

DM1 DEVELOPMENT ON BROWNFIELD LAND

Consultation issues and responses

Policy: DM1 Development on brownfield land
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Some Unconditional Support 2. Policy should actively encourage brownfield, this would then comply with the NPPF 3. Supports preference – policy should be stronger 4. Proportion of brownfield should be specified 5. Query text, define 'high environmental value' 6. Brownfield first should be applicable to all development types, not just housing 7. Policy should reference that brownfield resource is available at Detling 8. Brownfield sites in no identified settlements should be allowed to be developed
<p>Key issue 1: Some unconditional support.</p> <p>Detail: This policy is supported. It is consistent with the NPPF and will allow for a sustainable form of development across the Borough. The aims of this policy are not however currently reflected in the proposed spatial strategy or allocations and should therefore inform the review of Policies SS1, H1 and H3 as referred to above in identifying sites to meet the objectively assessed housing need.</p> <p>Development of Woodford Farm for housing in a manner outlined within the corresponding Call for Sites submission (Appendix A) is consistent with the aims of this policy and supports the allocation of the site.</p> <p>Officer response: Support is noted.</p> <p>Proposed change: No change.</p>
<p>Key issue 2: Policy should actively encourage brownfield, this would then comply with the NPPF.</p> <p>Detail: Policy falls short of expressing the core principle of the NPPF relating to the encouraging effective re-use of previously developed land for all types of development.</p> <p>The policy should be encouraging the maximum re-use of previously developed land within urban areas which will provide the highly sustainable regeneration of land and existing buildings and make provision for new development.</p> <p>Officer response: The council agrees that one of the core principles of the NPPF is to encourage the effective use of land by re-using land that has been previously developed. Previously, a large proportion of brownfield sites in the urban area have been developed at high densities for housing. The council will continue to encourage the redevelopment of previously developed land and this is favoured ahead of greenfield development, because in most cases it is more sustainable.</p> <p>The council agrees that brownfield development is essential for urban regeneration and if done to a high design standard it brings homes, jobs and services closer together; reducing dependency on the car.</p> <p>Proposed change: No change required – policy DM1 supporting text states that brownfield land is favoured ahead of greenfield development.</p>
<p>Key issue 3: Supports preference – policy should be stronger.</p> <p>Detail: CPRE Protect Kent supports the use of brownfield land within existing settlements in preference to greenfield land. Whilst we welcome the support that the Policy gives to re-using</p>

<p>Policy: DM1 Development on brownfield land</p>
<p>brownfield land, we are concerned that it supports the development of brownfield land in any location. Consequently an additional criterion is needed to provide locational guidance. We would suggest a criterion along the following lines: <i>"The site is located within a defined settlement boundary or is otherwise sustainably located in regard to the highway network and public transport services and would accord with Policy SP5."</i></p>
<p>Officer response: Partially agree: NPPF para 111 states that local plan planning policies should encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.</p> <p>In addition, National Planning Practice Guidance states that local authorities should regard the construction of new buildings in the green belt as in appropriate, except where limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development is proposed.</p> <p>The council agrees that any site proposed for development should be suitably located in terms of highway access and public transport, but a sites suitability will be assessed using policy DM13 – Sustainable transport.</p>
<p>Proposed change: No change</p>
<p>Key issue 4: Proportion of brownfield should be specified.</p>
<p>Detail: OBJECT - We believe that in accordance with the policy of the NPPF to give priority to brownfield sites (now reinforced in the NPPG) the plan should set out clearly the proportion of housing to be built on brownfield land and the requirement for green field sites.</p>
<p>Officer Response: Partially Agree: NPPF para 111 states that Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.</p> <p>The council has previously been successful in developing brownfield sites. As outlined in para 11.2 of the Reg18 Local Plan the council will continue to favour brownfield land ahead of Greenfield. There are some brownfield sites in the borough that may still come forward for development, however there is not an unlimited supply of brownfield land.</p> <p>The Council will use the Local Plan to identify, by site, where development will be located and where development will be restrained. Allocations for housing or other uses will where possible continue to be based in favour of brownfield development ahead of Greenfield, in line with guidance set out in the NPPF and National Planning Practice Guidance</p>
<p>Proposed change: No change</p>
<p>Key issue 5: Query text, define 'high environmental value'.</p>
<p>Detail: DM 1 indicates that proposals for development on previously developed land (brownfield land) will be permitted if the site is not of high environmental value. The term should be defined.</p>
<p>Officer response: National Guidance: NPPF para 111 states that land should be re-used, provided that it is not of high environmental value. This means that the council will take account of issues such as the biodiversity value which may be present on a brownfield site before decisions are taken.</p>

Policy: DM1 Development on brownfield land
The Council have a duty to consider biodiversity when assessing planning applications. Where there is a reasonable likelihood that a planning proposal might affect important protected species or habitats, the council will require information on the species and habitat likely to be affected, and an assessment of the impacts of the proposals. This information will need to be provided before a planning decision is made and if this information is not provided the council may refuse to register the application.
Proposed change: No change required
Key issue 6: Should be equally applicable to all forms of development, not just housing.
Detail: Support for this policy in principle of reusing land that has been previously developed in advance of Greenfield land should equally applicable to all forms of development.
Officer response: Agree, the council supports the development of brownfield development before Greenfield for all development equally.
Proposed change: No change
Key issue 7: Policy should reference that brownfield resource is available at Detling.
Detail: Object to policy DM1 for failing to recognise the value and resource of the established Brownfield site at Detling Aerodrome. The site at Detling was acquired by the objector in 1950 and has been in existence since before WW2. It continues to be contribute to the local economy by providing business premises with an ideal location for distribution, haulage and other transport reliant services. This site should be considered more appropriate than Greenfield allocations at the periphery of existing settlements and the urban area of Maidstone.
Officer response: Allocations of sites that have potential to be developed is covered in the appendices of the Local Plan and not specifically under policy DM1.
Proposed change: No change
Key issue 8: Brownfield sites in not identified settlements should be allowed to be developed.
Detail: If brownfield sites are preferred over greenfield sites asin policy DM1 then previously developed sites in smaller settlements should be able to be developed. If the land is previously developed and not of high environmental value then effective use should be made provided that the development is in scale with the smaller village or settlement.
Officer response: Partially Agree, the Council will use the Local Plan site allocations to identify, by site, where development will be located and where development will be restrained. Allocations for housing or other uses, will where possible, continue to be based in favour of brownfield development ahead of greenfield, in line with guidance set out in the NPPF and National Planning Practice Guidance.
Proposed change: No change

DM1 DEVELOPMENT ON BROWNFIELD LAND

Proposed policy following amendments

Policy DM 1 – Development on brownfield land

- No policy changes proposed

11.1 One of the core principles of the National Planning Policy Framework encourages the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. This is known as brownfield land and, in Maidstone, a large proportion of brownfield sites in the urban area have been developed at high densities for housing in recent years, particularly in and adjacent to the town centre along the River Medway. Making the best use of previously developed land will continue to be encouraged throughout the lifetime of this plan.

11.2 Development of brownfield land is favoured ahead of Greenfield development because in most cases it is more sustainable. It is important to ensure that brownfield land is not underused and that the most is made of vacant and derelict land and buildings in order to reduce the need for greenfield land, which is a finite resource and often of higher quality in terms of landscape and biodiversity.

11.3 Brownfield development is essential for urban regeneration and if done to a high design standard it brings homes, jobs and services closer together; reduces dependency on the car; and strengthens communities.

POLICY DM1

Development on brownfield land

Proposals for development on previously developed land (brownfield land) that make effective and efficient use of land and which meet the following criteria will be permitted:

1. The site is not of high environmental value; and
2. If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy H2 unless there are justifiable planning reasons for lower density development.

DM2 SUSTAINABLE DESIGN STANDARDS

Consultation issues and responses

<p>Policy: DM2 Sustainable design standards</p>
<p>Key issues:</p> <ol style="list-style-type: none"> 1. The Code for Sustainable Homes is being superseded, with elements of it being incorporated into building regulations. 2. Criterion 4 is too weak/there are too many get out clauses. 3. Flexibility of policy welcomed. 4. Code level 5 should be required. 5. Green wall technology should be included. 6. An SPD should be produced to be able to react more quickly to newer design standards. 7. Require PassivHaus standard. 8. The 10% renewable energy requirement does not add to policy and is difficult to assess. 9. Policy should reflect move to zero carbon homes. 10. Needs to incorporate flexibility for viability issues regarding Code level 4. 11. Policy should allow for higher standards to be imposed at the end of the period, when technology improves.
<p>Key issue 1: The Code for Sustainable Homes is being superseded, with elements of it being incorporated into building regulations.</p>
<p>Detail: The Government has indicated through its housing standards review that it will issue a policy statement in early 2015, which will be informed by the results of its September 2014 consultation. From the point that the policy statement is issued, the Code for Sustainable Homes will be wound down and no new policies should refer to the Code.</p>
<p>Officer response: Accept. The Government has indicated its approach concerning the Code for Sustainable Homes and will not allow policies referring to it from the moment that it issues its policy statement early in 2015. However, until that point it is prudent for the council to continue preparation of this policy, on the chance that events do not unfold as expected.</p> <p>The Government has not indicated that it intends to stop planning policies from referring to BREEAM or from requiring 10% renewable energy (the Merton Rule). The remit of this policy may change slightly as a result of the policy statement early in 2015, but a number of elements will remain relevant.</p>
<p>Proposed change: This policy will likely need to be amended following the Government publishing its policy statement in 2015. However, until that time, the policy should remain the same.</p>
<p>Key issue 2: Criterion 4 is too weak/there are too many get out clauses.</p>
<p>Detail: There is some concern that by including a criterion in the policy that allows for lower standards to be attained on the basis of either viability or feasibility, the policy will make it easier for applicants not to deliver on their obligations.</p>
<p>Officer response: Reject. Paragraph 173 of the National Planning Policy Framework (NPPF) states that:</p> <p>“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”</p>

<p>Policy: DM2 Sustainable design standards</p>
<p>While it is accepted that the Local Plan Viability Testing (2013) evidence document provides the justification to set policy requirements, costs will not be the same across all sites. Criterion 4 provides the necessary flexibility to accommodate any unexpected costs.</p>
<p>In terms of feasibility, if a policy requirement is not possible, then this should be proven and alternative action taken. It would be unreasonable to pursue a requirement in these circumstances.</p>
<p>Proposed change: No change.</p>
<p>Key issue 3: Flexibility of policy welcomed.</p>
<p>Detail: Criterion 4 allows for flexibility in the standards delivered, on the grounds of viability or feasibility.</p>
<p>Officer response: Support noted.</p>
<p>Proposed change: No change.</p>
<p>Key issue 4: Code for Sustainable Homes level 5 should be required.</p>
<p>Detail: It is suggested that Code for Sustainable Homes level 4 is insufficient in seeking the delivery of sustainable development. Code level 5 would require more efficient and sustainable developments, however, with increasing Code levels comes increasing costs.</p>
<p>Officer response: Reject. Local Plan Viability Testing (2013), page 56 states:</p> <p>“Sustainable design – it is recommended that the policy seeking higher than building regulation standards in terms of sustainable design is removed from the Plan. It is unlikely that building regs will be changed to incorporate the Code 5 equivalent requirements in the short to medium term because of viability issues. The effect of requiring higher standards through policy effectively wipes out around £600,000 per hectare from the residual value – this will effectively mean that the council won’t be able to seek any affordable housing or S106 from greenfield sites in Maidstone.”</p> <p>On this basis, the evidence indicates that requiring Code level 5 would put delivery of the plan at risk. This would in turn put the plan at risk of being found unsound.</p>
<p>Proposed change: No change.</p>
<p>Key issue 5: Green wall technology should be included.</p>
<p>Detail: The particular threat posed by poor air quality and urban heat traps within the borough means that green wall technology should also be incorporated into this section.</p>
<p>Officer response: Partially accept. The use of green wall technology to mitigate the impact of development, with respect to climate change, is a technically acceptable proposition and would most likely enhance any proposal aesthetically.</p> <p>The extent to which air quality would be improved would need to be proven and would be reliant on the use of the most appropriate plant species, given the specifics of any given proposal.</p> <p>If green walls can be used to help achieve relevant Code for Sustainable Homes or BREEAM standards, this could well be an acceptable suggestion, subject to relevant planning considerations. To specify green walls, however, would take away some flexibility in how the applicant delivers required standards under this policy. Viability must also be considered when specifying standards in policy.</p>

Policy: DM2 Sustainable design standards
Proposed change: No change.
Key issue 6: An SPD should be produced to be able to react more quickly to newer design standards.
Detail: Supplementary planning documents (SPD) are not subject to the same preparation requirements as policies in local plans. Accordingly it is suggested, for ease of preparation and being able to react to changes in industry standards, that the most appropriate place to include policy requirements for sustainable construction techniques is in an SPD.
Officer response: Reject. An SPD in this case could act as a signposting document. The council intended to produce a range of SPD from 2006 until 2008, which would have performed this purpose, however, only one was ever adopted (Using Water). This document could not specify standards because the impact of doing so needed to be assessed at examination. Since that time, the Government has more explicitly required viability assessments of local plans and the policies contained within them because of the potential impact on deliverability.
Proposed change: No change.
Key issue 7: Require PassivHaus standard.
Detail: From the Passivhaus website: "Passivhaus or 'Passive House' is the fastest growing energy performance standard in the world with 30,000 buildings realised to date with the majority of those since the turn of the century. The Passivhaus standards strengths lie in the simplicity of its approach; build a house that has an excellent thermal performance, exceptional airtightness with mechanical ventilation. This robust approach to building design allows the designer to minimise the 'Heating Demand' of the building and in some residential buildings only specify a heated towel rail as means of conventional heating, this heat can then be recovered and circulated by a Mechanical Ventilation and Heat Recovery (MVHR) unit."
Officer response: Reject. The Government intends to publish a policy statement in early 2015 that would indicate the wind down of the Code for Sustainable Homes. The Government has stated: "From the date of the statement only standards set out in the Building Regulations optional requirements, the associated Approved Documents and the nationally described space standard should be applied in planning conditions for new housing development."
Proposed change: No change.
Key issue 8: 10% renewable energy requirement does not add to policy and is difficult to assess.
Detail: Quote from comment: "The 10% is very difficult to assess and fails to address the aim of the policy. The policy should focus on efficient energy use and reduced carbon emissions."
Officer response: Reject. This requirement was adopted into Maidstone planning policy with the South East Plan 2009. The South East Plan has since been abolished, however, this policy was subject to examination and approved. The Merton Rule, as it is known, is a widely adopted approach to reducing energy reliance on

<p>Policy: DM2 Sustainable design standards</p>
<p>fossil fuels. While it may not in itself be measured in terms of carbon emissions or reduced energy use, the policy is written in a way to allow for the 10% renewable energy to contribute to the achievement of given Code for Sustainable Homes levels.</p>
<p>The achievement of Code levels may be end up being wound down by Government, however, this is still a valuable policy tool.</p>
<p>Proposed change: No change.</p>
<p>Key issue 9: Policy should reflect move to zero carbon homes.</p>
<p>Detail: The Government has indicated that it intends for zero carbon homes to be delivered through changes to Building Regulations, by 2016. Zero carbon homes at one time referred to a energy performance equivalent to that in Code for Sustainable Homes level 6. The Government has since amended this definition to make zero carbon homes equivalent to the energy performance of Code level 5.</p>
<p>Officer response: Reject. The Government has indicated that it intends to deliver zero carbon homes through changes to the Building Regulations.</p>
<p>Proposed change: No change.</p>
<p>Key issue 10: Needs to incorporate flexibility for viability issues regarding Code level 4.</p>
<p>Detail: Code level 4 is a more stringent standard than is currently required through Building Regulations and is part of the Code for Sustainable Homes.</p>
<p>Officer response: Accept. Maidstone Borough Council has commissioned and published its Local Plan Viability Testing (2013) evidence document relating to viability. This considered the implementation of Code level 4 in new housing developments.</p>
<p>Criterion 4 allows for the delivery of a reduced standard if there are sufficient grounds either in terms of viability or feasibility.</p>
<p>Proposed change: No change.</p>
<p>Key issue 11: Policy should allow for higher standards to be imposed at the end of the period, when technology improves.</p>
<p>Detail: It is quite possible that at the end of the local plan period, in 2031, technology could allow for more efficient homes to be built at equivalent costs to those built now. In that respect, the comment is requesting that a policy is written that allows for such a situation and applies more stringent standards should such a scenario occur.</p>
<p>Officer response: Partially accept. The sentiment of this comment is correct, however, in practice a number of issues mean that the policy will not be amended to reflect the request.</p>
<ol style="list-style-type: none"> 1. The Government is winding down the Code for Sustainable Homes and is being strict about the use of locally described standards in policy. This change would be at odds with the Government position. 2. The implication of higher standards would in all likelihood, require further viability testing to be undertaken to ensure that this does not adversely affect the delivery of development in the area. 3. The local plan will be subject to a review process before the end of its period. This would be the most appropriate moment to determine if the standards should be increased. At that point of the future the debate may have changed to the degree that more priority is placed on the delivery of an alternative standard or element of infrastructure.
<p>Proposed change: No change.</p>

DM2 SUSTAINABLE DESIGN STANDARDS

Proposed policy following amendments

Policy DM 2 – Sustainable design and construction

- No policy changes proposed

11.4 Recognition of climate change and its contributing factors will be central to the future of development across the borough. New developments will need to incorporate mitigating measures, while still achieving the high quality designs that make the borough a desirable place to live and work.

11.5 The Climate Change Act 2008 sets two legally binding targets, a 34% reduction in greenhouse gas emissions by 2020, leading to an 80% emissions cut by 2050, both of which are set against a 1990 baseline. Maidstone Borough Council adopted the Kent Environment Strategy in 2011, which itself seeks a 60% cut in greenhouse gas emissions (measured as CO₂ equivalent) against 1990 levels by 2030.

11.6 It is more energy and cost efficient to design and develop buildings to an appropriate standard, than it is to develop them at a lower standard and retrofit them later in their life. The Code for Sustainable Homes (residential) and the Building Research Establishment Environmental Assessment Method (BREEAM) (non-residential) are the most appropriate/recognisable assessment methods by which to judge and require increased sustainability standards in new developments.

11.7 The Code for Sustainable Homes itself sets out national water efficiency standards with the aim of reducing potable water consumption in residential developments. Applications for residential developments will need to have regard to these standards and the Maidstone water cycle study.

POLICY DM2

Sustainable design standards

Development proposals in the borough will:

1. If residential; achieve a minimum of Code for Sustainable Homes (or any future national equivalent) level 4. The council will encourage the achievement of higher Code for Sustainable Homes levels where it is a feasible element of the proposal.
2. If non-residential developments of 1000m² (gross) and above; achieve BREEAM (or any future national equivalent) Very Good. The council will encourage the achievement of higher BREEAM levels where it is a feasible element of the proposal.
3. If residential developments of 10 units and above, or non-residential of 1000m² (gross) and above; provide 10% of their energy from decentralised, energy from waste, renewable and/or low-carbon energy sources. Where applicable this requirement will count towards (1) and (2) above.
4. Relating to the criteria above, and with the exception of meeting a minimum water

efficiency standard equivalent to Code for Sustainable Homes level 4, development will be permitted to achieve a reduced standard, to be negotiated with the council, only if it can be demonstrated on the grounds of viability or feasibility that the above standards are unattainable, including the option of equivalent carbon emissions reduction near or off site.

