations has increased significantly to circa 90%. The offer of 50 plots is clearly significant in quantum, but the benefits associated with this element have to be moderated against the unsustainability of the location and other environmental impacts. As

such the weight to be offered to this element is considered to be **limited to moderate**.

#### Employment Delivery

- 7.14. The scheme proposes a significant level of employment floorspace with units aimed at a range of occupiers from start-ups to potentially regional scale distributors. However, we demonstrate above (6.1 and 6.3) that the Council is overproviding against forecast requirements and that there are a range of sites that could meet the needs of a wide range of sector. These include nearby sites with direct access to the SRN, as well as others that could meet the needs of localised sectors.
- 7.15. There are elements of the scheme that are targeted at the rural economy, such as the **food and drink hub** which in principle have the potential to provide benefits in terms of their rural location and the ability to cluster with complementary businesses. However, as with all of the employment elements, The Applicant has not put forward any specific evidence from agents, inward investment organisations or proposed occupiers that (i) there is a specific need and (ii) that this need cannot be met through other sites outside of the AONB.
- 7.16. In the absence of such evidence of need and with the Council having a clear strategy to address both current and future plan requirements, it is considered that these elements of the scheme attract **very limited weight**.
- 7.17. Similarly, with the **hotel** element of the scheme, whilst hotel uses can provide economic benefits associated with both leisure and business travel and there may also be potential benefits arising from an adjacency to the showground, there is existing provision nearby at Eclipse Park, which is a more sustainable location and also close to J8. Again there is no evidence submitted in support of the application to demonstrate (i) a specific need exists for additional bed spaces, or (ii) that a sequential assessment of alternative locations has been carried out. On this basis we conclude that **no weight** can be afforded to this element of the scheme.
- 7.18. Other commercial elements such as the local centre and community uses are simply necessary to support the proposed housing and are not a potential benefit in their own right.

#### **Development in the AONB**

- 7.19. Within the main assessment (section 6.2) we identify that the site lies within the AONB, a nationally designated landscape which is afforded a high level of protection for its landscape and scenic beauty. Within such areas Section 85(1) of the Countryside and Rights of Way (CRoW) Act 2000 places a statutory duty on the Council to have regard to the primary purpose of the AONB designation, which is to conserve and enhance natural beauty."

- 7.20. The NPPF requires decision makers to respect the hierarchy of landscape designations and states that:

***"Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations"***

- 7.21. The Courts have ruled that decision-makers should ensure that they have proper regard to the above, ie, decision makers should not simply balance say the duty to protect the AONB against other materials considerations, but before starting out on such an exercise, to ensure that 'great weight' is afforded to the conservancy of the AONB.
- 7.22. Section 6.2 assesses the '*The special components, **characteristics and qualities which identify the Kent Downs AONB***' and refers to the recently adopted Management Plan in order to inform this understanding.
- 7.23. The Application Site and its surroundings exhibit these special qualities and as a consequence the landscape is highly sensitive and vulnerable to the effects of change. The existence of features such as the industrial estate, whilst non-conforming, do not materially undermine the quality of the site's contribution to the AONB. As such, the legal duty to afford "great weight" to its conservancy is engaged and justified. Officers concur with Natural England and the AONB Unit and consider that **great weight** must therefore be afforded to the protection of this area of the AONB.
- 7.24. The proposals represent development of a significant scale and as identified by Natural England, they will permanently replace a large area of open farmland and semi-natural environment with relatively dense residential development, a commercial / industrial complex with large footprint buildings of up to 12m in height, together with significant highway infrastructure and hardstanding.
- 7.25. This will materially change the character of the plateau and the setting of the adjacent dry valleys. The intervention of built development of this scale will remove the sense of openness that is experienced in views into, across and out of the site and surrounding area.
- 7.26. An appreciation of the landform of the plateau will be lost due to the land coverage, density and height of development. As identified above, the topography is not only a result of the geology that has formed the AONB landscape, but is also a characteristic informing the site's defensive / military heritage and therefore adds weight to the significance of the landscape
- 7.27. Whilst the conclusion is that the visual impact of the development can be mitigated to some extent by landscape screening, there will still be significant localised impacts and any attempt to hide development of this scale can only ever be partially successful.

7.28. Having regard to.....

- the sensitivity to change afforded by the AONB designation,
- the fact that the site possesses several landscape character features for which the AONB is designated,
- the fact that open countryside will be replaced by urban development,
- the significant scale of the development,
- the fundamental change in the character of the site,
- the fact that visual impacts cannot be wholly mitigated

...Officers conclude that the development would cause **significant harm to both the character and appearance of the site and the AONB**, that is, the special qualities for which it is designated.

7.29. The proposed development would therefore undermine the primary purpose of the AONB designation, that is, the conservation and enhancement of its natural beauty. As such the proposal conflicts with both the NPPF and the adopted Local Plan.

#### **AONB Policy Tests – Major Development**

7.30. The NPPF is clear that within an AONB *"The scale and extent of development within .... these designated areas should be limited."* and that:

***"... permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. "***

7.31. There is no dispute that this application represents major development and therefore, in addition to the requirement to afford great weight when assessing development in the AONB, there is a specific requirement for decision makers to demonstrate that, inter alia, exceptional circumstances exist and that to allow the development would be in the public interest.

7.32. The Courts have clarified that within the context of major development within the AONB:

*"... the LPA are required, not simply to weigh all material considerations in a balance, but to refuse an application unless they are satisfied that:*

*(i) there are exceptional circumstances, and*

*(ii) it is demonstrated that, despite giving great weight to conserving the landscape and scenic beauty in the AONB, the development is in the public interest"* (Megavissy v Cornwall)

7.33. The Court also advised on how 'exceptional circumstances' might be demonstrated and drew a distinction between a pressing case for the

development (in that case affordable housing) and a genuinely 'exceptional' need, i.e. "in the sense of unusual or rare". :

*"Even if there were an exceptional need for affordable housing in an area, that would not necessarily equate to exceptional circumstances for a particular development, because there may be alternative sites that are more suitable because development there would result in less harm to the AONB landscape".*

- 7.34. Therefore within the AONB, before seeking to assess all considerations, the determining authority must first recognise that the 'bar' is set at a very high level with the need to afford '**great weight' to the conservancy of the AONB**. Having done this, the Council must also then be able to demonstrate that any balancing considerations are indeed exceptional whether individually or taken together, and that the development is in the public interest.
- 7.35. The exceptional tests are:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;***
- 7.36. Whilst both housing delivery and economic growth represent national priorities and are central to the delivery of sustainable development, the Council has demonstrated that there is **no requirement to provide for windfall development of this scale**; particularly where it is contrary to the NPPF and the Council's adopted spatial development strategy and does not itself represent sustainable development.
- 7.37. The development would potentially undermine the delivery of outstanding elements of the adopted LP spatial strategy, including important town centre regeneration sites with the wider town centre benefits they would deliver. To permit the development would therefore be likely to have an **adverse economic impact**.
- 7.38. In terms of housing delivery, whilst inevitably there may be benefits associated with a large site such as this, including accelerated delivery and a significant level of affordable housing, the Council has in excess 5 years of housing land and delivery rates at 175%, with only a modest shortfall against affordable housing delivery targets.
- 7.39. Therefore, whilst recognising that national policy seeks to boost the supply of housing, it is judged that the wider impacts on housing delivery in the Borough could be negative impacts. Furthermore, there is **no evidence of a need for the housing element of the proposal**, whilst much of the claimed economic and social benefits associated with the proposal will be achieved through housing delivery in more sustainable locations.

- 7.40. The delivery of 50 custom and self-build units would assist in meeting a shortfall in this sector, however, as indicated below, there is no evidence that they could not be delivered outside of the AONB.
- 7.41. The Applicant seeks to place considerable weight upon (i) the delivery of a large element of employment floorspace and (ii) the wider economic benefits associated with the development as a whole.
- 7.42. In terms of the positive economic outputs associated with the proposal, these are being secured through the Council's successful delivery strategy. Similarly, the employment generated by the proposals can be secured through a balanced distribution of new allocated employment accommodation to meet the needs of different sectors across the Borough.
- 7.43. Importantly the Council is significantly over-providing for employment floorspace within both the adopted and emerging Local Plans. There is no evidence to suggest that the development would deliver specific economic benefits that are not being met, indeed it could serve to undermine investor confidence in emerging sites and thus have a negative economic impact.
- 7.44. In terms of future housing and employment needs, The Council is at an advanced stage in its review of the Local Plan and has identified locations for, its predicted housing and employment needs.
- 7.45. In terms of the need for other elements of the scheme, the 2FE primary school and local centre / community hub are intended to meet the needs of the development and therefore offer no additional public benefit or satisfy an un-met need.