DM3 RENEWABLE AND LOW CARBON ENERGY SCHEMES

Consultation issues and responses

<p>Policy: DM3 Renewable and low carbon energy schemes</p>
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Should require that land is returned to agricultural use. 2. Policy should be amended to reflect emerging government guidance from DCLG and DECC. 3. Policy should be more balanced, currently considered too negative, should promote these uses more. 4. Policy should promote solar panels on the roofs of industrial and agricultural buildings. 5. Should include monitoring measures. 6. Should have specific landscape criteria listed in policy. 7. Object to loss of greenfield sites/BMV agricultural land. 8. Cumulative impacts should be considered. 9. Reference to AONB is welcomed. 10. Ability to mitigate impacts through site selection and design is not emphasised enough.
<p>Key issue 1: The policy should require that land is returned to agricultural use.</p>
<p>Detail: Where applications for renewable and low carbon energy schemes are approved on agricultural land, it should be specified that the land is returned to agricultural use when operations cease.</p>
<p>Officer response: Accept. This is a particular consideration for ground mounted solar farms. The National Planning Practice Guidance (NPPG) states:</p> <p>“that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;”</p> <p>Where it is relevant, such a condition should apply to all renewable and low carbon energy schemes.</p>
<p>Proposed change: Add after criterion 8:</p> <p>“And</p> <p>9. Make provision for the return of the land to its previous use when the installations have ceased operation.”</p>
<p>Key issue 2: Policy should be amended to reflect emerging government guidance from Department of Communities and Local Government (DCLG) and the Department of Energy and Climate Change (DECC).</p>
<p>Detail: In March 2014, the DCLG introduced the National Planning Practice Guidance. In April 2014, DECC released the UK Solar PV Strategy (Part 2). Each of these documents contains guidance relating to the development of renewable and low carbon energy. Of particular interest is the guidance on ground mounted solar farms, including a reference to a speech by Greg Barker MP to the solar PV industry. In this speech it is recognised that solar PV has a central role to play in the delivery of renewable/low carbon energy, however, this is balanced with a recognition that the Government’s subsidy structure needs to be changed to incentivised building mounted panels.</p>
<p>Officer response: Accept. The policy as consulted on reflected the guidance in the document</p>

Policy: DM3 Renewable and low carbon energy schemes
‘Planning practice for renewable and low carbon energy, released by DCLG in 2013. The NPPG, which supersedes this document, repeats this guidance. The policy is therefore, still in line of national guidance, however, it is nonetheless appropriate to amend the policy to reflect the Government intention to incentivise the development of solar PV panels on commercial premises.
Proposed change: Amend criterion 8 to read:
“8. Preference will be given to existing commercial and industrial premises, previously developed land or agricultural land that is not classified as the best and most versatile.”
Key issue 3: Policy should be more balanced, currently considered too negative, should promote these uses more.
Detail: Policy should promote renewable and low carbon energy sources and should be drafted to reflect that position.
Officer response: Reject. The approach taken in the draft local plan was to specify a criteria based policy, as opposed to identifying specific areas of the borough for renewable energy projects through land allocations. In doing so, the policy needs to be balanced and list the criteria which a given proposal would need to meet or, at the least, show have been considered if permission is to be granted.
The policy does not specify that a proposal will be granted, should it meet the criteria in the policy, but at the same time it does not specify that a proposal will be refused. In this sense, the proposed policy is balanced.
Proposed change: No change.
Key issue 4: Policy should promote solar panels on the roofs of industrial and agricultural buildings.
Detail: In April 2014, DECC released the UK Solar PV Strategy (Part 2). In the strategy, the Government has added emphasis to the use of commercial and industrial building roof space for the installation of solar PV panels. This is, however, balanced with the recognition that ground mounted solar arrays still have a role to play. The strategy also quotes the “Solar Farms 10 Commitments” of the Solar Trade Association.
Officer response: Partially accept. The role of this policy is not to promote specific types of renewable or low carbon energy development. However, there is a preference built into the policy seeking the use of previously developed land ahead of greenfield sites. This can be amended to specifically reference commercial and industrial premises.
Proposed change: Amend criterion 8 to read:
“8. Preference will be given to existing commercial and industrial premises, previously developed land or agricultural land that is not classified as the best and most versatile.”
Key issue 5: Should include monitoring measures.
Detail: The policy should state what the monitoring parameters are for renewable and low carbon energy developments.
Officer response: Partially accept. The policy is not necessarily the best place to include monitoring measures. However, the two planning policy advice notes adopted in early 2014, which deal with domestic, medium and large scale solar arrays, do reference that the council will keep a list of such schemes proposed in the borough. While this is not specific monitoring as such, it does contain the information required.

Policy: DM3 Renewable and low carbon energy schemes
The annual monitoring report can be amended to include monitoring of renewable and low carbon energy developments, however, knowledge relating to completions might be more difficult to gather outside of undertaking a comprehensive monitoring exercise – such as those for housing and commercial completions.
Proposed change: No change.
Key issue 6: Should have specific landscape criteria listed in policy.
Detail: The policy currently refers to the landscape and visual impact of proposals in criterion 2, and makes specific reference to the Kent Downs AONB. This comment suggests that further criteria/more detail for criterion 2 are/is required
Officer response: Reject. Adding further criteria to the policy in this respect risks making it inflexible. In its current form, the policy appropriately references the landscape and indicates that this will be a prime consideration in determining any application submitted to the council.
The Maidstone Borough Local Plan is designed to be read as a whole document. Further detail is appropriately provided at DM4 – Principles of good design, DM10 – Historic and natural environment, and DM30 – Design principles in the countryside.
Proposed change: No change.
Key issue 7: Object to loss of greenfield sites/best and most versatile agricultural land.
Detail: Some renewable and low carbon energy developments, such as ground mounted solar arrays, are frequently proposed on greenfield or agricultural land.
Officer response: Partially accept. The principle of this comment is correct in that where possible, developments should be sited on commercial or industrial premises, or previously developed land, prior to considering greenfield land or best and most versatile (BMV) agricultural land.
The policy does, however, include a preference that such sites are considered prior to seeking development on greenfield or BMV agricultural land. In conjunction with other considerations such as design and landscape being addressed by other policies in the plan, there is sufficient protection for greenfield sites and BMV agricultural land.
Proposed change: No change.
Key issue 8: Cumulative impacts should be considered.
Detail: Where a number of schemes are proposed in a relatively confined area, there should be a consideration of cumulative impact i.e. how these schemes impact the environment as a whole when taken together.
Officer response: Accept. The policy refers to cumulative impact in criterion 1.
Proposed change: No change.
Key issue 9: Reference to AONB is welcomed.
Detail: Policy refers specifically to the Kent Downs AONB.
Officer response: Noted.
Proposed change: No change.
Key issue 10: Ability to mitigate impacts through site selection and design is not emphasised enough.
Detail: Depending on the type of development proposed, impacts can be effectively mitigated through site choice and the design of the scheme.
Officer response: Reject. The proposed policy and proposed amendments do indicate a preference for sites at criterion 8. The preference states that commercial and industrial premises are preferred, along with previously developed land before considering agricultural

Policy: DM3 Renewable and low carbon energy schemes

land or BMV agricultural land.

The issue of design is addressed through policies DM4 – Principles of good design, and DM30 – Design principles in the countryside.

Proposed change: No change.

DM3 RENEWABLE AND LOW CARBON ENERGY SCHEMES

Proposed policy following amendments

Policy DM 3 – Renewable and low carbon energy schemes

- Additions and amendments
- Deletions

11.8 In Maidstone Borough, parts of the natural landscape features and resources mean that there is a technical suitability for the construction of renewable and low carbon energy schemes, such as solar farms, wind farms and biomass. In the longer term, opportunities for such developments may also present themselves in urban areas particularly in relation to larger development schemes.

11.9 These schemes help to reduce regional and national carbon emissions and the council considers that, in the correct locations, such proposals are a benefit to the borough as a whole. Nevertheless, they need to be appropriately sited and not conflict with landscape character or existing uses. The council is keen that while it contributes to bringing about a low carbon future, the process of doing so should not affect the existing amenity of residents and businesses in a harmful way. Living environments should remain appropriate as such and the operation of businesses should not be impeded.

11.10 Where applications are submitted for larger scale renewable or low carbon energy schemes including, but not limited to, solar farms, wind farms and biomass, proposals will be judged on individual merits.

11.11 In January 2014, the council adopted planning policy advice notes⁽⁷⁾⁽⁸⁾ which provide technical advice to applicants and guidance on decision making, with regard to solar energy proposals. Where solar energy schemes are proposed, the guidance within the planning policy advice notes should be referenced.

11.12 Further guidance is available in the National Planning Practice Guidance , under the Renewable and low carbon energy section ~~document Planning practice guidance for renewable and low carbon energy⁽⁹⁾.~~

POLICY DM3

Renewable and low carbon energy schemes

Applications for larger scale renewable or low carbon energy projects will be required to demonstrate that the following have been taken into account in the design and development of the proposals.

1. The cumulative impact of such proposals in the local area.
2. The landscape and visual impact of development, with particular regard to any impact on, or the setting of, the Kent Downs AONB.
3. The impact on heritage assets and their setting.

4. The impact of proposals on the amenities of local residents, e.g. noise generated and in the case of wind turbines, shadow flicker.
5. The impact on the local transport network.
6. The impact on ecology and biodiversity including the identification of measures to mitigate impact and provide ecological or biodiversity enhancement.
7. In the case of wind turbines, [in addition to 1 to 6 above] the impact on:
 - i. Air traffic and safety;
 - ii. Defence installations and operations;
 - iii. Other radar installations; and
 - iv. Electromagnetic transmissions.
8. Preference will be given to existing commercial and industrial premises, previously developed land or agricultural land that is not classified as the best and most versatile.

And
9. Make provision for the return of the land to its previous use when the installations have ceased operation.

7. Planning policy advice note: Domestic and medium scale solar PV arrays (up to 50kW) and solar thermal.

8. Planning policy advice note: Large scale (>50kW) solar PV arrays.

9. ~~Department for Communities and Local Government, 2013.~~

DM4 PRINCIPLES OF GOOD DESIGN

Consultation issues and responses

Policy: DM4 Principles of good design
Key issues:
<ol style="list-style-type: none"> 1. Should mention Part P of Building Regulations. 2. Character area assessments should be produced in advance of applications for large scale development. 3. Policy needs to be enforced. 4. Incorporate biodiversity. 5. Development should avoid flood zones 2 and 3. 6. Relevant parts of Neighbourhood Plans should be incorporated/referenced. 7. Reference to 'natural character' should be clarified. 8. Policy should ensure that housing development and other sensitive development is separated from wastewater treatment facilities. 9. SuDS should be incorporated as an element of good design. 10. There should be a focus on landscape character as a key element of site choice. 11. Quality of design is often more important than the size of a building.
Key issue 1: Should mention Part P of Building Regulations.
Detail: Part P of the Building Regulations relates to electrical safety.
Officer response: Reject. This policy refers to design principles, primarily in aesthetic terms. Part P of the Building Regulations is dealt with by Building Regulations and therefore there is no need to reference it.
Proposed change: No change.
Key issue 2: Character area assessments should be produced in advance of applications for large scale development.
Detail: Maidstone Borough Council has produced two character area appraisals – one for London Road and one for Loose Road. These documents help guide the design for new developments in those areas.
Officer response: Partially accept. The principle of the comment is correct, however, the council is not in a position to undertake assessments and produce character area appraisals for the numerous areas that would require them. The approach that the council is following is to draft criteria based policies that guide developers through the application process. Developers will be expected to demonstrate how they have taken account of the requirements in the policy.
Proposed change: No change.
Key issue 3: Policy needs to be enforced.
Detail: As per comment, the policy needs to be backed up with enforcement.
Officer response: Accept. All policies need to be enforced in some manner, however, there are a number of ways of achieving this. Policy DM4 guides the design process and development management officers can help the applicant with appropriate suggestions if need be. If it is not considered that the applicant has followed the principles as set out in policy, the report can recommend refusal or indeed, the planning committee can refuse the application [if it is presented to the committee].
Proposed change: No change.
Key issue 4: Incorporate biodiversity.
Detail: Biodiversity criteria should be incorporated into the policy.
Officer response: Reject. The plan should be read as a whole document. Biodiversity is

Policy: DM4 Principles of good design
addressed in policy DM10 – Historic and natural environment.
Proposed change: No change.
Key issue 5: Development should avoid flood zones 2 and 3.
Detail: Development should not be permitted in areas that are most susceptible to flooding i.e. flood zones 2 and 3.
Officer response: Reject. Criterion xii addresses the risk of flooding and requires that mitigation measures are incorporated in areas that are susceptible. Allocations within the local plan have been proposed that do not occur within flood plains and where flood plains do exist, as indicated by flood zones, they have been retained as areas of non-development. The council has consulted with the Environment Agency in proposing all of its allocations within the local plan. Section 10 of the National Planning Policy Framework outlines the approach to be taken regarding flood risk and provides a stringent test for development in flood zones to pass.
Proposed change: No change.
Key issue 6: Relevant parts of neighbourhood plans should be incorporated/referenced.
Detail: Neighbourhood plans are defined as being part of the development plan. They must be in general conformity with the strategic policies of the local plan, however, precedent has been made where emerging neighbourhood plans have weight ahead of the local plan.
Officer response: Reject. As part of the development plan, neighbourhood plans already have sufficient weight to influence planning decisions. The local plan should be read as a whole, as should the wider development plan. Neighbourhood plans will be referenced by development management officers when making recommendations on planning applications.
Proposed change: No change.
Key issue 7: Reference to 'natural character' should be clarified.
Detail: Criterion ii of the policy references local, natural or historic character of any given area where a development proposal might be made.
Officer response: Reject. At paragraph 11.16 [of the draft local plan] further guidance is given: "In appropriate locations, local distinctiveness should be reinforced and natural features worthy of retention be sensitively incorporated. It is also important that all new development protects and enhances any on site biodiversity and geodiversity features..." The level of guidance provided is appropriate. Further guidance may risk excluding relevant features relating to natural character because a set definition has been given, giving rise to an 'in or out' scenario.
Proposed change: No change.
Key issue 8: Policy should ensure that housing development and other sensitive development is separated from waste water treatment facilities.
Detail: Waste water treatment facilities are a necessary part of development, however, there is concern relating to health issues and how they affect the amenity of local residents.
Officer response: Reject. This is subject to separate regulations outside of the planning system.
Proposed change: No change.
Key issue 9: SuDS should be incorporated as an element of good design.
Detail: Sustainable drainage systems should be sought as part of new developments. Specifically this should be addressed as an element of the design principles policy.

Policy: DM4 Principles of good design
Officer response: Accept. Sustainable drainage systems are an appropriate element of modern developments, which can provide multi-functional benefits. Policy DM10 – Historic and Natural Character, addresses sustainable drainage systems but there is a cross over with DM4 that needs to be made.
Proposed change: After criterion xiii, insert new criterion xiv: "xiv. Incorporate sustainable drainage systems where feasible.
Key issue 10: There should be a focus on landscape character as a key element of site choice.
Detail: The selection of sites for development should be informed by landscape character information as a key element. This relates to the council's own LCA document and any landscape works undertaken by the developers themselves.
Officer response: Partially accept. The proposed allocation of sites in the draft Maidstone Borough Local Plan was informed by landscape character as one of a number of factors. The council has since undertaken further work on landscape capacity to further determine the impact of all of the proposed site allocations. Policy DM30 – Design principles in the countryside, makes reference to landscape character and the Maidstone Borough Landscape Character Guidelines SPD (yet to be produced). Developers should undoubtedly consider landscape character in proposing new sites and developments.
Proposed change: Amend final paragraph of DM4 to state: "Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Maidstone Borough Landscape Character Guidelines SPD, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan."
Key issue 11: Quality of design is often more important than the size of a building.
Detail: The quality of design is an important element to consider.
Officer response: Noted. A number of factors will determine how well a development is received. Policy DM4 is intended to address and guide these factors. The size of a building is just one element that needs to be considered.
Proposed change: No change.

DM4 PRINCIPLES OF GOOD DESIGN

Proposed policy following amendments

Policy DM 4 – Principles of good design

- *Additions and amendments*
 - ~~Deletions~~
-

11.13 Good design is the fundamental principle underpinning good planning. It has a very important impact upon the quality of the environment and the way in which places function. The National Planning Policy Framework places great emphasis upon raising the quality of the built, natural and historic environment and the quality of life in all areas. It attaches great importance to the securing of high quality design and seeks to ensure that all development contributes to making places better for all.

11.14 The council aspires to achieve high quality design throughout the borough, and policy DM4 seeks to manifest this aim and will be used to assess all development requiring planning permission. In order to achieve high quality design, the council expects that proposals will respect and, where appropriate, enhance the character of their surroundings. It is important that development contributes to its context.

11.15 Key aspects of built development will be the scale, height, materials, detailing, mass, bulk and site coverage. These features should relate well, and respond positively, to the context in which they are seen. Good design should also address the functioning of an area, including accessibility to all, linkages to local services, and issues of crime. New development should integrate well into the built, natural and historic environment and should address the connections between people and places, including vehicle and pedestrian movement.

11.16 In establishing the use and designing the layout and site coverage of development, landscape shall be integral to the overall design of a scheme and needs to be considered at the beginning of the design process. In appropriate locations, local distinctiveness should be reinforced and natural features worthy of retention be sensitively incorporated. It is also important that all new development protects and enhances any on site biodiversity and geodiversity features, or provides sufficient mitigation measures, and in areas at risk of flooding, inappropriate development should be avoided.

11.17 In assessing the appropriateness of design, the council will have regard to adopted Conservation Area Appraisals and Management Plans, Character Area Assessments and the Kent Design Guide, which provide specific information about local character and distinctiveness and give guidance on design principles. Regard will also be given to the Kent Downs Area of Outstanding Natural Beauty Management Plan.

11.18 Proposals which fail to take opportunities to secure high quality design will be resisted.

POLICY DM 4 **Principles of good design**

Proposals which would create high quality design and meet the following criteria will be permitted:

- i. Create designs and layouts that are accessible to all, and maintain and maximise opportunities for permeability and linkages to the surrounding area and local services;
- ii. Respond positively to and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage - incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- iii. A modern design approach incorporating vernacular materials will be sought;
- iv. Create high quality public realm and, where opportunities permit, provide improvements, particularly in town centre locations;
- v. Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties;
- vi. Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site;
- vii. Provide a quality of design commensurate with the degree of environmental value;
- viii. Orientate development, where possible, in such a way as to maximise the opportunity for sustainable elements to be incorporated and to reduce the reliance upon less sustainable energy sources;
- ix. Protect and enhance any on site biodiversity and geodiversity features where appropriate, or provide sufficient mitigation measures;
- x. Safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access;
- xi. Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour;
- xii. In areas at risk of flooding, provide mitigation measures integral to the design of buildings will be required;
- xiii. Avoid inappropriate new development within areas at risk from flooding or mitigate any potential impacts of new development within such areas;
- xiv. Incorporate sustainable drainage systems where feasible;
- xv. Incorporate measures for the adequate storage of waste, including provision for increasing recyclable waste;
- xvi. Provide adequate vehicular and cycle parking to meet adopted council standards; and
- xvii. Be flexible towards future adaptation in response to changing life needs.

Account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Maidstone Borough Landscape Character Guidelines SPD, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan.

DM5 RESIDENTIAL GARDEN LAND

Consultation issues and responses

<p>Policy: DM5 Residential garden land</p>
<p>Key issues:</p> <ol style="list-style-type: none"> 1. More precise criteria required. 2. Policy should reference granny annexes. 3. Safeguards needed to protect the character of an area. 4. Construction of dwelling in residential gardens can be achieved without undue detriment to neighbouring properties. 5. Leave gardens alone. 6. Importance of urban biodiversity. 7. Need for adequate on site car parking. 8. Where is there evidence of a settlement character? This policy will not be effective without this information. 9. New development/redevelopment should always be sympathetic to the existing housing density and design in a given area.
<p>Key issue 1: More precise criteria required.</p> <p>Detail: This parish council has not changed its view that gardens should be treated as greenfield sites. If development is to be entertained, MBC should state precise criteria for allowing such development along the lines of 'Development will not be permitted if the ratio of the footprint of the proposed new dwelling to its curtilage exceeds that of the existing dwelling to its new curtilage.' Development is in keeping with the character of the current property and the street scene in general.</p> <p>Officer response: Partially accept, NPPF Para 53 states that: "Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".</p> <p>The Council will continue to resist inappropriate development, which typically involves the subdivision of existing residential curtilages, which can appear cramped and damage the existing pattern of development.</p> <p>Proposed change: No change.</p>
<p>Key issue 2: Policy should reference granny annexes.</p> <p>Detail: This representation seeks to draw the attention of Maidstone Borough Council to the benefits of the provision of Granny Annexes and how the Local Plan should pro-actively support such proposals. The requirement to provide affordable and sustainable accommodation for elderly family members is ever increasing. Age UK published 'Care in Crisis 2014' which sets out the very clear need for flexible accommodation solutions for the elderly:</p> <ul style="list-style-type: none"> • The number of people aged 85 and over (the group most likely to need care) has increased by 30 per cent between 2005 and 2014. • Between 2005/6 and 2010/11 public funding for older people's social care stagnated. • 21% increase of residents in nursing/residential homes since 2005. • From 2010/11 to 2013/14 public funding for older people's social care (including transfers from the NHS to councils) decreased by 10 per cent in real terms. • Councils have cut back on their funding for social care. • In 2011, it was estimated that 2 million older people had care related needs.