***b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way;***

- 7.46. In demonstrating that there is no need for the main housing and employment elements it is also demonstrated that future needs can be met without adverse environmental impacts within less sensitive locations, ie, outside of the AONB.
- 7.47. With regard to the sports club and the SEN facility, these have in essence been loaded onto the overall development and no evidence has been provided to demonstrate that they cannot themselves be provided in a less sensitive (and more sustainable) location.

***c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."***

- 7.48. The primary purpose of the AONB designation is to conserve and enhance natural beauty with 'great weight' given to conserving and enhancing landscape and scenic beauty

7.49. Having regard to.....

- the sensitivity to change afforded by the AONB designation,
- the fact that the site possesses several landscape character features for which the AONB is designated,
- the fact that open countryside will be replaced by urban development,
- the significant scale of the development,
- the fundamental change in the character of the site,
- the fact that visual impacts cannot be wholly mitigated

...Officers conclude that the development would **cause significant harm to both the character and appearance of the AONB**, that is, the special qualities for which it is designated.

7.50. In doing so, it would undermine the primary purpose of the AONB designation, that is, the conservation and enhancement of its natural beauty. As such the proposal **conflicts with both the NPPF** and the adopted MBLP 17.

7.51. There would be significant adverse impacts upon the quality of recreational PRoW in the vicinity, impacts which will not totally be mitigated by other element of the overall scheme.

7.52. It is therefore considered that the proposals fail the tests in paragraph 177 of the NPPF and therefore permission should be refused. Turning to other potential material considerations:

### **Potential Infrastructure and Highways Benefits**

#### Highways and Transport (on site)

- New A249 site grade separated junction
- New A249 northbound KCAS access
- Delivery and funding of a P&R scheme with a minimum of two EV buses for a minimum of 10 years - £3m
- Pedestrian / bridleway bridge over A249

#### Highways and Transport (off site)

- A249 (M20 J7 approach) widening scheme / bus lane
- M20 J7 improvement scheme – signalisation and widening (scope not yet agreed by KCC)
- A249 (Chiltern Hundreds) roundabout improvement scheme
- Contribution to the Bearsted Road improvement scheme (requested but disputed)
- Bus service enhancement contribution / A249 bus stops contribution
- (possible M2 J5 mitigation)
- Bimbury Lane / Stockbury Lane right hand turn stopping up

- 7.53. All of the proposed highway works whether on or off-site, are necessary to make the development acceptable, otherwise they would fail the CIL Regulations. However, as detailed in Section 6.5 above, there are some potential wider public benefits arising from these works.
- 7.54. The new showground access is connected to the increased overspill parking capacity proposed in the application and so will reduce the impacts of queuing and congestion on larger event days to the benefit the wider operation of the showground, which is a County-wide facility.
- 7.55. There will be further improvements to the flow of traffic on the A249, and also material safety improvements through the removal of a number of existing right hand turn movements across the carriageway.
- 7.56. Works to J7 will also reduce queuing on the southbound approach, reducing journey times for all traffic, as well as reducing queuing on all arms of the junction and creating capacity above and beyond the needs of the development. However, in discussions, National Highways advise that these will not offer material benefits to the Strategic Road Network.
- 7.57. Improvements to J7 will reduce public transport journey times and would arguably make bus routes more attractive, but the level of benefit is likely to be extremely limited in terms of modal shift impacts. Similarly, Officers do not consider that the Park and Ride scheme would be particularly attractive other than to occupiers/users of the application site itself.
- 7.58. These highway infrastructure benefits are confined principally to the local road network and are considered to possess **limited to moderate weight**, but Officers do not consider that, in the context of the NPPF tests, these represent either exceptional or nationally significant benefits, whether taken individually or cumulatively with other benefits.
- 7.59. The Applicant asserts that there would be significant benefits to nationally significant highway infrastructure and identifies that *KCC's Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031* identifies a 'Bifurcation of Port Traffic' as both a strategic and national priority.
- 7.60. Whilst both the J7 works and the improvements to the A249 corridor will assist with the above, neither Highway Authority has cited this as a significant benefit arising from the proposals, as such, even with reference to the bifurcation scheme, Officers do not consider that there is any evidence to suggest that these benefits should be afforded anything greater than at best **moderate weight**.