Policy: DM5 Residential garden land

The provision of a granny annexe within the residential curtilage creates a long term and sustainable solution to the needs of the aging population. The benefits include;

- Allows family members to provide the care and support required.
- Reduces the stress and impact on local services, ie nursing homes, home visits from care professionals etc.
- Cost effective and affordable solution to supported living.
- Provides a measure of independence, while still being close to support.

'Annexes' can additionally provide ancillary living accommodation for younger members of the family, allowing them to save for deposits for their first home, improve living conditions, provide a measure of independence and allow extended families to stay together.

The provision of granny annexes is supported by central Government in the report 'Laying the Foundations: A Housing Strategy for England (2013)'. It states:

"Planning homes and communities that enable older people to remain economically active, involved with their families, friends and community and able to choose where and how they live not only makes financial sense but also results in a better, more inclusive society."

With both an ageing population and young people finding it difficult to get on the housing ladder, the government is removing barriers to extended families that live together.

This is evident with the recent reduction to council tax for granny annexes and the exemption of CIL charges.

We recommend incorporating the following policy in DM5 or DM8:

Ancillary Buildings

Proposals for domestic outbuildings and extensions that provide ancillary residential accommodation within the curtilage of an existing dwelling will be permitted provided that:

1. Would not have a significant detrimental impact on the character and appearance of the surrounding area; and
2. Is not used for any purpose other than ancillary residential accommodation to the main dwelling.

It is important that the policy position accepts that granny annexe accommodation is ancillary to the main dwelling and can be controlled through an appropriate planning condition. It should also reinforce that granny annexe accommodation does not constitute a new dwelling and should be considered as such in planning decisions.

Officer response: The Council recognise the benefit of residential annexes can provide for members of the same family, particularly older family members who may need additional support.

A residential annex can be defined as accommodation ancillary to the main dwelling with the residential curtilage, and is a form of extra accommodation in the same way an extension to a dwelling would be. The Council is of the opinion that that annexes should be well related to the main dwelling.

The Council agrees that within defined settlements, annexes are generally an acceptable form of additional accommodation for residents. The design, layout and scale of annexes are crucial factors in determining the impact on the amenity of existing or new residents on the visual form and character of the local area. Ensuring that there remains safe and adequate parking and access is also a key factor in assessing applications. Problems arise when developing annexes separate from the main dwelling, because they may appear to be used as separate dwellings and are intrusive in the landscape in countryside locations.

Policy: DM5 Residential garden land
There is currently no national guidance specifically relating to residential annexes so proposals will be assessed against more general policies in the Local Plan and the National Planning Policy Framework.
Proposed change: No change – applications for residential annexes will be assessed against Local Plan policies and the NPPF.
Key issue 3: Safeguards needed to protect the character of an area.
Detail: Not supported without more safeguards to protect the character of an area
Officer response: The NPPF requires local planning authorities to set out policies to resist inappropriate development in residential gardens. The Council will continue to resist inappropriate development within existing residential curtilage. New developments will be assessed against policy DM4 and will only be permitted providing that they do not harm the character and appearance of an area.
Proposed change: No change.
Key issue 4: Construction of dwelling in residential gardens can be achieved without undue detriment to neighbouring properties.
Detail: The development of residential garden land to provide additional dwellings is supported. There are numerous opportunities throughout the Borough where the construction of dwellings within existing gardens can be achieved without undue detriment to adjacent properties. The council should therefore look favourably on such proposals when they are submitted.
Officer response: The Council recognises the benefits of development within some residential gardens in helping to meet the councils housing need. The NPPF requires local planning authorities to set out policies to resist inappropriate development in residential gardens. The Council will continue to resist inappropriate development within existing residential curtilage. and new buildings will allow be permitted providing that they do not harm the character and appearance of an area.
The policy sets out when development within a domestic garden is acceptable, subject to the criteria being met.
Proposed change: No change.
Key issue 5: Leave gardens alone.
Detail: Leave gardens alone
Officer response: Reject: The Council recognises the benefits of development within some residential gardens. The NPPF requires local planning authorities to set out policies to resist inappropriate development in residential gardens. The Council will continue to resist inappropriate development within existing residential curtilage. New developments will be assessed against policy DM4 and will only be permitted providing that they do not harm the character and appearance of an area.
Proposed change: No change.
Key issue 6: Importance of urban biodiversity.
Detail: Object, Policy DM5 should make some reference to the value of gardens as stepping stones and corridors in the habitats network, and their importance to urban biodiversity, detailed landscape and visual assessments.
Officer response: The Council recognises the importance of biodiversity with the urban area and the whole Borough of Maidstone. NPPF Para 109 requires local authorities to enhance the natural and local environment by minimising impacts on biodiversity and providing net gains

Policy: DM5 Residential garden land
in biodiversity where possible. Where applications for development do not conform with the NPPF or policy Local Plan policy DM10 permission will be refused.
Proposed change: No change.
Key issue 7: Need for adequate on site car parking.
Detail: Need for adequate on site car parking
Officer response: Car parking is a major consideration for all residential developments. Policy DM5 requires that development within residential gardens will only be acceptable where suitable access can be proved from the property to the highway and there would be no significant increase in noise or disturbance from traffic gaining access to the development. The Council does not consider that a uniform standard should be set for the number of spaces that should be provided, but that the number of off street parking spaces and their design should be appropriate to the proposed scheme. The need for a schemes parking requirement will be assessed against more general policies in the Local Plan and against policies in the National Planning Policy Framework.
Proposed change: No change.
Key issue 8: Where is there evidence of a settlement character? This policy will not be effective without this information.
Detail: SUPPORT , but where is the evidence of the settlement character from which they can appraise planning applications. As it stands there's no evidence to back up decisions, so this policy simply won't be able to be applied.
Officer response: Partially agree, NPPF Para 109 requires the planning system to contribute and enhance the natural and local environment by protecting and enhancing valued landscapes.
Planning applications, where required, will be required to assess landscape impact from proposals and will only be permitted where they meet the following criteria: <ul style="list-style-type: none"> • The higher density resulting from the development would not result in harm to the character and appearance of the area.
Proposed change: No change.
Key issue 9: New development/redevelopment should always be sympathetic to the existing housing density and design in a given area.
Detail: SUPPORT - new development/redevelopment should always be sympathetic to the density and nature of the housing in the surrounding area.
Officer response: Support Noted – Development will only be granted subject to the criteria to being met.
Proposed change: No change.

DM5 RESIDENTIAL GARDEN LAND

Proposed policy following amendments

Policy DM 5 – Residential garden land

- No policy changes proposed

11.19 Within the built up areas of the borough's towns and villages, there is significant pressure for the development of residential garden land. Such development, typically involving the subdivision of existing residential curtilages, can often appear cramped and damage the existing pattern of development. The council wishes to resist development where it cannot be absorbed within the existing character, pattern and layout of the built environment without detriment to visual amenity. All new development should respect the amenities of neighbouring occupiers and their quality of life. It should be designed to avoid an unacceptable loss of privacy, light or outlook and also excessive levels of noise from activities, processes and traffic movements.

POLICY DM5

Residential garden land

Development of domestic garden land to create new buildings which meet the following criteria will be permitted provided:

1. The higher density resulting from the development would not result in harm to the character and appearance of the area;
2. There is no significant loss of privacy, light or outlook for adjoining properties and/or their curtilages;
3. Access of an appropriate standard can be provided to a suitable highway; and
4. There would be no significant increase in noise or disturbance from traffic gaining access to the development.

DM6 EXTERNAL LIGHTING

Consultation issues and responses

Policy: DM6 External lighting
Key issues: <ol style="list-style-type: none">1. Lighting strategy should be included in Local Plans.2. Account should be taken of other advisory documents.3. Needs monitoring measures to be included.4. Policy should address uplighting.5. Light pollution causes loss of wildlife.6. Intrusive lighting is always inappropriate in the AONB.
Key issue 1: Lighting strategy should be included in Local Plans.
<p>Detail: Maidstone Town Centre Regeneration Sub Group- Maidstone Town Team A Lighting Strategy is being developed to visually enhance Maidstone Town Centre and its approaches. Elements being considered include primary gateway locations, key historic buildings and structures, monuments, sculptures and landscape features. The benefits of the strategy will include a reduction in town light pollution, improved safety, security and wayfinding and a more sustainable, energy efficient environment. The aim is to create a series of pleasant, comfortable public realm spaces with the use of sympathetic and unobtrusive feature lighting to key buildings and structures of note. Significant landscapes such as Brenchley Gardens, the Riverside and the Archbishops Palace & All Saints Church environs will also be enhanced to give them additional prominence. The use of modern, efficient colour changing lamps in prominent locations to promote and support a variety of town events such as parades, fairs, festivals and markets is to be implemented. A pilot project to feature light the historic Maidstone Town Hall is planned. The hall is Grade II listed and forms the western perimeter of the new Jubilee Square. The concept is to highlight the Jubilee Square and High Street facade stonework and window forms and the rooftop Cupola. The Maidstone Lighting Strategy requires the inclusion of a policy condition that new planning applications for refurbishments, changes of use, new buildings etc in the Town Centre and its environs are to incorporate the buildings/structures with feature lighting so as to:</p> <ul style="list-style-type: none">• promote the observation and experience of each building/structure• enhance key architectural features,• improve the quality of the nocturnal environment• reduce light pollution• increase safety through both aesthetic and technical approaches. <p>The Maidstone Lighting Strategy requires buildings/structures are illuminated in accordance with CIBSE requirements and installed to current British Standards. The Maidstone Lighting Strategy requires that all lighting can be linked to controls so that themed evenings, Christmas and other festivals, or celebrated occasions can be programmed through light. A Maidstone Lighting Strategy checklist would include the following</p> <ul style="list-style-type: none">• Does the entire building need to be lit?• Are there features to be highlighted?• Where can external light fittings be placed, and wired to?• Is there light spill / pollution from adjacent buildings?• What environmental considerations are there? <p>What levels of illumination are required?</p>
Officer response: The Council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and viability. In addition, the council

Policy: DM6 External lighting
recognises that lighting can be an important factor of good design. Appropriate types and levels of lighting can contribute positively towards a sense of place, whilst poorly designed lighting schemes can damage local amenity and biodiversity.
Proposals for external lighting which meet the criteria set out in Policy DM6 will be permitted.
Proposed change: No change.
Key issue 2: Account should be taken of other advisory documents.
Detail: - Supported but amended to include that account should be taken of Conservation Area Appraisals and Management Plans, Character Area Assessments, the Kent Design Guide and the Kent Downs Area of Natural Beauty Management Plan.
Officer response: Supported is noted – NPPF para 125 requires planning policies to limit the impact from light pollution. Policy DM6 sets out the external light pollution will only be permitted where the proposal is not visually detrimental to its immediate or wider setting.
Proposed change: No change.
Key issue 3: Needs monitoring measures to be included.
Detail: Support – Needs monitoring measures to be included
Officer response: Support noted.
Proposed change: No change.
Key issue 4: Policy should address up-lighting.
Detail: Object - No reference is made to up-lighting within this policy, which is now becoming an issue in urban and rural areas and spreading light pollution to previously dark environments - with requisite negative impact upon amenity and biodiversity. Permitted development rights to introduce up-lighting should be revoked and a requirement for thorough scrutiny of any proposals enshrined in local policy.
Officer response: Partially accept: The Council recognises that excessive amounts external artificial light where poorly designed, excessive and badly located can be a problem. However, the council also recognises the benefits of external artificial light can bring to safety, extension of sporting and leisure activities advertising and enhancing amenity value. The council seeks to balance the need for any such proposal against the implications it may have on the environment in terms of obstructive lights.
The NPPF requires local authorities to limit light pollution in locations which are particularly sensitive to light, such as intrinsically dark landscapes. The council will seek to ensure well-designed lighting schemes, which are suitable for their environments. Where the criteria for external lighting, set out in policy DM6 is not met, proposals will not be permitted.
Proposed change: No change as policy already sets out schemes that are acceptable.
Key issue 5: Light pollution causes loss of wildlife.
Detail: The policy itself must incorporate explicit reference to the negative impact of external lighting upon wildlife. Invertebrates, in particular, depend on the natural rhythms of day-night and seasonal and lunar changes to light levels. As a result artificial lighting has several negative impacts on a wide range of invertebrates including disrupting their feeding, breeding and movement which may reduce and fragment populations. Indeed, specific reference should be made in the policy narrative to the very significant harm that artificial lighting has on invertebrate populations - which are locally in steep decline, with serious implications for Kent's ecology and economy (especially through the loss of pollination services).
Officer response: NPPF para 109 requires local planning authorities to minimise impacts on biodiversity where possible, contributing to the Government's commitments to halt the overall

Policy: DM6 External lighting
decline in biodiversity. The council recognises that lighting proposals that neighbour or are near enough to significantly affect areas of nature conservation importance, e.g. Sites of Special Scientific Interest, National Nature Reserves and County Wildlife Sites will only be permitted in exceptional circumstances. External artificial lighting can have severe implications for the natural diurnal rhythms in a range of animals and plants and therefore sites, which are deemed important in terms of their provision of wildlife, should not be in anyway affected.
Proposed change: Supporting text to be amended. Subsection to be added to policy to state “lighting proposals that neighbour or are near enough to significantly affect areas of nature conservation importance, e.g. Sites of Special Scientific Interest, National Nature Reserves and County Wildlife Sites will only be permitted in exceptional circumstances”.
Key issue 6: Intrusive lighting is always inappropriate in the AONB.
Detail: Comment - The conservation of dark night skies is supported by the NPPF. If intrusive lighting is seen as essential for a development within the KDAONB then this should be seen as an inappropriate development for the AONB and be a reason for refusal, the policy should indicate the more stringent restrictions in tranquil areas and the AONB.
Officer response: Partially Agree – The council recognises that the NPPF seeks to limit light pollution in locations which are particular sensitive to light, such as intrinsically dark landscapes, such as areas of the Kent Downs AONB. Proposals will only be permitted where the scheme would not be visually detrimental to its immediate or wider setting.
Proposed change: No change.

DM6 EXTERNAL LIGHTING

Proposed policy following amendments

Policy DM 6 – External lighting

- Addition and amendments
 - ~~Deletions~~
-

11.20 Lighting can be an important factor of good design. Appropriate types and levels of lighting can contribute positively towards a sense of place, whilst poorly designed lighting schemes can damage local amenity and biodiversity interests. The National Planning Policy Framework seeks to limit light pollution in locations which are particularly sensitive to light, such as intrinsically dark landscapes.

11.21 The council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and the viability of recreational facilities. However, inappropriate and excessive external lighting can not only be both visually obtrusive and inefficient in energy terms, but can also damage rural character in areas containing little built development, and can have highway safety implications for drivers. Protected species, such as bats, tend to avoid well-lit areas and lighting schemes should ensure that ecological issues are fully considered in their design.

11.22 The council will seek to secure well-designed lighting schemes, which are suitable for their environments. External lighting should play its role in achieving sustainable development by meeting relevant codes. Where appropriate the recommendations within the Institute of Lighting Engineers Technical Report Number 5 will be considered as a guide to maximum levels of luminance. Low level bollard lighting will be supported where appropriate. The council will also encourage the use of PIR motion sensor lighting for business development and public buildings, in order to provide energy efficiency savings.

POLICY DM6

External lighting

1. Proposals for external lighting which meet the following criteria will be permitted:
 - i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed;
 - ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways;
 - iii. The relevant standards as set out in the Code for Sustainable Homes and BREEAM are met; and
 - iv. The lighting scheme would not be visually detrimental to its immediate or wider setting.
2. Lighting proposals that neighbour or are near enough to significantly affect areas of nature conservation importance, e.g. Sites of Special Scientific Interest, National Nature Reserves and County Wildlife Sites will only be permitted in exceptional circumstances.

DM7 SIGNAGE AND SHOP FRONTS

Consultation issues and responses

<p>Policy: DM7 Signage and shop fronts</p>
<p>Key issues:</p> <ol style="list-style-type: none"> 1. To let/for sale signs should require planning permissions 2. There should be an emphasis on traditional shop fronts
<p>Key issue 1: To let/for sale signs should require planning permission.</p>
<p>Detail: I write to request that policy DM7 and/or other relevant policies are expanded to make planning permission necessary before ;for sale' and 'to let' signs can be erected in gardens. Such an approach is supported by the NPPF and has been successfully implemented by a number of local authorities including Hastings Council, Newcastle City Council and Westminster LBC.</p> <p>The preponderance of for sale and to let signs provide an opportunity for free marketing at the expense of the aesthetics of local street scene, and often remain in situ for periods well in excess of the 14 day limit enshrined within the relevant code of practice, and eventually fall or are pulled over to detriment of local residential or commercial character.</p> <p>Within residential areas with significant numbers of flats, bedsits and houses in multiple occupation, such as parts of North, High Street, Fant, Bridge and East Ward, the preponderance of 'for sale' and 'to let' signs seriously detract from the quality of the street scene, and lend an unfortunate and often unwarranted air of transience and even decline. Some of our most attractive residential areas, including conservation areas and picturesque villages and hamlets, are also blighted by untidy and often multiple signs.</p> <p>By ensuring that planning permission is required and that a high bar is set to better regulate and reduce the extent of this largely unregulated and untidy form of free advertising the quality of Maidstone Borough's residential and commercial districts could, I believe, be enhanced significantly.</p>
<p>Officer response: The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 is the principal statutory instrument that controls the display of advertisements in England. The majority of outdoor advertisements put up by estate agents and auctioneers benefit from "deemed consent" under the Town and Country Planning (Control of Advertisements)(England) Regulations 2007, meaning that they do not require express consent providing that the criteria in the regulations is followed.</p> <p>In cases where boards displayed with Deemed Consent are detracting seriously from the character or appearance of buildings or streets or cause serious injury to the general amenity of an area, the Secretary of State can issue a Direction (under Regulation 7 of the 2007 Regulations) cancelling Deemed Consent rights in the area(s) specified in the Direction. Therefore the display of all 'To Let', 'For Sale' and similar boards needs Express Consent from the Local Planning Authority.</p> <p>The Council believe that as there is already adequate mechanisms in place (as outlined above) to protect an area's character and appearance there is no need for further specific policies to limit the amount of to let/for sale signs in the borough.</p>
<p>Proposed change: No change.</p>

Policy: DM7 Signage and shop fronts

Key issue 2: Emphasis should be placed on traditional shop frontages.

Detail: Illuminated shop signage should be avoided (rejected) in Conservation Areas.
Emphasis on traditional shop fronts should be maintained.

Officer response: Local Plan proposed policy DM4 sets out the development should create high quality design and meet the following criteria:

- Respond positively to and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height materials detailing, mass, bulk, articulation and site coverage;
- Create high quality public realm.

In terms of national planning guidance the National Planning Policy Framework (NPPF) sets out the need to secure high quality design and promote the vitality of our main urban areas.

Policies relevant to this topic include:

- Para 56 outlines the importance of design in the built environment as it is seen as being a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people.
- Para 58 states that planning policies and decisions should aim to ensure that developments:
 - function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
 - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
 - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion

The council believe that as there is already a substantial amount of guidance within both national policy and the proposed Local Plan there is no need for additional criteria to be included within policy DM7.

Proposed change: No change.

DM7 SIGNAGE AND SHOP FRONTS

Proposed policy following amendments

Policy DM 7 Signage and shop fronts

- No policy changes proposed

11.23 Signage and shop fronts have a significant impact upon the attractiveness and vitality of shopping and other commercial areas. The National Planning Policy Framework requires that new development integrates well into the built environment. Advertisements which are poorly placed can result in visual clutter which both detracts from the quality of the built environment and leads to a more confused and less coherent visual presentation. Unsympathetic shop windows and signs can also damage the character of their locality, especially in conservation areas.

11.24 The council wishes to support commercial and retail frontage and signage schemes which are in sympathy with, and contribute positively towards, the visual amenity of their locality. The scale, design and detailing of such schemes should respect and visually complement their surroundings, being appropriately designed for their context.

11.25 Solid external shutters which completely cover a shop or other commercial front are visually unattractive and generally detract from the vitality of commercial areas. In order to preserve the quality of the built environment, the council will seek alternative security solutions such as internal lattice grilles, security systems or use of laminated glass. In some cases, external roller shutters having an open grille design which let light on to the street may be acceptable, subject to the housing being unobtrusive and unlikely to harm the character of the building or street scene. Solid external roller shutters will only be approved where an overriding security need can be demonstrated. Such evidence is likely to include details of break-ins and information from Kent police confirming that roller shutters are necessary and the only viable security solution.

POLICY DM7

Signage and shop fronts

Proposals for new signage and for shop (A1) or other commercial (A2-A5) fronts which meet the following criteria will be permitted:

1. The size, design, positioning, materials, colour and method of illumination of signage would not be detrimental to the character and appearance of the building or the surrounding area;
2. The proposal would not result in the loss of a traditional shop front or features and details of architectural or historic interest;
3. The proposal would be in sympathy with the architectural style, materials and form of the building(s) of which it would form part and the character of the neighbouring properties; and
4. Where a fascia is to be applied, it would be of an appropriate height which would be in scale with the overall height of the shop front and other elements of the building.

DM8 RESIDENTIAL EXTENSIONS, CONVERSIONS AND REDEVELOPMENTS

Consultation issues and responses

Policy: DM8 Residential extensions, conversions and redevelopment
Key issues:
<ol style="list-style-type: none"> 1. Some unconditional support. 2. Policy should reference need for granny annexes 3. Sufficient parking should be provided 4. Take account of any relevant adopted neighbourhood plan
Key issue 1: Some unconditional support.
Detail: Support – Long overdue
Officer response: Support noted
Proposed change: No change.
Key issue 2: Policy should reference need for granny annexes.
<p>Detail: This representation seeks to draw the attention of Maidstone Borough Council to the benefits of the provision of Granny Annexes and how the Local Plan should pro-actively support such proposals. The requirement to provide affordable and sustainable accommodation for elderly family members is ever increasing.</p> <p>Age UK published 'Care in Crisis 2014' which sets out the very clear need for flexible accommodation solutions for the elderly:</p> <ul style="list-style-type: none"> • The number of people aged 85 and over (the group most likely to need care) has increased by 30 per cent between 2005 and 2014. • Between 2005/6 and 2010/11 public funding for older people's social care stagnated. • 21% increase of residents in nursing/residential homes since 2005. • From 2010/11 to 2013/14 public funding for older people's social care (including transfers from the NHS to councils) decreased by 10 per cent in real terms. • Councils have cut back on their funding for social care. • In 2011, it was estimated that 2 million older people had care related needs. <p>The provision of a granny annexe within the residential curtilage creates a long term and sustainable solution to the needs of the aging population. The benefits include;</p> <ul style="list-style-type: none"> • Allows family members to provide the care and support required. • Reduces the stress and impact on local services, ie nursing homes, home visits from care professionals etc. • Cost effective and affordable solution to supported living. • Provides a measure of independence, while still being close to support. <p>'Annexes' can additionally provide ancillary living accommodation for younger members of the family, allowing them to save for deposits for their first home, improve living conditions, provide a measure of independence and allow extended families to stay together.</p> <p>The provision of granny annexes is supported by central Government in the report 'Laying the Foundations: A Housing Strategy for England (2013)'. It states:</p> <p><i>"Planning homes and communities that enable older people to remain economically active, involved with their families, friends and community and able to choose where and how they live not only makes financial sense but also results in a better, more inclusive society."</i></p> <p>With both an ageing population and young people finding it difficult to get on the housing ladder, the government is removing barriers to extended families that live together.</p> <p>This is evident with the recent reduction to council tax for granny annexes and the exemption of CIL charges.</p>

Policy: DM8 Residential extensions, conversions and redevelopment

We recommend incorporating the following policy in DM5 or DM8:

Ancillary Buildings

Proposals for domestic outbuildings and extensions that provide ancillary residential accommodation within the curtilage of an existing dwelling will be permitted provided that:

3. Would not have a significant detrimental impact on the character and appearance of the surrounding area; and
4. Is not used for any purpose other than ancillary residential accommodation to the main dwelling.

It is important that the policy position accepts that granny annexe accommodation is ancillary to the main dwelling and can be controlled through an appropriate planning condition. It should also reinforce that granny annexe accommodation does not constitute a new dwelling and should be considered as such in planning decisions.

Officer response: The Council recognise the benefit of residential annexes can provide for members of the same family, particularly older family members who may need additional support.

A residential annex can be defined as accommodation ancillary to the main dwelling with the residential curtilage, and is a form of extra accommodation in the same way an extension to a dwelling would be. The Council is of the opinion that that annexes should be well related to the main dwelling.

The Council agrees that within defined settlements, annexes are generally an acceptable form of additional accommodation for residents. The design, layout and scale of annexes are crucial factors in determining the impact on the amenity of existing or new residents on the visual form and character of the local area. Ensuring that there remains safe and adequate parking and access is also a key factor in assessing applications. Problems arise when developing annexes separate from the main dwelling, because they may appear to be used as separate dwellings and are intrusive in the landscape in countryside locations.

There is currently no national guidance specifically relating to residential annexes so proposals will be assessed against more general policies in the Local Plan and the National Planning Policy Framework.

Proposed change: No change.

Key issue 3: Sufficient parking should be provided.

Detail: Section 1. iv. Sufficient parking should be provided and retained and permitted development rights removed to ensure retention.

Section 2 - is the change of use from A3 to A4 now permitted development?

Officer response: Car parking is a major consideration when a Residential extension, conversions and redevelopment scheme is proposed. The Council does not consider that a uniform standard should be set for the number of spaces that should be provided, but that the number of off street parking spaces and their design should be appropriate to the proposed scheme. The need for a schemes parking requirement will be assessed against more general policies in the Local Plan and against policies in the National Planning Policy Framework.

From 30 May 2013 buildings with A1 shop, A2 Financial and professional services, A3 Restaurants and cafés, A4 Drinking establishments, A5 Hot food takeaways, B1 Business, D1

Policy: DM8 Residential extensions, conversions and redevelopment
Non-residential institutions and D2 Assembly and leisure uses will be permitted to change use for a period of up to two years to A1 shop, A2 Financial and professional services, A3 Restaurants and cafés and B1 Business uses. The floor area changed can be no more than 150 square metres of floor space in the building, has not previously been used for a temporary period under Class D and must not form part of a listed building or a scheduled monument. The changes do not allow for change of use from A3 to A4.
Proposed change: No change.
Key issue 4: Take account of any relevant adopted neighbourhood plan
Detail: There is little or no mention of Neighbourhood Plans in the Local Plan which is a serious omission. As these are being developed in parallel with the Local Plan - and will have some weight in the planning process - some reference should be included in the appropriate policies to their relevance. Wording such as:- 'Regard will be given to any relevant adopted Neighbourhood Plan' should be incorporated into the following policies:- DM2, DM4, DM8, DM10-13, DM18, DM20, DM24-25, DM30, DM32-33, DM37-38.
Officer response: The Council is fully supportive of communities who wish to pursue the development of a Neighbourhood Plan. A neighbourhood plan can assist a community to create a vision for their area, establishing general planning policies for the development and use of land. This could be where new homes should be built and what types of materials should be used, or where public open space should be located and how it will be maintained. The Neighbourhood Plan must conform to the local planning authority's relevant planning policies.
Proposed change: No change.

DM8 RESIDENTIAL EXTENSIONS, CONVERSIONS AND REDEVELOPMENTS

Proposed policy following amendments

Policy DM 8 Residential extensions, conversions and redevelopment

- No policy changes proposed
-

11.26 The conversion of larger residential properties to self-contained flats and houses in multiple occupation (HMOs) aids the provision of accommodation for smaller households and contributes towards a mix and choice of homes, advocated by the National Planning Policy Framework. HMOs differ from self contained flats as bedrooms/bed sitting rooms are private but other facilities, such as bathrooms and kitchens, are shared. The National Planning Policy Framework also places emphasis upon the quality of new residential development and requires a good standard of amenity to be provided for all existing and future occupants of land and buildings.

11.27 The council wishes to ensure that new residential units are attractive, high quality places to live, which respond positively to the local area. Good quality development should be of a scale and layout which provides attractive and comfortable places to live. The intensified use of dwellings to create smaller households can cause problems for nearby residents, for example noise and disturbance from increased traffic movements and requirements for parking. Policy DM8 seeks to control the potential problems arising from such proposals.

11.28 Residential extensions generally benefit the community by increasing the amount and quality of accommodation in the borough. However, careful design is necessary, in order to prevent a reduction in the quality of living conditions for adjoining residents and the built environment in general. The adopted Residential Extensions Supplementary Planning Document (May 2009) will be used to guide the assessment of proposals for residential extensions.

POLICY DM8

Residential extensions, conversions and redevelopment

1. Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property which meet the following criteria will be permitted:

- i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;
- ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
- iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
- iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

2. Within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the conversion or redevelopment of a dwelling to self-contained flats or the use of a building as a house in multiple occupation which also meet the following criterion will be permitted:

- i. The intensified use of the building and its curtilage would not significantly harm the appearance of the building or the character and amenity of the surrounding area.

DM9 NON-CONFORMING USES

Consultation issues and responses

Policy: DM9 Non-conforming uses
Key issues:
<ol style="list-style-type: none"> 1. Some unconditional support. 2. Need to cross reference SP5. 3. Need to consider removal of non-conforming uses where there is a material harm to local communities. 4. Policy not needed as these topics are covered elsewhere in the plan – duplication.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Need to cross reference SP5.
Detail: Policy SP5 is the strategic policy for the countryside.
Officer response: Reject. The local plan should be read as a whole. This policy therefore already cross-references SP5 and all other relevant policies.
Proposed change: No change.
Key issue 3: Need to consider removal of non-conforming uses where there is a material harm to local communities.
Detail: Where local communities are subject to material harm from non-conforming uses the plan should go a step further and facilitate the removal of those uses.
Officer response: Partially accept. In terms of local communities potentially being subject to non-conforming uses that are causing ongoing harm, then clearly there is an issue that needs to be addressed. However, there are likely to be a number of factors that need to be considered, including what use was present first, how the uses came to be in conflict and whether there is a need of some form for the 'non-conforming use' to continue operations.
For planning, if there is a breach of control then this can be addressed through enforcement action, but if there is not a breach of control then removing the use might be more difficult and could involve financial considerations. Where there has been a use that has ceased, the site will then be considered previously developed land, which will make a change of use, in planning terms at least, an achievable prospect.
Proposed change: No change.
Key issue 4: Policy not needed as these topics are covered elsewhere in the plan – duplication.
Detail: The local plan should be read as a whole, which could lead to the purpose of DM9 being questioned.
Officer response: Partially accept. There are elements of this policy that are covered by policies elsewhere in the plan, however, this policy was requested by development management officers.
Proposed change: No change.

DM9 NON-CONFORMING USES

Proposed policy following amendments

Policy DM 9 – Non-conforming uses

- No policy changes proposed
-

11.29 Some uses may be detrimental to the quality of the environment and a nuisance to neighbouring land uses. The Borough Council therefore seeks to ensure that new development is appropriately sited and mitigated so that it does not cause a nuisance through noise or other disturbance to users in the local area.

11.30 It is recognised that certain uses may be more appropriate at rural sites, because there may be a lower number of sensitive users nearby, or due to land requirements, such as catteries and kennels, waste or recycling uses (which are normally a matter for determination by the County Council), as well as recreation uses including shooting and motor sports.

11.31 Policy DM4 ensures that development respects the amenities of occupiers of neighbouring properties and uses and should be read in conjunction with this policy.

POLICY DM 9 Non-conforming uses

Proposals for development which could create, intensify or expand noisy or noxious uses or which would generate volumes or types of traffic unsuited to the local area, will only be permitted if they meet such other exceptions as indicated by policies elsewhere in this plan.

DM10 HISTORIC AND NATURAL ENVIRONMENT

Consultation issues and responses

Policy: DM10 Historic and natural environment
Key issues:
<ol style="list-style-type: none"> 1. Supports protection of ancient woodland. 2. Landscaping should make use of indigenous plants. 3. Landscapes of highest value need to be referenced in glossary. 4. Policy needs to be separated for built, natural and historic environments, green and blue areas – policy is not clear in current form. 5. Questions validity of wildlife evidence used in applications. 6. Requirements are not adequate for habitat compensation and new habitat creation. 7. Hypogean fauna should be referenced. 8. Account should be taken of any relevant adopted neighbourhood plan. 9. Need to improve historic core along river and improve public access. 10. Policy needs to make allowances for essential utility development. 11. Policy should reference Kent Downs AONB management plan. 12. Concern that landscape character guidelines will not be completed until after the plan is adopted.
Key issue 1: Supports protection of ancient woodland.
Detail: The policy reference to protecting ancient woodland is supported.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Landscaping should make use of indigenous plants.
Detail: The policy should require that in landscaping schemes, indigenous plant species are specified.
Officer response: Partially accept. Landscaping schemes are developed with consideration to the site in question and will assess appropriate plant species to be included as part of the proposal. In some cases, the use of indigenous species may not be feasible for the location or purpose required. However, exploring the use of indigenous species should be an automatic consideration and be requested more explicitly in the policy.
Proposed change: Amend criterion 3(i) to read:
“i. An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species;”
Key issue 3: Landscapes of highest value need to be referenced in glossary.
Detail: Landscapes of highest value should be defined in the glossary.
Officer response: Accept. These landscape are accurately defined as ‘landscapes of local value’ and are depicted in the reasoned justification to policy SP5 – Countryside. Policy DM30 – Design principles in the countryside, references these landscapes.
Proposed change: Add ‘Landscapes of local value’ to the glossary. Amend DM30 – Design principles in the countryside, to use the accurate terminology.
Key issue 4: Policy needs to be separated for built, natural and historic environments, green and blue areas – policy is not clear in current form.
Detail: The policy should be split into component elements of built, natural and historic environments because it is currently unclear.
Officer response: Partially accept. In the 2011 Core Strategy consultation, the forerunner to

Policy: DM10 Historic and natural environment
<p>this policy was termed 'Natural assets' and addressed only the natural environment. This policy was amended following consultation and reported to Cabinet in March 2013 as Historic and Natural Environment.</p> <p>The expansion of this policy's remit is intended to address the historic and natural environment as a single entity, illustrating a joined up consideration.</p> <p>Where a case could possibly be made for splitting the historic and natural aspects of this policy, the built environment beyond that which is historic is addressed more aptly through the broad range of policies included in the plan as a whole.</p> <p>Ultimately, there is an element of preference about how this is addressed and the council considers that it is appropriate for the historic and natural environment to be taken together.</p>
Proposed change: No change.
Key issue 5: Questions validity of wildlife evidence used in applications.
Detail: The comment questions what 'real' surveys of wildlife have been undertaken.
Officer response: Reject. The council uses a combination of existing evidence as assessed by the ecology team at KCC and at the Kent Wildlife Trust, and new evidence provided by surveys in association with new development proposals. The council also checks the validity of the developers' ecological evidence with KCC Ecology, the Kent Wildlife Trust and Natural England – all experts in their field.
Proposed change: No change.
Key issue 6: Requirements are not adequate for habitat compensation and new habitat creation.
Detail: The policy needs a prescriptive framework to quantify the size of compensatory habitat where translocation is specified. Maidstone Borough is a biodiversity hotspot.
Officer response: Reject. The council adequately addresses ecological requirements in consultation with KCC Ecology, the Kent Wildlife Trust, Natural England and ecological consultants employed by developers. Applying the council's own framework could be considered rigid, and hamper the ability of the council and developers to find workable solutions.
While the council has not added further prescriptive detail to the policy, it will still be effective in directing developers to undertake the necessary work in dealing with existing and replacement habitats.
Proposed change: No change.
Key issue 7: Hypogean fauna should be referenced.
Detail: Hypogean fauna live in areas of groundwater and can be invertebrates, amphibians or fish.
Officer response: Reject. The policy refers to groundwater and the ecological status of groundwater. Referring to hypogean fauna would add too much detail about specific species. This also begs the question about which species to refer to and which to not refer to.
Proposed change: No change.
Key issue 8: Account should be taken of any relevant adopted neighbourhood plan.
Detail: Neighbourhood plans are part of the development plan, along with the local plan. The comment seeks for these to be recognised in this policy.
Officer response: Partially accept. Neighbourhood plans contain development policies and

Policy: DM10 Historic and natural environment
therefore are considered as part of any relevant planning application. The status of these plans as reflective of their community's wishes is important. However, they do not need to be referenced as part of the policy because any adopted plan will automatically be considered by development management officers in their deliberations.
Proposed change: No change.
Key issue 9: Need to improve historic core along river and improve public access.
Detail: Need to improve historic core along river and improve public access.
Officer response: Accept. This is dealt with in policy SP1 – Maidstone Town Centre.
Proposed change: No change.
Key issue 10: Policy needs to make allowances for essential utility development.
Detail: Policy text should recognise that essential utility development will be permitted in the protected areas provided certain criteria are met, therefore amendment to policy text proposed:
"Proposals for development of essential utility infrastructure will be supported where the benefit of the development outweighs any harm."
Officer response: Partially accept. Utilities are essential to support new development, however, policy DM10 is not the correct policy to address this. Policy ID1 – Infrastructure delivery, more appropriately deals with utilities and accordingly any amendment should be made there.
Proposed change: No change.
Key issue 11: Policy should reference Kent Downs AONB management plan.
Detail: Maidstone Borough Council has adopted the Kent Downs AONB management plan as supplementary guidance to the local plan.
Officer response: Accept.
Proposed change: Amend final paragraph of policy text as follows:
"Account should be taken of the Landscape Character Guidelines SPD, the Green and Blue Infrastructure SPD and the most recent revision of the Kent Downs AONB Management Plan."
Key issue 12: Concern that landscape character guidelines will not be completed until after the plan is adopted.
Detail: Concern expressed that the Landscape Character Guidelines SPD will not be adopted until 2017.
Officer response: Noted. The focus of the council is to adopt the local plan, which means that other policy/supplementary work will follow subsequently. In the meantime, the council has retained section 9 of the Landscape Character Assessment and Landscape Guidelines from 2000. All evidence based work that has been completed relating to landscape has been used to inform the preparation of the local plan.
Proposed change: No change.

DM10 HISTORIC AND NATURAL ENVIRONMENT

Proposed policy following amendments

Policy DM 10 – Historic and natural environment

- *Additions and amendments*
 - ~~Deletions~~
-

11.32 Maidstone’s historic and natural environment is a fundamental part of the borough’s economic wealth and social well being, the benefits of which are far-reaching. It is essential to ensure these historic and natural asset bases remain robust and viable.

Historic environment

11.33 Maidstone has been shaped and influenced by a long past history, the legacy of which is a strong and rich cultural heritage. The Archbishop’s Palace and Leeds Castle are two high profile heritage assets but the borough also abounds with many other historical buildings. These heritage assets contribute to the strong sense of place which exists across the borough. However, this rich historical resource is very vulnerable to damage and loss. The local plan allows some flexibility for the re-use and conversion of historic assets but care must be taken to ensure this does not lead to unacceptable adverse impacts. Small scale changes over time, especially the standardisation of building materials and practices can erode the special character and appearance of places, and the setting of historic features such as listed buildings and scheduled monuments, which can be crucial in maintaining historic integrity.

11.34 The local plan will ensure the qualities and local distinctiveness of the historic environment are recognised and protected. This will be achieved in part through the protection of Scheduled Ancient Monuments, Listed Buildings and Conservation Areas from inappropriate development. The local plan will seek to encourage a greater understanding of designated and non-designated heritage assets and their values through partnership working with communities, developers and asset managers. The council will encourage mutually beneficial and sustainable proposals to conserve and enhance heritage assets for future generations whilst acknowledging the social and economic challenges faced by land owners and managers.

11.35 All development proposals will be expected to be accompanied by an initial survey to establish what on-site assets there are. Sufficient information to assess the direct and indirect effects of development on past or present heritage assets together with any proposed prevention, mitigation or compensation measures will also be required. Without this there will be a presumption against granting permission.

Green and blue infrastructure

11.36 Green and blue infrastructure (GBI) is a network of natural components of open space and water which lie within and between the borough’s towns and villages and which provide multiple social, economic and environmental benefits. Maidstone borough contains a wide range of green open spaces together with a number of rivers and streams. Key assets include the Kent Downs AONB, the River Medway and its tributaries, Mote Park, and the distinctive green corridors which help shape Maidstone town. Amongst other things, these green spaces and blue corridors provide reservoirs for biodiversity and recreation; act as corridors for the movement of animals, plants and people; and provide opportunities for the protection and

enhancement of the local landscape and historic assets; water management, green education, and the mitigation of climate change impacts.

11.37 Green and blue infrastructure has the capacity to deliver a wide range of positive outcomes in line with the objectives of the Sustainable community strategy including:

- Helping to attract and retain higher paying employers;
- Helping in the creation of an efficient, sustainable, integrated transport system;
- Helping to tackle climate change; and
- Creating healthier communities.