Education (on site)

- Land and funding / delivery scheme for a 2FE primary school
- Serviced plot and £1m contribution to the NAS

- 7.61. The primary school simply serves the needs of the development and so carries no weight as a public benefit. Whilst it has a capacity level greater than the needs of the site, there is no evidence that this would address un-met need in the wider area.
- 7.62. It is recognised that the **SEN facility** would meet a need that is principally beyond the needs of the site, but as highlighted in Section 6 above, the weight that can be afforded to this facility is moderated by the absence of any specific support from KCC or wider evidence that there is an acute need within the catchment of the site and that an acceptable site outside of the AONB cannot be found. As such, at this stage we would only afford **limited weight** to the public benefits arising from this element of the scheme.

Sports & Open Space (on site)

- Delivery scheme for 50ha new country park
- Site-wide open space management plan – Land Trust
- Delivery strategy for Maidstone Rugby club and £2m financial contribution (total costs £4.3m)

Sports & Open Space (off site)

- A contribution to the improvement of the White Horse Country Park

- 7.63. Dealing with the latter contribution first, this is not considered to relate to the development (which promotes its own country park) and fails the CIL test of being able to afford weight to it.
- 7.64. As detailed above, the new **country park** will be a benefit to the surrounding rural community and will connect into the existing PRoW network. As such it is compliant with the objective of improving access to the AONB. However, this is moderated by the wider harm to the setting of this area of the PRoW, such that this would be a **net nil benefit**.
- 7.65. The proposed **A249 footbridge** will make a significant contribution to addressing the severance caused by the A249 and in the context of improving safety for users and improving the overall PRoW network in this locality, the benefits are considered to be **moderate**.
- 7.66. The sports and wellbeing benefits associated with a new **sport hub** are potentially significant and are a facility that typically require a rural location without the competing land value challenges of an urban fringe location. However, in order to afford significant weight to this element, it is considered that **further information is required** in relation to need, evidence that a site cannot be found in a less sensitive area and a sporting development plan to confirm the benefits secured. Thus at this stage the weight that can be attached is **limited**, but could increase with further evidence.

37 ha set aside for 50% biodiversity net gain

- 7.67. This element is arguably not necessary to make the development acceptable, with the red line area claiming a 21% net gain and as such, under the CIL Regs it cannot constitute a reason for granting planning permission and **weight cannot be afforded** to it.

### **Ancient Woodland**

- 7.68. Development resulting in the loss or deterioration of ancient woodland should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. Officers take the view that there are **no wholly exceptional reasons** for allowing the loss of ancient woodland as part of this proposal and that no suitable compensation strategy exists.

### **Heritage**

- 7.69. Officers have weighed the harm to the significance of heritage assets which is judged to be **'less than substantial' in relation to the designated assets** and **'substantial' in relation to the non-designated assets**. Having borne in mind that considerable weight and importance should be attached to the designated assets it is concluded that there are sufficient public benefits arising from the proposal, such as their restoration, to outweigh that 'less than substantial' harm. In relation to the harm to non-designated assets, this harm weighs against the grant of planning permission and officers give it **moderate weight** in the planning balance below.

## **8 CONCLUDING ASSESSMENT**

- 8.1. This assessment has taken into account all the acknowledged benefits that flow from the proposed development.
- 8.2. In the context of both the Development Plan as a whole, and also the dimensions of sustainable development as set out in the NPPF, the level of environmental harm that would be caused by the proposed development is such that it is not considered to represent sustainable development and would undermine both the existing and emerging sustainable /spatial development strategies of the Council's adopted and emerging Local Plans.
- 8.3. Having regard to the National significance of Areas of Outstanding National Beauty and the duty to afford 'great weight' to their protection, it is considered that having assessed the character of the site it demonstrates evidential characteristics that led to the designation of the AONB and should therefore be afforded 'great weight'.

- 8.4. National policy requires this application to be assessed in the light of the assessments undertaken in subparagraphs (a), (b) and (c) of paragraph 177 of the NPPF. Whilst there would be some benefits to the Borough if the scheme was successfully delivered, those are comfortably outweighed by the disbenefits. It is abundantly clear that there are no exceptional circumstances for allowing the development and it cannot be said to be in the public interest to allow it.
- 8.5. In addition, having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 there are no material considerations which individually or cumulatively outweigh the conflict with the development plan as a whole.
- 8.6. There is harm resulting from the loss and deterioration of ancient woodland and no exceptional reasons to justify this harm. Similarly, in respect of non-designated heritage assets there is harm that is not outweighed by any public benefits. Both of these factors weigh against the scheme.

## **9 RECOMMENDATION**

- 9.1. Having regard to the above assessment, planning balance and conclusions, it is recommended that planning permission be refused for the following reasons:
- 1 By virtue of its scale, location and limited modal choice, the proposed development does not represent sustainable development, would result in a form of development that is overly dependent upon private car trips and would not contribute positively to climate change objectives; contrary to Part 2 and 110 of the NPPF and MBLP 17 Policy SS1.
  - 2 The proposals are not plan-led and would prejudice the successful delivery of the adopted MBLP17 Spatial Strategy, undermine the delivery of key town centre and urban area regeneration schemes and strategic and other site allocations; contrary to the principles set out in Parts 2 and 3 of the NPPF (plus NPPF 47, 86) and MBLP17 Policies SS1, SP1, SP4.
  - 3 To grant planning permission for major windfall development for which there is no evidence of need would prejudice consideration of the spatial strategy of the emerging Local Plan Review, in that this is a form, scale and location of development, the principles for which should be assessed as part of the local plan review process; contrary to NPPF 48 and 49.
  - 4 The proposed hotel has not been the subject of a needs or sequential/impact assessment and has failed to demonstrate that it would not harm future investment in the town centre; contrary to 86 and 87 of the NPPF and MBLP 17 Policies SS1, SP1.

- 5 The design and development parameters for this greenfield site fail to adequately demonstrate that a high-quality development can be achieved which responds to the expectation of delivering high quality places. In particular the density parameters are considered to be excessive and would not lead to a form of development that is appropriate to its rural setting; contrary to NPPF 125, Part 12 and MBLP 17 Policies DM1, DM12, DM19, DM30 and Maidstone Building for Life 12.
- 6 Having regard to the duty to afford great weight to the protection and enhancement of the AONB, the proposed development by virtue of its location, form and scale would result in significant harm to the landscape character, appearance and special qualities of the site and the Kent Downs Area of Outstanding Natural Beauty; contrary to NPPF 174, 175, 176 and 177 and MBLP 17 policies SS1, SP17, DM3.
- 7 There are no exceptional circumstances or other public benefits that would outweigh the significant harm arising to the AONB and justify granting planning permission for major development within the AONB. The proposals are therefore contrary to NPPF 176, 177 and MBLP 17 Policies SS1, DM3.
- 8 The proposals fail to demonstrate that the setting of non-designated wartime heritage assets has been adequately taken into account and result in a level of harm which counts against the grant of planning permission in the planning balance; contrary to NPPF Part 16 and MBLP 17 Policies SP18, DM4.
- 9 The proposals result in the loss of ancient woodland, yet fail to demonstrate that wholly exceptional reasons exist which justify the loss; contrary to NPPF 180(c) and MBLP 17 Policy DM3.
- 10 In relation to the Strategic Road Network, there is insufficient evidence to demonstrate acceptable merges and diverges for M2 Junction 5 and there is a lack of evidence in relation to the flow diagrams for the M20 Junction 7 roundabout to demonstrate that the sensitivity test trip generation for the business park has been taken into account; contrary to NPPF 111 and MBLP 17 Policy DM21.