11.38 The green and blue infrastructure is considered to be of such importance that a Green and Blue Infrastructure Strategy (GBIS) is being produced. The strategy will look to encourage the creation of links and stepping stones to help in the movement of people and wildlife across the built up urban area. In the rural areas the focus will be more on land management, and creating and enhancing landscape and habitat networks. The strategy will also seek to identify those areas of the borough where deficiencies exist and look to provide guidance on how these can be overcome. The council will promote a partnership approach with developers, land owners and neighbouring local authorities, including Kent County Council, to help achieve the objectives of the GBIS.

11.39 The growth proposed in the borough provides a chance to increase the value of accessible green spaces and blue corridors. New development will be expected to contribute towards the goal of a linked network which extends across the borough and beyond. Development schemes will be expected to contribute towards improved connectivity through the provision of footpaths and cycle routes that are part of a strategic network; space for nature that contributes to the larger landscape-scale pattern of connected habitat; and the provision of imaginative recreational facilities that give educational and physical health benefits to local people. The council will liaise with neighbouring local authorities, including Kent County Council, to ensure potential linkages at all scales and across administrative boundaries are recognised in the development of specific proposals. Developers will also be expected to provide details of how the green and blue infrastructure elements of their proposal, including publicly accessible open spaces, sites managed for their biodiversity, geodiversity or heritage interest, will be managed and maintained over the long-term. The council will provide further advice on this in the green and blue infrastructure supplementary planning document.

11.40 Publicly accessible open space, recreation and tourism are essential elements of sustainable communities, contributing towards health, quality of life, sense of place and overall well-being. Spaces and facilities form a part of the overall green and blue infrastructure network and within built up areas can provide local linkage between the town centre, urban neighbourhoods and the surrounding countryside. The needs and deficiencies in publicly accessible open spaces and facilities, and the open space standards, are identified in the open space development plan document and will be updated in the green and blue infrastructure supplementary planning document.

Climate change

11.41 Climate change is resulting in ever more variable weather patterns, the outcomes of which include flooding and drought. Natural systems are able to adapt to these

consequences. However, adverse changes to the natural systems can result in increases in damage to property and compensation costs, and a decrease in water resource resilience. A green and blue infrastructure approach represents a means to positively tackle these issues. It can offer alternative flood mitigation strategies, such as Sustainable Urban Drainage Systems (SUDS) and the creation of water meadows. It is able to provide the means to capture and store rainwater, as well as help improve water quality. Development proposals will be expected to take full account of climate change and mitigate for any anticipated climate change impacts.

Water Framework Directive

11.42 The Water Framework Directive (WFD) looks to improve the local water environment for people and wildlife, and promote the sustainable use of water. The Directive applies to all surface water bodies, including lakes, streams and rivers as well as groundwater. The overall aim of the WFD is for all water bodies to reach good status by 2027. In Maidstone this would mean improving their physical state, preventing deterioration in water quality and ecology, and improving the ecological status of water bodies. The WFD introduced the concept of integrated river basin management and such plans should influence development plans. Maidstone lies within the Thames River Basin District and in December 2009 the Environment Agency published the Thames River Basin Management (RBMP).

11.43 The council will continue to work in partnership with the Environment Agency and other bodies to help achieve the goals of the WFD and actions of the Thames RBMP. The council will also actively encourage development proposals to include measures to mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate.

Biodiversity

11.44 Maidstone is a biodiverse district endowed with a variety of habitats including heathlands and chalk downlands, orchards and ancient woodland, river valleys and ponds, wildflower meadows and parklands. All of these are underpinned by an equally diverse array of soils. Soils are a fundamental element of the ecosystems found within these habitats but one which is highly susceptible to damage. The council will work in partnership with land owners, land managers and developers to encourage better soil handling practices to avoid the degradation of soil and ensure soil functions are maintained as appropriate.

11.45 The broad range of habitats forms an extensive network across rural and urban areas, including previously developed land. Many sites are important for their nature conservation and geological interest, and are designated for their protection. In Maidstone, these include a site of international importance, namely the North Downs Woodlands Special Area of Conservation (SAC), nationally important Sites of Special Scientific Interest (SSSI), locally important Local Wildlife Sites (LWS) and Local Nature Reserves (LNR). Current designated nature conservation sites will be noted on the policies map.

11.46 As a result of increasing development pressures in the past many of the borough's biodiversity assets have been lost, damaged or fragmented. In response to this decline the council has acted in partnership with other bodies to undertake surveys of the borough's habitats and ancient woodlands. It has also adopted the Maidstone Local Biodiversity Action Plan (LBAP), a key element of which is the establishment of a connecting network of sites and

corridors on a landscape scale. By reconnecting fragments of habitats to form a mosaic, the natural environment is provided with the means to become self-sustaining as well as being better able to respond to and adapt to climate change.

11.47 Development proposals will be expected to be supported by an initial survey of on-site assets. Surveys must be undertaken at the appropriate time of year for the relevant habitats, species, flora and fauna. Where harm to protected species or habitats is unavoidable, developers must ensure suitable mitigation measures are implemented to enhance or recreate the features, either on or off-site, and bring sites into positive conservation management. Sufficient information to assess the direct and indirect effects of development on protected sites, species, biodiversity or geology, and any proposed prevention, mitigation or compensation measures must be provided. Proposals should particularly seek to avoid damaging and fragmenting existing habitats. Opportunities to contribute towards the UK priority habitats and species in Maidstone and any additional Maidstone LBAP habitats and species should be maximised.

11.48 Development likely to have an adverse effect on the integrity and conservation objectives of internationally important nature conservation sites is unlikely to meet the requirements of the Habitats Directive. Such development will not be considered favourably. Damage must be minimised in those exceptional cases where the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, species, habitat or geological feature. Any remaining impacts must be fully mitigated and a mitigation strategy accompany the planning application. Compensation will only be acceptable in exceptional circumstances.

Landscape

11.49 The visual character of Maidstone's landscape is highly valued by those living, working and visiting here. A significant proportion of the borough benefits from high quality landscapes. A large area of the borough lies within the Kent Downs AONB, a nationally important landscape designation and a strong level of protection will be given to this designation and its setting, set out in policy SP5. However, all of the landscapes play an important role in contributing to the borough's environmental, economic and social values. Therefore all landscapes, rather than just those that are designated, will be viewed as a natural asset. This is in line with the European Landscape Convention.

11.50 The National Planning Policy Framework encourages the protection of valued landscapes. Whilst the Maidstone Landscape Character Assessment 2012 identifies the various landscape types and characters. For Maidstone, these landscapes are identified as the Greensand Ridge, Medway River Valley and Loose River Valley, which are afforded protection in policy SP5.

11.51 Landscape Character Assessment is part of the evidence base and should be used to inform development and land management proposals. It is a descriptive tool which identifies and describes variation of landscape character, distinguishing the features that give a locality its 'sense of place' and pinpointing what makes it distinctive, setting out information on landscape character, condition and sensitivity in a comprehensive and objective way. It identifies the positive attributes of a landscape which need protecting or enhancing as well as the negative aspects, which can be restored or otherwise improved upon. In cases where

development is proposed on sensitive sites more detailed landscape and visual assessments will be required.

POLICY DM 10

Historic and natural environment

1. To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the historic and natural environment, where appropriate, by incorporating measures to:
 - i. Protect positive historic and landscape character, heritage assets and their settings, areas of Ancient Woodland, veteran trees, trees with significant amenity value, important hedgerows, features of biological or geological interest, and the existing public rights of way network from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development;
 - ii. Avoid damage to and inappropriate development within or adjacent to:
 - a. Cultural heritage assets protected by international, national or local designation and other non-designated heritage assets recognised for their archaeological, architectural or historic significance, or their settings;
 - b. Internationally, nationally and locally designated sites of importance for biodiversity; and
 - c. Local Biodiversity Action Plan priority habitats.
 - iii. Control pollution to protect ground and surface waters where necessary and mitigate against the deterioration of water bodies and adverse impacts on Groundwater Source Protection Zones, and/or incorporate measures to improve the ecological status of water bodies as appropriate;
 - iv. Enhance, extend and connect designated sites of importance for biodiversity, priority habitats and fragmented Ancient Woodland; support opportunities for the creation of new Biodiversity Action Plan priority habitats; create, enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise;
 - v. Provide for the long term maintenance and management of all heritage and natural assets, including landscape character, associated with the development;
 - vi. Mitigate for and adapt to the effects of climate change; and
 - vii. Positively contribute to the improvement of accessibility of natural green space within walking distance of housing, employment, health and education facilities and to the creation of a wider network of new links between green and blue spaces including links to the Public Rights of Way network.
2. The character, distinctiveness, diversity and quality of Maidstone's landscape and townscape will be protected and enhanced by the careful, sensitive management and design of development.
3. Where appropriate, development proposals will be expected to appraise the value of the borough's historic and natural environment through the provision of the following:
 - i. *An ecological evaluation of development sites and any additional land put forward for mitigation purposes to take full account of the biodiversity present, including the potential for the retention and provision of native plant species;*

- ii. Heritage and arboricultural assessments to take full account of any past or present heritage and natural assets connected with the development and associated sites;
and
 - iii. A landscape and visual impact assessment to take full account of the significance of, and potential effects of change on, the landscape as an environmental resource together with views and visual amenity.
4. Publicly accessible open space should be designed as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential for multiple benefits including enhanced play, wildlife, sustainable urban drainage, tree planting and landscape provision. The form and function of green infrastructure will reflect a site's characteristics, nature, location and existing or future deficits.
 5. Development proposals will not be permitted where they lead to adverse impacts on natural and heritage assets for which mitigation measures appropriate to the scale and nature of the impacts cannot be achieved.

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

DM11 PUBLICLY ACCESSIBLE OPEN SPACE AND RECREATION

Consultation issues and responses

<p>Policy: DM11 Publicly accessible open space and recreation</p>
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Concern that MBC will not take responsibility to maintain new open spaces. 2. Community should be able to decide if an alternative provision is of equivalent benefit. 3. Some unconditional support. 4. Plan does not take proper account of Green and Blue Infrastructure Strategy. 5. More detail relating to green and blue corridor in Otham. 6. There should be a specific mention of RSCs. 7. Amendments suggested to open space types. 8. Where areas are used for open space provision the housing density should be lower than 30 dwellings per hectare. 9. Where appropriate, policy should allow for contributions to maintaining footpaths, boundaries and provision of GBI in Kent Downs AONB. 10. New green space should also seek to reinforce landscape character.
<p>Key issue 1: Concern that MBC will not take responsibility to maintain new open spaces.</p>
<p>Detail: This comment relates to the budget that Parks and Open Spaces team has to be able to maintain open spaces. Some open spaces are taken on by communities and some are set up with management plans. There is concern that the council will not be able itself to take on any more spaces.</p>
<p>Officer response: Partially accept. The council accepts that funding the provision and ongoing maintenance of open spaces is an important issue. However, this does not necessarily mean that the council should be the automatic choice to take on this responsibility. Where other solutions are possibilities, these should be explored. In the longer term, there is the potential for CIL receipts to play a role in the ongoing maintenance of open spaces, however, this will need to be explored as part of a prioritisation exercise.</p>
<p>Proposed change: No change.</p>
<p>Key issue 2: Community should be able to decide if an alternative provision is of equivalent benefit.</p>
<p>Detail: The policy states that where there is a net loss of open space, one of the justifications for the net loss could be the provision of an alternative open space with equivalent community benefit. This comment queries who should decide whether the alternative provision is of an equivalent benefit.</p>
<p>Officer response: Partially accept. Any alternative provision should be judged by the community and professional officers at the council i.e. those in the Planning Department and those in the Parks and Open Spaces team. This collaboration would take advantage of local knowledge and professional skills.</p>
<p>Alternatively, where there is a neighbourhood plan adopted, if a relevant open space policy is present, then this would be used to help make a decision.</p>
<p>Proposed change: Amend criterion 3(ii) as follows:</p>
<p>“ii. An alternative provision, determined to be of an equivalent community benefit by officers at the council and community representatives, can be provided to replace the loss.</p>
<p>Key issue 3: Some unconditional support.</p>
<p>Detail: Some unconditional support.</p>

Policy: DM11 Publicly accessible open space and recreation
Officer response: Noted.
Proposed change: No change.
Key issue 4: Plan does not take proper account of Green and Blue Infrastructure Strategy.
Detail: Concern is raised that the plan is doing nothing to address the fragmentation of the public rights of way network and that the lack of open space provision in the south of the borough is not being accounted for.
Officer response: Reject. The plan allows for the comments raised in the Green and Blue Infrastructure Strategy stakeholder consultation, which was held in December 2013 and January 2014. The provision of new open space is provided for policy DM11, and will be further supplemented by the completion of the Green and Blue Infrastructure Strategy and the Green and Blue Infrastructure SPD.
The public rights of way network will be one thing that the GBI strategy seeks to address, but in reality this is a multi-agency issue that will require coordination. Where there is an opportunity to improve the network by way of developer contributions then it is reasonable for the council to require this, but the three tests for planning obligations set out in the Community Infrastructure Levy Regulations, regulation 122, are a strict test to pass.
In the future there may be the possibility for CIL receipts to part fund improvements to the public rights of way network.
Proposed change: No change.
Key issue 5: More detail relating to green and blue corridor in Otham.
Detail: The key diagram identifies a green and blue corridor in and around the Otham area.
Officer response: Reject. The appropriate location for information on the green and blue corridor in and around the Otham area is in the Green and Blue Infrastructure Strategy itself. The key diagram is an illustration of the strategic direction in which the borough is moving. Beyond identifying open space typologies, policy DM11 is not about specific components of green and blue infrastructure.
Proposed change: No change.
Key issue 6: There should be a specific mention of RSCs.
Detail: Criterion 4 references “the urban area and village settlements.”
Officer response: Accept.
Proposed change: Amend criterion 4 to read: “In dealing with applications to develop existing open areas within the urban area, rural service centres, larger villages and other locations, the borough council will have regard to the impact of the loss of the contribution that the existing site makes to the character, amenity and biodiversity of the area.”
Key issue 7: Amendments suggested to open space types.
Detail: Amendments suggested as follows: <ul style="list-style-type: none"> • Point 1 ii - Amenity Green Space Add: including cemeteries and churchyards • Point 1 v - Allotments Add: Community Gardens (e.g. Community Orchards) • Point 1 Add - vi Accessible Countryside and Nature Reserves (e.g. Marden Meadow)
Officer response: Partially accept.
<ul style="list-style-type: none"> • Point 1 ii - Amenity Green Space Add: including cemeteries and churchyards. Agree.

Policy: DM11 Publicly accessible open space and recreation
<ul style="list-style-type: none"> Point 1 v - Allotments Add: Community Gardens (e.g. Community Orchards). Agree. Point 1 Add - vi Accessible Countryside and Nature Reserves (e.g. Marden Meadow). Reject, this is covered by natural and semi-natural open space.
Proposed change: Amend as per agreed proposals:
<p>“ii. Amenity green space, including cemeteries and churchyards.”</p> <p>“v. Allotments and community gardens.”</p>
Key issue 8: Where areas are used for open space provision the housing density should be lower than 30 dwellings per hectare.
Detail: Policy H3 seeks a minimum density of 30 dwellings per hectare in the rural service centres and larger villages. The comment suggests that where open space and community facilities are provided, the density should be lower than 30 dwellings per hectare.
Officer response: Reject. The logic of the comment is correct in the first instance but that assumes a uniform build pattern where densities of 30 dwellings per hectare would have to be reduced as a result of providing open space. The council is confident that in relation to the provision of open space and community facilities alone, the density of 30 dwellings per hectare could be maintained by adopting alternative design layouts to accommodate on site provision.
Proposed change: No change.
Key issue 9: Where appropriate, policy should allow for contributions to maintaining footpaths, boundaries and provision of GBI in Kent Downs AONB.
Detail: The policy currently deals with the provision of open space under the five typologies identified. This comment is seeking an expansion of those typologies and is also seeking contributions to the maintenance of existing footpaths and boundaries, as well as GBI specifically in the Kent Downs AONB.
Officer response: Partially accept. The open space audit that is being conducted in the borough considers the quality of open spaces as well as the quantity. In that sense, it is possible to identify where contributions could better be used to reinforce and maintain the quality of existing provision, perhaps instead of seeking new provision.
Where footpaths and boundaries are included in audited open space sites then it is perfectly feasible to maintain these, as is the case for GBI in the Kent Downs AONB. Where there is more of an issue is in relation to areas that do not coincide with known open space. These areas can be addressed more accurately through the GBI action plan and longer term funding initiatives, potentially such as the Community Infrastructure Levy (CIL).
Proposed change: No change.
Key issue 10: New green space should also seek to reinforce landscape character.
Detail: New green space should also seek to reinforce landscape character.
Officer response: Accept. Where possible and relevant, this should be a stated aim of the policy.
Proposed change: Add new criterion 2:
<p>“2. Proposals for, and including, new publicly accessible open space and recreation will, where feasible, seek to reinforce existing landscape character, as defined in the Maidstone Landscape Character Assessment.”</p>

DM11 PUBLICLY ACCESSIBLE OPEN SPACE AND RECREATION

Proposed policy following amendments

Policy DM 11 – Publicly accessible open space and recreation

- Additions and amendments
- ~~Deletions~~

11.52 High quality, publicly accessible open space can bring about opportunities for promoting social interaction and inclusion in communities. Sports and recreation areas and facilities can contribute positively to the well being and quality of those communities. Open space can also have a positive impact upon the quality of the built environment and can be of ecological value. The National Planning Policy Framework encourages the provision and retention of high quality open spaces, a stance that the council supports.

11.53 The council will seek to secure publicly accessible open space provision for new housing and mixed use development sites, in accordance with standards[to be defined] in the green and blue infrastructure supplementary planning document.

11.54 It is important to ensure that any new publicly accessible open space and sports provision preserves the quality of life for existing residents, as well as the visual amenity of the locality. Intense sports uses, such as multi use games areas, can generate significant amounts of noise; while sports and other recreation uses may include lighting, such as floodlighting. This can be harmful to the living environment of nearby occupiers and to the visual amenity of the countryside where levels of artificial lighting are generally very limited. The council will seek to ensure that new publicly accessible open space and recreation areas are appropriate to their setting in these regards.

11.55 The loss of existing open space, sport and recreation facilities will be resisted, unless there is a proven overriding need for the development and there would be no resulting deficiency, or net loss, of such space/facilities in the locality. In considering the impact of the loss of open space, the council will have regard to the visual amenity and biodiversity value of the land in question.

POLICY DM 11

Publicly accessible open space and recreation

1. For new housing or mixed use development sites, the council will seek to deliver the following categories of publicly accessible open space provision in accordance with the standards [to be defined] in the green and blue infrastructure SPD:
 - i. Natural and semi natural areas of open space;
 - ii. Amenity green space, *including cemeteries and church yards*;
 - iii. Provision for children and young people's equipped play areas;
 - iv. Public ~~{and private^{(10)}}}~~ outdoor sports facilities; and
 - v. Allotments *and community gardens*.
2. Proposals for, and including, new publicly accessible open space and recreation will, where feasible, seek to reinforce existing landscape character, as defined in the Maidstone Landscape Character Assessment.

3. Proposals for, and including, new publicly accessible open space and recreation provision shall respect the amenities of neighbouring occupiers, by ensuring that development does not result in excessive levels of noise or light pollution. New lighting relating to such development will also preserve the character and visual amenity of the countryside.
4. Proposals for new development which would result in the net loss of open space or sport and recreation facilities will not be permitted unless there is a proven overriding need for the development. In addition, the development will only be permitted if:
 - i. There is no resulting deficiency in open space or recreation facilities in the locality; or
 - ii. An alternative provision, determined to be of an equivalent community benefit by officers at the council and community representatives, can be provided to replace the loss.
5. In dealing with applications to develop existing open areas within the urban area, rural service centres, larger villages and other locations, the borough council will have regard to the impact of the loss of the contribution that the existing site makes to the character, amenity and biodiversity of the area.

Further details on the provision of green and blue infrastructure, including publicly accessible open space, will be provided in a Green and blue infrastructure supplementary planning document.

DM12 COMMUNITY FACILITIES

Consultation issues and responses

Policy: DM12 Community facilities
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Inclusion of buildings for community use 2. Inclusion of places of worship 3. Lack of cultural aspirations e.g. theatre
Key issue 1: Policy DM 12 Community facilities. Supported.
Detail: Policy DM 12 Community facilities. Supported.
<p>Officer response:</p> <p>The council considers that community facilities add value and support to community participation and development. In order to deal with the many needs of a local population, it is prudent to secure community facilities that have a combined or multi-functional role. The council will ensure that the continuing needs of Maidstone borough’s community are considered through existing and new community facilities, which support community participation and where necessary, development will be protected, or their loss mitigated where appropriate.</p>
Proposed change: No change.
Key issue 2: – Community should decide whether a proposed alternative is of equivalent benefit.
Detail: Community should decide whether a proposed alternative is of equivalent benefit.
<p>Officer response:</p> <p>The council considers that community facilities add value and support to community participation and development. In order to deal with the many needs of a local population, it is prudent to secure community facilities that have a combined or multi-functional role. The council will ensure that the continuing needs of Maidstone borough’s community are considered through existing and new community facilities, which support community participation and where necessary, development will be protected, or their loss mitigated where appropriate.</p>
Proposed change: No change.
Key issue 3: Community involvement - OBSERVATION.
Detail: Community involvement - OBSERVATION.
<p>Officer response:</p> <p>The council considers that community facilities add value and support to community participation and development. In order to deal with the many needs of a local population, it is prudent to secure community facilities that have a combined or multi-functional role. The council will ensure that the continuing needs of Maidstone borough’s community are considered through existing and new community facilities, which support community participation and where necessary, development will be protected, or their loss mitigated where appropriate.</p>
Proposed change: No change.

DM12 COMMUNITY FACILITIES

Proposed policy following amendments

Policy DM 12 – Community facilities

- No policy changes proposed

11.56 In order to build well functioning, sustainable communities, it is essential that adequate community facilities are provided. The National Planning Policy Framework emphasises the importance of creating healthy, inclusive communities, with appropriate facilities, to create attractive residential environments. The Infrastructure Delivery Plan lists the key social infrastructure needed to support the level of development planned for the borough. Community facilities encompass educational, cultural and recreational facilities, including schools, libraries, places of worship, meeting places, cultural buildings (such as museums and theatres) and sports venues.

11.57 The council seeks to resist the net loss of viable community facilities, as this runs contrary to the aim of achieving sustainable, inclusive communities.

11.58 School premises are generally only in operation during particular hours. These sites offer opportunities to provide additional community uses outside of school hours. Such dual uses can increase the range of community facilities and can help to maximise land usage in a suitable manner. The council will therefore encourage dual usage of educational premises in appropriate circumstances.

POLICY DM 12 Community facilities

The adequate provision of community facilities, including social, education and other facilities, is an essential component of new residential development.

1. Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or through legal agreements unless the specific facilities are identified for delivery through the Community Infrastructure Levy.
2. Proposals which would lead to a loss of community facilities will not be permitted unless demand within the locality no longer exists or a replacement facility acceptable to the council is provided.
3. The council will seek to ensure, where appropriate, that providers of education facilities make provision for dual use of facilities in the design of new schools, and will encourage the dual use of education facilities (new and existing) for recreation and other purposes.

DM13 SUSTAINABLE TRANSPORT

Consultation issues and responses

Policy: DM13 Sustainable transport

Key issues:

1. Maidstone needs High Speed railway station.
2. Roads at capacity, Leeds/Langley bypass needed.
3. General disagreement with approach.
4. Better bus service in rural areas/to and from Weald required.
5. Policy is too aspirational.
6. Travel through Maidstone town centre if travelling north-south and vice-versa is a big problem.
7. Targets for modal split and journey times should be included.
8. Integrated Transport Strategy not supported by KCC.
9. Impact of development on A26 should be referenced.
10. Policy is unclear.
11. Rapid transit system required e.g. monorail.
12. Bus lanes/bus priority measures take road space from other modes.
13. Support SPD on parking standards, particularly for RSCs. Currently provision standards too low – need to be realistic.
14. Use of Willington Street needs to be reduced, where are the measures for this?
15. Plan is not yet based on the transport evidence.
16. B2163 should be upgraded into a southern bypass.
17. More cycle routes required.
18. Linton Crossroads inappropriate location for park and ride – traffic, junction issues, landscape character, effect on Coxheath, Linton communities.
19. Bus frequency should be referenced in policy.
20. More car parking required in town centre.
21. Infrastructure should be provided before development.
22. Policy contrary to NPPF – with reference to residual development impacts being severe. Currently not worded this way. Air quality impacts need to be addressed proportionately, not as de facto requirement of all developments.
23. Transport infrastructure improvements required on A249 at Detling Aerodrome.
24. Policy parts 1 and 2 need to be reworded as these do not provide appropriate guidance for developers.
25. Employment strategy is at odds with transport strategy because it will require HGV movements through town centre – should make use of motorway junctions, specifically junction 8.

Key issue 1: Maidstone needs High Speed railway station.

Detail: The high speed railway line (HS1) runs through Maidstone Borough but does not have a station within the borough. Connections to London from Ashford on HS1 take 38 minutes throughout the day. The quickest connection to London from Maidstone takes 50 minutes at peak times from Maidstone West.

Officer response: Partially accept. In practice it is difficult for Maidstone to construct a station on the high speed line because of its route across and adjacent to the Kent Downs AONB. The Maidstone West peak hour service connects to the high speed line at Ebbsfleet, having travelled along the Medway Valley line and then the north Kent line through Strood and Gravesend. This offers the quickest service to London. Thameslink is due to be extended to

Policy: DM13 Sustainable transport
Maidstone, which means that although speeds to London may not increase, the service options will.
Proposed change: No change.
Key issue 2: Roads at capacity, Leeds/Langley bypass needed.
Detail: The Leeds/Langley bypass is an adopted scheme in the Maidstone Borough-Wide Local Plan 2000. There have been a number of iterations of this scheme, whether adopted or not, in including a proposed South East Maidstone Strategic Link (SEMSL), but none have ever gained funding. It is contended that this road, if built, would take traffic away from the town centre.
Officer response: Partially accept. The Leeds/Langley bypass is being modelled as part of the transport modelling exercise required to mitigate transport issues in association with development proposed in the draft local plan. The modelling will indicate if this is an appropriate solution.
The capacity of roads in the borough is another question to be addressed through transport modelling, which may include such schemes as expanded park and ride, for which the Borough Council has been successful in part funding.
Proposed change: No change.
Key issue 3: General disagreement with approach.
Detail: General disagreement with approach.
Officer response: Noted.
Proposed change: No change.
Key issue 4: Better bus service in rural areas/to and from Weald required.
Detail: The issue of bus provision in rural areas continues to be difficult. Bus services are limited and do not run late into the night.
Officer response: Accept. This is an important issue that needs to be addressed. The Borough Council is limited in its options, however, when possibilities arise, it will look to exploit them.
Proposed change: Amend criterion 2(vi) to read: "Develop the strategic and public transport links to and from Maidstone, including increased bus service frequency;" Add new criterion 2(vii): "Work with service providers to improve bus links to the rural service centres and larger villages, including route options and frequency;"
Key issue 5: Policy is too aspirational.
Detail: Policy is considered too aspirational i.e. the comment doubts that improvements to the level proposed can be achieved.
Officer response: Reject. Some aspects of the policy undoubtedly are aspirational, however, this indicates the way that the Borough Council is thinking and without aspirations set out in policy, it is difficult to envisage any changes being achieved.
Proposed change: No change.
Key issue 6: Travel through Maidstone town centre if travelling north-south and vice-versa is a big problem.
Detail: Travel to and through the town centre is very difficult because a lot of the traffic converges on the Bridges Gyratory. This includes the A20 east and west, the A229 north and

Policy: DM13 Sustainable transport
south, the A26 and the A249.
Officer response: Accept: The council, in conjunction with Kent County Council, has won funding from the Local Growth Fund to improve some of the movements via the Bridges Gyratory. There will now be an option for traffic coming from the south on the A229 to bypass the Bridges Gyratory and travel north without having to twice cross the River Medway. This means in effect that as well as traffic movements south to north being improved, there will be more space on the gyratory itself, easing other movements i.e. east-west and vice-versa.
Proposed change: No change.
Key issue 7: Targets for modal split and journey times should be included.
Detail: Modal split is an issue that many highways authorities are dealing with. Influencing people to travel by means other than private transport helps to reduce congestion and carbon emissions.
Officer response: Partially accept. Maidstone Borough Council and Kent County Council will prepare an integrated transport strategy, for consultation alongside the regulation 19 draft of the local plan. It is not until then that the two councils will be able to say with certainty what are realistic targets to aim for in achieving modal split. However, adopting a target will be an important aspect of the policy.
Proposed change: No change.
Key issue 8: Integrated Transport Strategy not supported by KCC.
Detail: The previous draft of the integrated transport strategy was rejected by members of the Joint Transportation Board (JTB), which includes Kent County Council and Maidstone Borough Council members.
Officer response: Accept. The integrated transport strategy, in its previous incarnation, was rejected by members sitting on the JTB. Members from both councils are now working together, including through transport modelling, to seek joint solutions for the transport issues in Maidstone Borough.
Proposed change: No change.
Key issue 9: Impact of development on A26 should be referenced.
Detail: The A26 will be subject to a number of transport impacts resulting from the development proposed in the local plan. The north west area of Maidstone, in particular at Hermitage Lane, has been identified as a strategic housing location in the plan.
Officer response: Partially accept. Transport impacts will result from a number of proposed developments in the local plan, including along the primary transport corridors into and out of town – the A26, the A229, the A249, the A20 and the A274. However, this wider picture will be considered as part of the joint work being undertaken to develop the integrated transport strategy. The policy in its current form does not specify particular transport corridors, therefore at this moment in time, and until at least the transport modelling and integrated transport strategy have been completed, no further detail in this respect should be added.
Proposed change: No change.
Key issue 10: Policy is unclear.
Detail: Comment considers policy unclear.
Officer response: Noted.
Proposed change: No change.
Key issue 11: Rapid transit system required e.g. monorail.
Detail: Rapid transit systems are found in major cities around the world and in larger cities across England. In Sheffield, Nottingham, Manchester and Edinburgh there are tram systems. In Newcastle and Glasgow there are metro systems and in London there is the Underground.

Policy: DM13 Sustainable transport
Many tram systems used to exist across the country but were replaced when cars became more popular and affordable.
Officer response: Reject. Rapid transit systems can move large numbers of people in relative ease. In the 1990s the Government indicated that it was willing to fund the reinstatement of a number of light rail (tram) systems. The Maidstone Borough-Wide Local Plan 2000 included a policy for the establishment of a light rail service between Maidstone and Strood, using the Medway Valley railway line. A re-evaluation of re-establishing tram services meant, however, that Government funding was restricted and since then the business cases for such schemes are scrutinised more stringently. In Maidstone it would be difficult to seek the establishment of a rapid transit system – tram or monorail, because the population does not exist in the urban area to make it viable. It is difficult to establish priority measures for buses and a tram system would require much more of these.
Proposed change: No change.
Key issue 12: Bus lanes/bus priority measures take road space from other modes.
Detail: Concern regarding the implementation of any bus priority measures, including a bus lane.
Officer response: Reject. Depending on the measure sought, bus priority schemes can take road space from other road users. The benefit of any bus priority measures that are proposed will be evidenced by transport modelling. This will ensure that the costs and benefits of any proposal are weighed up adequately.
Proposed change: No change.
Key issue 13: Support SPD on parking standards, particularly for RSCs. Currently provision standards too low – need to be realistic.
Detail: Considers that parking standards are currently too low. This is particularly the case in RSCs where alternative transport modes to the car are not as comprehensive as in the urban area.
Officer response: Accept. Parking standards are an issue that will be addressed through an SPD. Any proposals contained in the parking standards will be based on evidence and take into account the wider transport context of any particular location.
Proposed change: No change.
Key issue 14: Use of Willington Street needs to be reduced, where are the measures for this?
Detail: Willington Street provides an effective bypass to the east of Maidstone town centre, linking the A274 to the A20.
Officer response: Accept. Transport modelling is underway to assess the options for mitigating the impact of transport measures proposed in the draft local plan. One of the schemes that will be modelled is the Leeds/Langley bypass, which if eventually constructed would ease the use of Willington Street.
Proposed change: No change.
Key issue 15: Plan is not yet based on the transport evidence.
Detail: Comment considers that no evidence has been produced to support the transport measures proposed in the local plan.
Officer response: Reject. A number of rounds of transport modelling have been undertaken to support the development of the local plan. The most recent was in support of the 2012 Core Strategy Strategic Site Allocations document. A large part of this work remains valid.
The site allocations proposed in the draft Maidstone Borough Local Plan mean that more

Policy: DM13 Sustainable transport
transport modelling is required and as a result, further transport modelling is currently being undertaken.
Proposed change: No change.
Key issue 16: B2163 should be upgraded into a southern bypass.
Detail: The B2163 runs from Leeds near to junction 8 of the M20, through Boughton Monchelsea and Coxheath, to Teston on the A26. This is a minor road, although people do use what of it they can as an effective southern bypass around Maidstone.
Officer response: Reject. This has been proposed in past years, however, a mixture of issues has meant that it has never been delivered i.e. agreement whether this an appropriate solution and funding.
Even if funding were available, it would have to be born in mind that upgrading the B2163 into a southern bypass would irreversibly alter the rural character of the areas that it runs through.
Proposed change: No change.
Key issue 17: More cycle routes required.
Detail: As part of the aim to encourage modal shift, including to bicycles, more cycle routes will be required.
Officer response: Accept. A large amount of work has already been undertaken on this subject and a cycle strategy will be developed as part of the integrated transport strategy and this will be published alongside the Maidstone Borough Local Plan regulation 19 draft in July 2015. This will include options for the future of cycling in Maidstone, including the potential for creating more cycle routes.
Proposed change: No change.
Key issue 18: Linton Crossroads inappropriate location for park and ride – traffic, junction issues, landscape character, effect on Coxheath, Linton communities.
Detail: Linton crossroads should not be identified as a park and ride site.
Officer response: Reject. This comment is more appropriately related to policy DM15 – Park and ride. However, the basis for the park and ride site being proposed at Linton Crossroads is that transport modelling undertaken in support of the 2012 Core Strategy Strategic Site Allocations document showed the A229 corridor from the south of Maidstone to have the strongest demand.
Proposed change: No change
Key issue 19: Bus frequency should be referenced in policy.
Detail: Bus frequency is an issue when trying to encourage people to use public transport instead of private transport. One of the benefits of private transport is the ability to travel when required i.e. 'turn up and go', rather than having to wait for a service. In places like London, the high frequency of public transport means that as an option it rates very highly in comparison.
Officer response: Accept. Modal shift requires an element of carrot and stick. If the incentives for people to travel on public transport do not exist then restrictive measures will not work effectively and the council could actually be portrayed in a bad light.
Proposed change: Amend criterion 2(vi) to read: "Develop the strategic and public transport links to and from Maidstone, including increased bus service frequency."
Key issue 20: More car parking required in town centre.

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Detail: More car parking is required in the town centre.
Officer response: Reject. Maidstone town centre benefits from a number of car parks, which are operated by different organisations, among them The Mall, Fremlin Walk and Maidstone Borough Council. There is a debate about the future of car parking in Maidstone, especially in relation to the traffic travelling into the town centre, however, it is difficult to say that the town centre is under-catered for.
Proposed change: No change.
Key issue 21: Infrastructure should be provided before development.
Detail: Often infrastructure can be delivered in line with development, or lagging behind development. This can cause issues when residents move into houses but essential services are not up to standard. In relation to transport, this might be where bus services are delivered to a development an amount time after it has been occupied and when the new residents' behaviour has become normalised driving their cars.
Officer response: Accept. Where possible infrastructure should be provided in advance of residents occupying new homes.
Proposed change: Amend criterion 3(i) to read: "i. Demonstrate that the impacts of trips generated to and from the development are remedied or mitigated, including where feasible an exploration of delivering mitigation measures ahead of the development being occupied;"
Key issue 22: Policy contrary to NPPF – with reference to residual development impacts being severe. Currently not worded this way. Air quality impacts need to be addressed proportionately, not as de facto requirement of all developments.
Detail: The impact on air quality is a key consideration in allocating land for new developments and in determining planning applications. The concern raised by this comment is how that impact is dealt with and who is liable for it.
Officer response: Reject. Policy DM13 does not specify the extent to which air quality impacts are addressed. Policy DM16 – Air quality, more comprehensively addresses the topic and should be referred to in the first instance.
Proposed change: Amend criterion 3(iii) to read: "Demonstrate that development in, or likely to adversely affect, Air Quality Management Areas incorporates mitigation measures to reduce impact to an acceptable level, in line with the borough's air quality action plan."
Key issue 23: Transport infrastructure improvements required on A249 at Detling Aerodrome.
Detail: Transport infrastructure i.e. a roundabout, should be included on the A249 at Detling Aerodrome, in conjunction with redevelopment and expansion of the existing business park.
Officer response: Reject. Detling Aerodrome was not included in the allocations policy for further development. As long as this is the case, no transport improvements would be required in relation to the aerodrome.
Proposed change: No change.
Key issue 24: Policy parts 1 and 2 need to be reworded as these do not provide appropriate guidance for developers.
Detail: The strategic aspect of this policy needs to be reworded as this is not true development management guidance.
Officer response: Partially accept. The structure of the local plan has been developed as such

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to be less topic based and more about place shaping. Therefore a number of topics have been included under the umbrella of 'development management', which is opposed to the structure of the Maidstone Borough-Wide Local Plan 2000. Inevitably this does not deal neatly with all aspects of policy and is the reason why policy DM13 includes strategy as well as more specific development management requirements [at criterion 3].

The structure of the plan is such that this is a necessary compromise.

Proposed change: No change.

Key issue 25: Employment strategy is at odds with transport strategy because it will require HGV movements through town centre – should make use of motorway junctions, specifically junction 8.

Detail: By allocating land at the motorway junctions, the council could restrict traffic movements through the town centre.

Officer response: Partially accept. While not accepting that this in itself means land should be allocated at motorway junctions for employment uses, there is a point to take regarding transport issues in the town centre not necessarily indicating that dispersed employment allocations are the best solution.

It is worthwhile noting that in Maidstone Borough and at the motorway junctions specifically, there are already a number of employment uses/approval for employment uses. At junction 6 the Audi dealership has been built and there is approval for distribution development at Brooklyn Yard. At junction 7 the Eclipse business park is still developing, including a local planning agent, a law firm, an insurance firm, a retail use and an approval for a new hotel. On the opposite side of the A249 the KIMS hospital has been built and the wider Maidstone Medical Campus has approval to expand on this. There is also an allocation to redevelop the Newnham Court shopping village with limited expansion. It is only at junction 8 where further land could feasibly be allocated in line with the comments expressed. It could be argued therefore that the council has already taken heed of such arguments regarding the use of motorway junctions.

The transport modelling currently being undertaken is considering the possibility of a Leeds/Langley bypass and this, if eventually delivered, could take some commercial traffic away from the town centre.

Proposed change: No change.

DM13 SUSTAINABLE TRANSPORT

Proposed policy following amendments

Policy DM 13 – Sustainable transport

- *Additions and amendments*
 - ~~Deletions~~
-

Transport

11.59 Working in partnership with Kent County Council (the local transport authority), the Highways Agency, infrastructure providers and public transport operators, the council will facilitate the delivery of transport improvements to support the growth proposed by the local plan. An Integrated Transport Strategy (ITS), prepared by the council and its partners, will have the aim of facilitating economic prosperity and improving accessibility across the borough and to the town centre, in order to promote Maidstone as a regionally important transport hub. The ITS needs to address a number of transport challenges as set out below.

Highway network

11.60 Maidstone borough has an extensive highway network which provides direct links both within the borough and to neighbouring areas including Ashford, Tonbridge and Malling, the Medway Towns, Tunbridge Wells and London. Four north-south and east-west primary routes pass through the town centre and numerous secondary routes run in concentric rings around the town, providing local links to the rural parts of the borough. Maidstone also enjoys good connections to the motorway network, including direct access to four junctions of the M20.

11.61 The principal constraint on the borough's urban road network is the single crossing point of the River Medway at the town centre bridges gyratory, where the A20, A26 and A229 meet. From this point, congestion spreads along the main radial approaches to Maidstone during the morning and evening peaks, leading drivers to seek alternative routes for longer journeys around the periphery of the town.

11.62 Modelling conducted in 2012 indicates that by 2026, a combination of background traffic growth and planned housing and employment development will increase the number of person trips in Maidstone during the morning peak hour by 42%. Significantly however, background growth associated with increased economic activity and greater car ownership is expected to have over one-and-a-half times the impact on trip generation of new housing and employment, demonstrating that robust solutions to Maidstone's transport challenges are required regardless of the development proposed in the local plan.