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**CASE OFFICER:**

Austin Mackie – Major Projects Manager

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**BACKGROUND PAPERS:**

For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.\_\_\_\_\_

## **ABBREVIATIONS USED**

Whilst the report seeks to use full titles where possible, the following abbreviations may be used within this report and/or within consultee comments:

Applicant	Binbury Park Estates Ltd, E J Mackelden & Sons (Bobbing) Ltd
AIE	Aerodrome Industrial Estate
AONB	The 'Kent Downs' Area of Outstanding Natural Beauty
AW	Ancient Woodland
BNG	Biodiversity Net Gain
CEMP	Construction Environment Management Plan
CRoWA	Countryside and Rights of Way Act 2000
DAS	Design & Access Statement
EMS	Ecological Mitigation Strategy
EIA	Environmental Impact Assessment
EIA Regulations	The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
ES	Environmental Statement
FRA	Flood Risk Assessment
KCAS	Kent County Agricultural Showground
KCC	Kent County Council
KCCH	KCC Highways (The Highway Authority)
LPA	The Local Planning Authority (MBC)
LRN	Local Road Network (KCC roads)
MBC	Maidstone Borough Council
NAS	National Autistic Society
NATS	National Air Traffic Service (air traffic control)
OPA	The (Hybrid) Outline Planning Application
Parameters	Plans (and text) defining the limits of development (upper and lower)
PC	Parish Council
P&R	Park and Ride (Proposed)
SEN	Special Educational Needs
SRN	Strategic Road Network (M20 and M2)
TA	Transport Assessment

TP                      Travel Plan

Abbreviations relating to adopted (and draft) development plan or other policy documents include:

AONB MP	The Kent Downs Area of Outstanding Natural Beauty Management Plan Rev 3 - 2021
CfS	The 2019 MBC Call for Sites Invitation
MBLP17	Maidstone Borough Local Plan (Adopted 2017)
MBLPR18	Maidstone Borough Local Plan Review (Regulation 18B Consultation Draft 2020)
MBLPR19	Maidstone Borough Local Plan Review (Regulation 19 Consultation Draft November 2021)
NPPF	National Planning Policy Framework – July 2021
(N)PPG	(National) Planning Policy Guidance

Relevant highway network abbreviations include:

A249 J5 and J7	The dualled section of the Sittingbourne Road/Detling Hill between J5 and J7
J5	The M2/A249 Junction north of the Application Site
J7 Eclipse Park)	The M20/A249 Junction south of the Application Site (adjacent to Eclipse Park)
M20	M20 Motorway - part of the National Highway Network
M2	M2 Motorway - part of the National Highway Network

## **SCHEDULE OF PLANNING CONSTRAINTS**

The Application Site is subject to the following constraints:

- Ancient Woodland & Buffers
- Area of Outstanding Natural Beauty – Kent Downs
- Area of Potential Archaeological Importance
  - TQ86SW14, TQ86SW002, TQ86SW14, TQ86SW14
- Area of Special Advert Control
- Listed Buildings: 620/MA GII Bimbury Manor (1968)
- Scheduled Monument: Binbury motte and bailey castle (1962)
- Minerals and Waste – KCC Consultation Detling Aerodrome
- Local Wildlife Sites - Cox Street Valley Woods, Yelsted
- MOD Thurnham MOD Safeguarding Directive Thurnham
- Public Rights of Way
  - KH62, KH73, KH100, KH106, KH63, KH88, KH74
- Thurnham Exclusion Zone
- Tree Preservation Orders:
  - 5003/TPO, 769/TPO, 768/TPO, 754/TPO, 755/TPO, 757/TPO, 761/TPO, 765/TPO, 766/TPO Trees at Detling Aerodrome Site, Detling
  - 771/TPO Trees at Charlton Plantation, Detling
  - 607/TPO Land at Thurnham
  - 634/TPO Trees at Charlton Plantation, Detling
  - 734/TPO, 741/TPO, 747/TPO Land at Sittingbourne Road, and Scragged Oak Lane, Detling
- Economic Development Area (Aerodrome Industrial Estate)
- Agricultural Land - Grade 3
- Thurnham Wind Station Safeguarding