11.63 Maidstone has an average vehicle occupancy of approximately 1.23 persons per car, which is significantly lower than the UK average of 1.6 persons per car. This represents an inefficient use of road space and contributes to greater traffic congestion and air pollution. Whilst it is recognised that the private car will continue to provide the primary means of access in areas where alternative travel choices are not viable, the traffic data suggests that the ITS should focus on demand management measures that enable a higher people-moving capacity over the existing road network. Specifically, the strategy should aim for a reduction in the number of single-occupancy car trips into Maidstone town centre by long-stay commuters – particularly during peak periods – which can be achieved through interventions such as enhanced Park and Ride and walking and cycling infrastructure. This approach,

combined with targeted capacity improvements to strategic junctions such as the bridges gyratory, would improve the reliability and hence attractiveness of public transport, as well as providing businesses and freight operators with greater journey time reliability .

Car Parking

11.64 The provision of an adequate supply of well-located and reasonably priced car parking is essential to support the borough's retail economy, to facilitate access to areas where alternative travel modes are limited or unavailable, and to ensure that mobility impaired persons are able to access key education, employment and leisure opportunities. However, the supply of car parking also drives demand for limited road space and can therefore contribute to traffic congestion and poor air quality, as well as making more sustainable modes of travel less attractive. Therefore it is crucial that MBC and its partners avoid an overprovision of parking, particularly in and around Maidstone town centre.

11.65 The ITS will seek address parking issues by producing a refreshed Town Centre Parking Strategy, prioritising shoppers and visitors; giving consideration to a reduction in town centre long-stay parking supply; utilising town centre parking tariffs to encourage a shift to sustainable modes of transport such as Park and Ride and reviewing the Residents' Parking Zones to ensure they are fair, simple and meet the needs of all road users.

Park and Ride

11.66 MBC has been operating Park and Ride services in Maidstone since the early 1980s and was one of the first local authorities in the UK to introduce the concept. The service aims to address the growing peak time congestion in the town centre and has met with varying levels of success to date. Three sites are currently in operation at London Road, Sittingbourne Road, and Willington Street, which in total comprise some 1,450 parking spaces.

11.67 During the 2012/13 financial year some 400,000 transactions were recorded on Park and Ride bus services, which equates to a fall of 7% from the previous year . The Park and Ride services are also available for use by concessionary pass holders, and indeed approximately half of the trips recorded in 2012/13 were made by this group.

11.68 The reduction in patronage can be partially explained by the recession and suppressed economic activity in the town centre. Usage of the Park and Ride service should also be considered in the context of the supply of town centre car parking (both public and private) and the associated parking tariffs. The Park and Ride service is used by both commuters and shoppers; however it accounts for just 2% of all person trips into the town centre during peak periods (excluding walking and cycling), compared to 12% for bus and 77% for private car . The service currently requires a significant annual subsidy and therefore the ITS is seeking to take a targeted approach to address this situation.

11.69 The ITS is targeting the provision of an enhanced Park and Ride service, with an improved site on Old Sittingbourne Road in the vicinity of M20 Junction 7 and on the A229 corridor at Linton Crossroads to the south of the town, aimed at long-stay commuters into the town centre. Bus priority measures will also be provided on Park and Ride routes in tandem with the enhanced service.

Bus services

11.70 Maidstone borough has a well established bus network provided principally by Arriva, together with a number of smaller independent operators. The network is centred on Maidstone town centre and combines high frequency routes serving the suburban areas with longer distance services providing connections to many of the outlying villages and neighbouring towns, including Ashford, Sittingbourne, Tonbridge, Tunbridge Wells and the Medway Towns.

11.71 Although KCC and the council do not directly influence the provision of commercial bus services, both authorities work closely with the operators to improve the quality of services and to ensure that the highway network is planned and managed in a way that facilitates the efficient operation of buses. This relationship has been formalised through the signing of a voluntary Quality Bus Partnership (QBP) agreement, which includes commitments by Arriva, KCC and MBC to work collectively to improve all aspects of bus travel and to increase passenger numbers.

11.72 A number of services cannot be provided commercially and are classed as socially necessary services that require subsidy from KCC. These primarily consist of school, rural, evening and weekend services, which provide access to education, employment, healthcare, or essential food shopping. KCC also completed the countywide roll out of the Kent Freedom Pass during 2009. The County Council now provides free travel on almost all public bus services in Kent for an annual fee of £100 for young people living in the county and in academic years 7 to 11. The County Council also assumed responsibility from MBC for the administration and funding of the statutory Kent and Medway Concessionary Travel Scheme for disabled people, their companions and those aged over 60, in April 2011. As the Local Education Authority, KCC also provides free or subsidised home-to-school transport to children who meet the criteria.

11.73 Through the ITS bus service frequencies will look to be increased (to at least every 7 minutes) on radial routes serving Maidstone town centre. Bus priority measures will be provided in order to encourage the use of public transport and services will continue to be made more accessible to all users.

Rail services

11.74 Three railway lines cross Maidstone borough, serving a total of 14 stations. The operator of the vast majority of rail services in the area is the south east franchise holder, Southeastern.

11.75 The principal rail route serving Maidstone town is the London Victoria to Ashford International line (also referred to as the Maidstone East Line), which includes stations at Maidstone East, Bearsted, Hollingbourne, Harrietsham and Lenham. The average journey time between Maidstone East and London Victoria is an hour and runs half-hourly. The London Charing Cross / Cannon Street to Dover Priory / Ramsgate line passes through the south of the borough, with stations at Marden, Staplehurst and Headcorn. Charing Cross and Cannon Street stations are located in close proximity to the City of London and hence services on this line are heavily used by commuters, which places pressure on the limited station car park capacity in these villages.

11.76 The Medway Valley Line, connecting Strood and Paddock Wood, runs from north to south across the borough, with stations at Maidstone Barracks, Maidstone West, East Farleigh, Waterringbury, Yalding and Beltring. The line operates as part of the Kent Community Rail Partnership, which has delivered improvements to the stations and promoted the service widely. In May 2011, Southeastern commenced the operation of direct peak-time services between London St Pancras and Maidstone West via Strood and High Speed 1 on a trial basis. This has reduced rail journey times between Maidstone and London to 48 minutes and provided commuters from the town with the option of travelling to an alternative London terminus closer to the City. Collectively, these enhancements have contributed to a 25% increase in passenger numbers on the Medway Valley Line since 2007, putting it in the top 10 lines nationally for ridership growth according to the Association of Train Operating Companies.

11.77 KCC published its Rail Action Plan for Kent in 2011, which sets out the County Council's objectives for the new South Eastern Franchise. The reinstatement of services between Maidstone and the City of London is the plan's top priority. It also recognises the need for the level of rail fares charged in Kent to offer better value for money and for the roll out of Smartcard ticketing offering combined bus and rail travel, similar to Transport for London's Oyster card.

Air quality

11.78 Vehicle emissions are a major contributor to poor air quality at both the local level and on a wider global scale. Indeed the entire Maidstone Urban Area has been declared an Air Quality Management Area, primarily due to the level of traffic congestion at peak times. The ITS will therefore support the delivery of the measures identified in the Maidstone Air Quality Action Plan to deliver an improvement in the air quality of the urban area and to reduce pollutant levels below the Air Quality Objective Levels set out by European legislation.

11.79 Development in or affecting Air Quality Management Areas should where necessary incorporate mitigation measures which are locationally specific and proportionate to the likely impact. Examples of mitigation measures include:

- Using green infrastructure to absorb dust and other pollutants;
- Promoting infrastructure to encourage the use of modes of transport with low impact on air quality; and
- Contributing funding to measures, including those identified in the air quality action plans and low emissions strategies, designed to offset the impact on air quality arising from new development.

Influencing travel behaviour

11.80 Through the ITS the council, together with KCC, will seek to promote and support a range of initiatives to influence travel behaviour in the borough. This can be achieved through the use of Travel Plans, behaviour change programmes and introducing improvements to encourage greater levels of walking and cycling and the use of transport, car sharing and car clubs.

11.81 The council, together with KCC, will continue to promote and support the use of Travel Plans as a way of influencing travel behaviour away from journeys by private car to more sustainable modes. Maidstone Borough Council and Kent County Council will continue to

implement and monitor their own corporate Travel Plans as well as securing Travel Plans for new development as part of the planning process. Workplace and School Travel Plans will also continue to be developed, implemented and monitored through partnership working across the borough where appropriate.

Cycling and walking

11.82 Both KCC and MBC are therefore committed to the provision of a comprehensive cycle network for residents and visitors to Maidstone.

11.83 The borough currently has a number of cycle routes that link the town centre to the suburban areas; however connections within the town and further afield are limited and there is a lack of cycle parking at key destinations. Consequently, cycle use in Maidstone is very low, the 2011 Census travel to work data indicated that 1% of work trips were undertaken by bike. However 12% of journeys to work were made on foot.

11.84 The provision of attractive and safe walking and cycling routes with adequate cycle parking will be incorporated within the ITS. The borough's walking environment, its walking routes and its public realm will be developed and improved through local plan policies, the ITS, the IDP, and through the Green and Blue Infrastructure Strategy. The Maidstone Cycling Strategy will be developed through the ITS. These strategies and documents will have the aim of increasing the proportion of trips made by walking and cycling in the borough by 2031.

Assessing the transport needs of development

11.85 New developments have the potential to generate a considerable number of vehicular and pedestrian trips which in turn has both a direct and cumulative impact on the transport network. Improvements to public transport, walking, cycling and highway infrastructure to mitigate these impacts need to be in place to ensure the increase in trips generated will not lead to an unacceptable level of transport impact. To further minimise these impacts, measures and initiatives must be incorporated into the design of development to minimise vehicular trip generation. Transport Assessments and Travel Plans, developed in accordance with KCC guidance will be expected to accompany all planning applications for new developments that reach the required threshold. New development proposals will also be expected to enter into legal agreements to mitigate both their direct and cumulative impact on the transport network. The council will also seek to secure Construction Management Plans to minimise impacts from new developments during construction.

POLICY DM 13

Sustainable transport

1. Working in partnership with Kent County Council (the local transport authority), the Highways Agency, infrastructure providers and public transport operators, the borough council will facilitate the delivery of transport improvements to support the growth proposed by the local plan. An Integrated Transport Strategy, prepared by the council and its partners, will have the aim of facilitating economic prosperity and improving accessibility across the borough and to Maidstone town centre, in order to promote the town as a regionally important transport hub.
2. In doing so, the council and its partners will:
 - i. Ensure the transport system supports the growth projected by Maidstone's Local

- Plan and facilitates economic prosperity;
- ii. Manage demand on the transport network through enhanced public transport and Park and Ride services and walking and cycling improvements;
- iii. Improve highway network capacity and function at key locations and junctions across the borough;
- iv. Manage parking provision in the town centre and the wider borough to ensure it is fair and proportionate and supports demand management;
- v. Improve transport choice across the borough and seek to influence travel behaviour;
- vi. Develop the strategic and public transport links to and from Maidstone, including increased bus service frequency;
- vii. Work with service providers to improve bus links to the rural service centres and larger villages, including route options and frequency;
- viii. Improve strategic links to Maidstone across the county and to wider destinations such as London;
- ix. Ensure the transport network provides inclusive access for all users; and
- x. Address the air quality impact of transport.

3. Development proposals must:

- i. Demonstrate that the impacts of trips generated to and from the development are remedied or mitigated, including where feasible an exploration of delivering mitigation measures ahead of the development being occupied;
- ii. Provide a satisfactory Transport Assessment and a satisfactory Travel Plan in accordance with the threshold levels set by Kent County Council's Guidance on Transport Assessments and Travel Plans; and
- iii. Demonstrate that development in, or likely to adversely affect, Air Quality Management Areas incorporates mitigation measures to reduce impact to an acceptable level, in line with the borough's air quality action plan.

A parking standards supplementary planning document will be produced to provide greater detail in support of the policy.

DM14 PUBLIC TRANSPORT

Consultation issues and responses

Policy: DM14 Public transport
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Object to bus priority measures 2. Need reference to timing of public transport in new development – it needs to be delivered early enough to be considered mode of first choice 3. No reference made to rural area, needs commitment to increase public transport in these areas 4. Part 1 does not provide enough guidance for developers and should be reviewed
<p>Key issue 1: Objection to bus priority measures.</p> <p>Increases congestion & pollution. What's the point where buses are polluting, go slow, only have about 5 people on them expect for school time. You really have absolutely no idea how bad the roads are already with congestion in Maidstone I now shop in other towns as its too polluting, too noisy, too expensive to park, poor selection of shops, poor access. It takes me longer to drive round the one way system in Maidstone & Park than driving to Ashford or Bluewater! Take a leaf out of Ashford Books - lots of Business parks, good shops in town plus out of town & new houses but they have built the roads too to cope with it. Nice big dual carriageways & good links to the M20</p>
<p>Officer response: The council supports bus priority measures such as bus-only roads, bus lanes and selective vehicle detection at traffic signals as these are essential tools in ensuring that the limited people-carrying capacity of the road network is being used most effectively. The Council supports these measures as they help to reduce bus journey times, improve bus reliability and increase the efficiency of the bus network, especially when they are considered as part of a whole route approach.</p>
<p>Proposed change: No change.</p>
<p>Key issue 2: Need reference to timing of public transport in new development – it needs to be delivered early enough to be considered mode of first choice.</p>
<p>Detail: There is no mention of ensuring public transport is provided at an appropriate stage of new developments so that public transport is considered as the mode of first choice</p>
<p>Officer response: Agree, the council agrees that new developments require a regular high quality transport service which should be provided early in the development phase to encourage early take up of bus services.</p>
<p>Policy DM13 requires that development proposals to provide a satisfactory Transport Assessment and a satisfactory Travel Plan. Proposals will be assessed at application stage using Local Plan and NPPF policies.</p>
<p>Proposed change: No change.</p>
<p>Key issue 3: No reference to rural areas.</p>
<p>Detail: No reference to rural areas - no commitment to increase public transport to the rural areas</p>
<p>Officer response: Maidstone borough has a well established bus network. The network is centred on Maidstone town centre and combines high frequency routes serving the suburban areas with longer distance services providing connections to many of the outlying villages and neighbouring towns.</p>
<p>Neither MBC or KCC directly influence the provision of commercial bus services. However, a</p>

Policy: DM14 Public transport
number of services cannot be provided commercially and are classed as socially necessary services that require subsidy from KCC. These primarily consist of school, rural, evening and weekend services which provide access to education, employment healthcare or essential foot shopping.
MBC and KCC will continue to work collectively with the bus operators to improve the quality of bus services to rural areas and to ensure the highway network is planned and managed in a way that facilitates the efficient operation of buses to increase passenger numbers.
Proposed change: No change necessary
Key issue 4: Part 1 does not provide enough guidance for developers and should be reviewed.
Detail: CPRE Protect Kent fails to see in what way part 1 of this Policy actually comprise a development management policy that provides guidance to prospective developers. This seems to be expressions of strategy that would be more at home in Chapters 4 or 5 than here. We would suggest that the construction of the Policy is reviewed or this part is included as an 'SP' Policy and moved to earlier in the Plan, perhaps combined with parts 1 and 2 of Policy DM13 to create a strategic policy on transport.
Officer response: Disagree – Part 1 of policy DM14 sets out the council's preference to improve journey times and make public transport more attractive.
Proposed Change: No change.

DM14 PUBLIC TRANSPORT

Proposed policy following amendments

Policy DM 14 Public transport

- No policy changes proposed

POLICY DM14

Public transport

Within the bus and hackney carriage corridors, as defined on the policies map, the council and the highway authority will develop preference measures to improve journey times and reliability and make public transport more attractive, particularly on park and ride routes. Such measures may include:

- i. Dedicated bus lanes, including contraflow lanes where appropriate;
- ii. Bus priority measures at junctions;
- iii. Prioritisation within traffic management schemes; and/or
- iv. Enhanced waiting and access facilities and information systems for passengers, including people with disabilities.

2. Proposals for major development will be permitted if adequate provision is made, where necessary and appropriate, within the overall design and site layout for the following facilities for public transport secured through legal agreements:

- i. Priority or exclusive provision for public service vehicle access to or through the proposed development area;
- ii. Safe and convenient passenger waiting facilities, information systems and signed pedestrian access routes;
- iii. Suitable provision for disabled access to the waiting facilities from all parts of the development area; and
- iv. Suitable provision for disabled access onto buses from the waiting facilities.

DM15 PARK AND RIDE

Consultation issues and responses

Policy: DM15 Park and Ride
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Need Park and Ride site on A274 2. Park and Ride is unsustainable 3. Support in principle, but Linton crossroads is the wrong place 4. Air quality impacts 5. Disagrees that there is evidence to support Linton Crossroads 6. Not enough room for bus priority measures south of Maidstone 7. Old Sittingbourne Road should not be included for park and ride; this is subject to a short term lease. Site has more value for economic development use.
<p>Key issue 1 & 3: Need Park & Ride site on A274 and; Support in principle, but Linton crossroads is the wrong place</p>
<p>Detail: Whilst appreciating the desirability of the P&R site proposed at Linton crossroads we would need to see a comprehensive proposal before being fully supportive. The omission of a Park & Ride site on the A274 is something we recommend is reconsidered.</p>
<p>Officer response: The council is supportive of a Park & Ride site at Linton Corner. The proposed site is forecast to perform well above initial expectations and would cover its operating costs. A Park & Ride site on the A274 would only attract trips in the local vicinity with no long-distance trips accessing the site. The Council believes that if a site on the A274 was the sole site to the south of Maidstone, it would perform well and would cover its operational costs. However the site would fail to cover all of the demand that would travel to a Linton Corner Park & Ride site. Therefore a Park & Ride site at Linton is the councils preferred site.</p>
<p>Proposed change: No change.</p>
<p>Key issue 2: Park & Ride is unsustainable.</p>
<p>Detail: DM15 - OBJECT - park and ride unsustainable</p>
<p>Officer response: The Council considers Park & Ride to be an important part of the council's transport vision for the Borough. New developments have the potential to generate a considerable number of vehicular trips. Improvements to public transport, such as Park & Ride help to mitigate these impacts and ensure that increase in trips will not lead to an unacceptable level of transport impact. The goal of providing a range of park & ride sites is to offer the travelling public a choice with a view to reducing traffic levels, congestion and CO2 emissions.</p>
<p>Proposed change: No change.</p>
<p>Key issue 4: Air Quality Impacts.</p>
<p>Detail: Unconvinced that it will be possible to implement safe access to the proposed Park & Ride site at Linton crossroads as there are no bus priority measures in place and there is no scope for measures such as bus lanes to be built. Impact of cars accessing the new park & ride site will have a negative impact on the areas air quality.</p>
<p>Officer response: The Council recognises that planning can play an important role in improving air quality and reducing individuals' exposure to air pollutants. The council will review the significance of the air quality impacts from proposals in line with national guidance. Evaluation of air quality impacts will take into account factors such as the number of people affected the absolute levels and the predicted magnitude of the change in pollutant</p>

<p>Policy: DM15 Park and Ride</p>
<p>concentrations, the scale and kind of proposed mitigation.</p>
<p>Section 2 of the policy states that new facilities should provide satisfactory access, layout, design, screening and landscaping. Issues such as access to the site access will be considered during the planning application stage.</p>
<p>Proposed Change: No change.</p>
<p>Key issue 5: Objection to the location of Park & Ride at Linton crossroads.</p>
<p>Detail:</p> <p>Park and ride is not a sustainable transport panacea, and if poorly located can increase local traffic congestion and pollution and damage the landscape. Park and ride works best where it is well-related to existing communities and not located within more remote stand-alone locations. Old Sittingbourne Road, London Road and Willington Street succeed in this context because they also serve the local community as a bus service. The defunct Langley Park park and ride would have brought optimal benefits because it would have complemented the originally proposed mixed-use development of the site and reduced the generation of local car journeys. However, the proposed Linton Crossroads site is relatively remote from settlements and will therefore increase rather than reduce car journeys, with a major potential for rat running through local country roads, especially from the major development in the Sutton Road / Boughton Monchelsea locality. Further, the Linton Crossroads proposal is totally unacceptable in scale and landscape terms because of the inevitable damage to the irreplaceable landscape of the Greensand Ridge by day and night. The impact of lighting in this prominent location is a particular concern. A smaller 'satellite' park and ride may be acceptable on the A229 corridor but it must be better related to population centres and in a less sensitive location. A location within the A274 corridor well related to the major residential developments along the Sutton Road and avoiding sensitive or bio-diverse landscapes is favoured as an alternative. A key to reducing traffic congestion within Maidstone town centre is intercepting vehicles on the heaviest private car commuting route into the town centre i.e. the A229 Bluebell Hill. A focus of any park and ride policy must therefore be to work with Medway Council to deliver a park and ride serving both Maidstone and Medway Towns along the A229 axis.</p>
<p>Officer response: The Council believes that due to the distance from the town centre of a park & ride site at the A229 on Blue Bell Hill additional costs would be incurred resulting in increased operating costs and the site would fail to make a profit. The modelling outputs also suggest that much of the demand will be from along the M20 corridor to the east¹. Whilst there may be some journey time benefits for travellers using this route if their ultimate destination is on the north side of the town centre, overall it is considered that this is likely to be considered an unfavourable route choice.</p>
<p>A Park & Ride site on Sutton Road would only attract trips in the local vicinity with no long-distance trips accessing the site. The Council believes that if the site was the sole site south of the town, Sutton Road would perform well and would cover its operational costs. However the site would fail to cover all of the demand that would travel to a Linton Corner Park & Ride site. A park & ride site at Linton Corner is forecast to perform well above initial expectations and would cover its operating costs. A smaller site would require an additional park & ride site to be allocated in the same A229 Linton Hill corridor. A limited site would also not cover the operating costs of the site, nor justify, the 10 minute bus frequency throughout the day¹.</p>

¹ Maidstone Integrated Parking Strategy Research – Option Appraisal Report – Draft Final Report (April 2012), Para 11.6 – 11.13

Policy: DM15 Park and Ride
Proposed Change: No change.
Key issue 6 – Not enough room for bus priority measures south of Maidstone.
Detail: Roads in the area are already congested and there are highway safety concerns. The local infrastructure into Maidstone cannot cope with the additional demand and bus priority measures will not work. The site should be protected as it was in the previous Local Plan. There will be impacts on wildlife and additional noise, light pollution and environmental damage.
Officer Response: The council is working in partnership with Kent County Council (the local transport authority), the Highways Agency, infrastructure providers and public transport operators to facilitate the delivery of transport improvements to support the growth proposed by the local plan. An Integrated Transport Strategy is in the process of being prepared by the council and its partners, which will aim to improve accessibility from the south of Maidstone and across the borough to Maidstone town centre.
Proposed Change: No change.
Key Issue 7 - Old Sittingbourne Road should not be included for park and ride; this is subject to a short term lease. Site has more value for economic development use.
Detail: Both policies identify land at Eclipse Park ('Old Sittingbourne Road') as a Park & Ride site. This site, although currently operating as a Park & Ride site, is subject to a short term lease to Maidstone Borough Council which expires in November 2014. No new or extended lease is in place and no terms have been agreed for continued leasing of the land. Furthermore, the landowner has confirmed that the site is not available for continued Park & Ride use, and the land is not available at a value likely to be affordable for Park and Ride at the site to be viable, as it has inherent economic development value for the reasons already outlined.
Given this, it cannot be demonstrated that the site is available and is not therefore deliverable. The site is thus not effective and is unsound.
Notwithstanding availability, this site does not present the most suitable site in the Junction 7 area for Park & Ride development. As draft Policy DM17 confirms (and as supported by the Plan's evidence base and the site's planning history), Eclipse Park forms a key strategic employment site for development as part of the Plan's spatial strategy. To designate a large portion of the site to Park & Ride development thus fails to make best and effective use of this site and does not therefore deliver sustainable development.
The Council have failed to assess alternative locations in the area that would not result in the effective loss of key employment land. It is considered that such a search for alternative sites should be undertaken to find land more suited for Park & Ride provision that would not forego prime employment land and would deliver the sustainability benefits that Park & Ride at Junction 7 would bring. Furthermore, the Integrated Transport Strategy does not provide any basis to conclude that Eclipse Park is the most suitable site at Junction 7, notwithstanding its unavailability for the Plan period. The ITS lacks sufficient evidence to reach a conclusion on the strategy for Park & Ride at Junction 7 and in the absence of this and clear agreement with KCC on the strategy, there can be no certainty at present over delivery, irrespective of site availability. Even if the site at Eclipse Park were available and affordable, then the case has not been made.

Policy: DM15 Park and Ride

In its current form therefore, these policies are unsound as they are not proven to be deliverable and are thus not effective; are not consistent with National Policy as they compromise the delivery of sustainable economic development; and are not justified as more suitable alternatives should be sought in any event. Accordingly and to make the Plan sound, these policies should be amended to delete reference to the Eclipse Park site as it is not deliverable and a more suitable alternative site in the vicinity of Junction 7 should instead be identified in the event that it is concluded Park and Ride at Junction 7 is required.

The Local Plan is intended to provide a vision for Maidstone to 2031 and as drafted clearly fails to reflect the needs of the market and the opportunities for Maidstone that they represent.

I trust that the above comments will be given due consideration and would be happy to provide any further information or answer any queries as required.

Officer Response: Reject: The existing site on Sittingbourne Road has a long established use as a park & ride site and was allocated in the Maidstone Borough-Wide Local Plan 2000. Paragraph 30 of the NPPF encourages the support of solutions to reduce congestion. The council fully supports the continued use of the park & ride facility located on Sittingbourne Road. The use of the site for park & ride will continue to reduce car borne pollution in built up areas and reduce congestion in Maidstone town centre.

Park and ride is an important part of the council's transport vision for the Borough. A Study of park & ride opportunities in the borough was undertaken in April 2012 as part of the Maidstone Integrated Parking Strategy Research, which identified that the existing site on Sittingbourne Road will continue to have significant utilisation during the AM peak period accommodating demand for access to the town centre from the A249/M20 transport corridor. No other sites have been submitted during a call for sites that would serve the A249/M20 transport corridor. The Sittingbourne Road site has an existing use as a park & ride site and is the council's preferred option for a park & ride site serving the A249/M20 transport corridor.

Officer Response: No change.

DM15 PARK AND RIDE

Proposed policy following amendments

Policy DM 15 Park and ride

- No policy changes proposed

POLICY DM15

Park and ride

The following sites, as defined on the policies map, are designated bus park and ride sites:

- i. Old Sittingbourne Road (to serve the A249 corridor);
- ii. London Road (to serve the A20 west corridor);
- iii. Willington Street (to serve the A20 east corridor); and
- iv. Linton Crossroads (to serve the A229 corridor).

2. The provision of new or replacement park and ride facilities should meet the following criteria:

- i. Satisfactory access, layout, design, screening and landscaping;
- ii. Provision of suitable waiting and access facilities and information systems for passengers, including people with disabilities; and
- iii. The implementation of complementary public transport priority measures both to access the site and moreover along the route. Measures will include dedicated bus lanes (including contraflow lanes where appropriate), together with bus priority measures at junctions.

DM16 AIR QUALITY

Consultation issues and responses

Policy: DM16 Air Quality
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Investment in low emission buses will continue where it supports a scheme being implemented by MBC. 2. All development has a negative impact on air quality – question how air quality can be improved. 3. Policy needs to make reference to areas outside of Maidstone AQMA, in particular Wateringbury crossroads. 4. Developments should address existing air quality issues (where there is an issue) before being permitted. 5. Policy should define circumstances where development will not be acceptable.
<p>Key issue 1: Investment in low emission buses will continue where it supports a scheme being implemented by MBC.</p>
<p>Detail: Support - Recognising that there are limited actions the Borough Council can take to improve air quality through reductions in emissions by road transport, Arriva will continue to invest in low emission buses where there is a business case and where it supports a scheme being implemented by the Borough Council.</p>
<p>Officer response: The council fully supports and encourages the use of modes of transport with low impact on air quality. The primary focus for the council is placed on achieving model shift to walking, cycling and public transport and low emission transport.</p>
<p>Proposed change: No change.</p>
<p>Key issue 2: All development has a negative impact on air quality – question how air quality can be improved.</p>
<p>Detail: All development proposals impact on air quality –increased road usage especially.</p>
<p>Officer response: The Council recognises that planning can play an important role in improving air quality and reducing individuals’ exposure to air pollutants.</p>
<p>To address existing air quality issues within the borough – the NPPF requires planning policies to sustain compliance with EU limit values or national objectives for pollutants and the cumulative impacts on air quality from individual sites in local areas. Air Quality Action Plans set out to improve air quality in exceedance areas. The Council’s Integrated Transport Strategy will assist in accommodating model shift to more sustainable transport modes and support Air Quality Action Plans.</p>
<p>The council will require that development in or affecting Air Quality Management Areas to where necessary incorporate mitigation measures which are locationally specific and proportionate to the likely impact. The council will promote infrastructure that encourages the use of modes of transport with low impact on air quality, locating development close to transport infrastructure and community services and facilitates to minimise trip generation.</p>
<p>The council will develop a Low Emission Strategy which will outline the principles behind defining the scale of development and its likely impact depending on its location and proximity to exceedance areas and the public.</p>
<p>Proposed change: No change.</p>
<p>Key issue 3: Policy needs to make reference to areas outside of Maidstone BC AQMA, in</p>

Policy: DM16 Air Quality
particular Wateringbury crossroads.
Detail: Your air quality policy only considers the same in MBC area through its Local Air Quality Management regime which consequently avoids our most affected and polluted village. As the Wateringbury A26 air quality is outside your Plan area but will be greatly affected by the Development Plan allocation this must be modified in some way to include the effect on areas outside the MBC remit.
Officer Response: Since December 1997 each local authority in the UK is responsible for carrying out a review and assessment of air quality in their respective areas. This involves measuring air pollution and trying to predict how it will change in the next few years. The aim of these reviews is to make sure that the national air quality objectives will be achieved throughout the UK by the relevant deadlines.
It is therefore the responsibility of Tonbridge & Malling Borough council to review and ensure air quality objectives are achieved throughout their borough. However, Maidstone Borough Council recognises that development within the borough of Maidstone, may have an impact on neighbouring areas. Public bodies have a duty to cooperate on planning issues that cross administrative boundaries, and the Council will continue to work with Tonbridge and Malling Borough Council on cross boundary issues such as infrastructure issues and air quality.
Proposed change: No change.
Key Issue 4: Development should address existing air quality issues (Where there is an issue) before being permitted.
Detail: GENERAL OBSERVATION - where air quality is an existing issue developments that exacerbate the situation should not be supported until mitigation measures for the existing issue are implemented.
Officer Response: To address existing air quality issues within the borough – the NPPF requires planning policies to sustain compliance with EU limit values or national objectives for pollutants and the cumulative impacts on air quality from individual sites in local areas. Air Quality Action Plans set out to improve air quality in exceedance areas.
In order to mitigate any schemes impacts the council will develop a low emission strategy. This document will outline the principles behind defining the scale of a development and its likely impact depending on its location and proximity to exceedance areas and the public.
Proposed Change: No change.
Key Issue 5 – Policy should define circumstances where development will not be acceptable.
Detail: In an effort to word this Policy in a positive way the Policy has become tortuous. For some issues it is appropriate to express the policy in a negative fashion, i.e. that planning permission will not be permitted, and this is one such policy. In the interests of clarity, therefore, the Policy should be redrafted to set out the circumstances where development will not be acceptable because of impact on air quality.
Officer Response: Reject: Government policy requires that local plans must be positively prepared, justified, effective and consistent with national policy in accordance with section 20 of the Planning and Compulsory Purchase Act 2004 (as amended) and the National Planning Policy Framework.
Policy DM16 sets out that applications that will have a negative impact on air quality should identify sources of emissions from the development and identify how these emissions will be minimised and mitigated against must be provided. In addition, policy DM16, requires

Policy: DM16 Air Quality

proposals affecting Air Quality Management Areas should, where necessary, incorporate mitigation measures which are locationally specific and proportionate to the likely impact.

Proposed Change: No change.

DM16 AIR QUALITY

Proposed policy following amendments

Policy DM 16 – Air quality

- No policy changes proposed
-

11.86 Pollution due to dust and poor air quality, resulting from either existing sites or proposed developments, has the potential to adversely affect human health and the environment in Maidstone. It is therefore essential that these issues are adequately assessed through the development management process.

11.87 The National Planning Policy Framework requires planning policies to sustain compliance with EU limit values or national objectives for pollutants and the cumulative impacts on air quality from individual sites in local areas. The council has a responsibility to work towards achieving these targets and does this through the Local Air Quality Management (LAQM) regime. Through this function the council has identified 6 areas currently exceeding EU guideline values and has an Air Quality Action Plan (AQAP) in place in order to identify measures aimed at reducing air pollution at these locations.

11.88 The hotspots are located at key transport junctions but the AQAP covers the wider Maidstone Urban Area designated by the Air Quality Management Area (AQMA) in recognition of the nature of road networks and traffic movements. This action plan contributes to the delivery of the national air quality strategy.

11.89 The air quality action plan identifies key partners and their responsibility for delivering measures to improve air quality in the exceedence areas. The primary focus is placed on achieving modal shift to walking, cycling and public transport and low emission transport. The council's Integrated Transport Strategy is in place to address this objective. This policy will support the ITS and AQAP by:

- Promoting infrastructure that encourages the use of modes of transport with low impact on air quality;
- Locating development close to transport infrastructure and community services and facilities to minimise trip generation;
- Installing charging points to facilitate expected increases in electric vehicle ownership;
- Requiring developers to mitigate more effectively against emissions from new developments through soft measures such as landscaping and tree planting; and
- Requiring developers to contribute to funding measures, including those identified in the air quality action plans and low emissions strategies, designed to offset the impact on air quality arising from new development

11.90 The Council will review the significance of the air quality impacts from new proposals in line with national guidance. Evaluation of air quality impacts will take into account factors such as the number of people affected, the absolute levels and the predicted magnitude of the changes in pollutant concentrations, the scale and kind of the proposed mitigation. The evaluation will also take into account how the impacts from the development relate to the principles contained within the council's air quality action plan and other relevant strategic guidance documents.

11.91 It is recognised that planning can play an important role in improving air quality and reducing individuals' exposure to air pollutants. Whilst planning cannot solve immediate air quality issues, it has a role to play so any likely scheme impacts are reasonably mitigated. It is also important to ensure cumulative impacts of developments are responded to in a fair and proportionate way. In order to achieve this, a Low Emission Strategy will be developed going forward.

11.92 The Low Emission Strategy will outline the principles behind defining the scale of a development and its likely impact depending on its location and proximity to exceedance areas and the public. It will be developed in line with emerging best practice and national guidelines and be developed to support the Air Quality Action Plan.

POLICY DM16

Air Quality

Proposals that have an impact on air quality that meet the following criteria will be permitted:

1. Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance;
2. Proposals within or adjacent to Air Quality Management Areas that are likely to have a negative impact on air quality should identify sources of emissions to air from the development and an Emissions Statement identifying how these emissions will be minimised and mitigated against must be provided; and
3. Proposals in or affecting Air Quality Management Areas or of a sufficient scale to impact local communities should, where necessary, incorporate mitigation measures which are locationally specific and proportionate to the likely impact.

DM17 ECONOMIC DEVELOPMENT

Consultation issues and responses

Policy: DM17 Economic development

Key issues

1. Due to lack of reference to the importance of green technologies.
2. The policy fails to recognise the established significance of the employment site at Detling Aerodrome.
3. The Plan as drafted fails to support and improve the economy and fails to provide for the needs of businesses.

Key issue 1: Lack of reference to green technologies.

Detail: The representation states that Green technologies are a key growth area where Kent and the south east is already a research and development hot spot. MBC should be promoting and supporting this field of technology. With the UN calling upon the world to treble renewable energy production to reduce the catastrophic impacts of climate change this is not just an economic no-brainer but a moral imperative.

Officer response: Green technologies encompass a wide range of activities including renewable energy production, recycling, water/air purification, sewerage treatment, environmental remediation, solid waste management, energy conservation and sustainable construction and arguably much more. Whilst tackling climate change and the sustainable use of natural resources are key outcomes, the sector offers real opportunities for business growth and innovation. The sector was worth £107 billion to the national economy and in Kent some 17,500 are thought to be employed in it. Growth is expected at between 4 and 5% annually, much higher than many other sectors (Low Carbon Opportunities for Growth, 2010 KCC). It is recognised as a key growth sector in the Government' Industrial Strategy, SELEP's Strategic Economic Plan and by Locate in Kent.

The land use implications for renewable and low carbon energy schemes are set out in Policy DM3. The Council has also published planning advice notes on solar farms.

However the opportunities for Maidstone to grow this sector have not been demonstrated in either the GVA work on Employment Land Supply 2014 or consultation to date on the draft Economic Development Strategy 2014. Moreover investment is already planned elsewhere in Kent and the South East. Major investment is planned in Thames Enterprise Park on a 400 acres brown field site to become a hub for environment technologies and energy generation businesses. Dunton Technical Centre in Essex is a major research and development facilities for the automobile industry where the government has recently invested in fuel efficiency and carbon emission reductions research through the Technology Strategy Board. North Kent, including Ramsgate is seeking to develop businesses related to their Off Shore Wind Farms.

Maidstone does not have a Higher Education centre related to this sector. Canterbury Christ Church University, The University of Kent and The University of Greenwich all have specialist areas in subjects related to environmental sciences. Regional Resource Centre for Environmental Technology Skills (RRCETS) run by BSK CIC is based in Medway. It is a hub for supporting businesses to acquire skills and knowledge in understanding new technologies. It addresses a gap by providing local, low-cost business training including the following topics: Renewable energy, Energy Efficiency, Rain Water Harvesting, Environmental Awareness for SMEs; Waste Management.

<p>The Economic Development team does promote Low Carbon Kent, Eco Innovation and other opportunities for businesses to access finance to innovate or reduce emissions.</p>
<p>Proposed change: No change.</p>
<p>Key issue 2: The policy fails to recognise the established significance of the employment site at Detling Aerodrome.</p>
<p>Detail: The representation argues that the policy fails to recognise the established significance of the employment site at Detling Aerodrome Industrial Estate and therefore its failure to include it in the policy as being suitable for retention intensification and regeneration of existing industrial and business estates. This industrial employment site has been established for at least as long as other sites identified as “Economic Development Areas” in the Plan and provides a valuable opportunity for enhancement and expansion together with the provision of important strategic infrastructure to assist the economic prosperity of the Borough.</p>
<p>Officer response: DM17 set out the general principles that the Council will follow to support economic growth. This policy refers the retention, intensification and regeneration of the existing industrial and business estates identified as Economic Development Areas listed in Policy DM18. Detling Aerodrome Industrial Estate is listed as “Detling Airfield” in Policy DM18 is therefore already included.</p>
<p>Proposed change: No change.</p>
<p>Key issue 3: The Plan as drafted fails to support and improve the economy and fails to provide for the needs of businesses.</p>
<p>Detail: This policy states that “the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses”. This statement is not however supported by any evidence and to the contrary, the absence of an employment allocation at Junction 8 and any provision to meet proven demand for existing expanding businesses shows that the Plan as drafted fails to support and improve the economy and fails to provide for the needs of businesses.</p>
<p>Officer response:</p> <p>The employment site allocations to be included in the Local Plan will be considered under Policy EMP1.</p>
<p>Proposed change: No change.</p>

DM17 ECONOMIC DEVELOPMENT

Proposed policy following amendments

Policy DM 17 – Economic development

- Additions and amendments
 - Deletions
-

11.93 The local economy is characterised by its strong base in administration and professional services, as well as public services, stemming in particular from Maidstone's county town role. The town centre is an established focus for shopping and leisure activities, drawing trade from both within the town and beyond, in particular the Malling area, Medway and Sittingbourne.

NP² The qualifications profile is relatively low in Maidstone with less than one third of residents qualified at NVQ Level 4 or above. This is below the Kent (33.6%) and national (35%) averages. More people in Maidstone are also qualified at below level 2 compared to Kent as a whole. The 2011 Census shows that some 1240 more people were leaving the borough for work than coming in, a reversal of the situation in 2001 when more people commuted into Maidstone to work. More out-commuters are working in managerial, professional, and technical occupations, while those commuting into Maidstone tend to be in skilled / semi-skilled occupations. ~~The local workforce is generally quite highly skilled and although a proportion of residents travel outside the borough to work this is more than matched by those who commute in. Whilst the average earnings of those who commute out of the borough is higher than that of those who work in the borough, because of the prevalence of higher paid jobs in London as well as a preponderance of lower wage employment in the borough, the gap has been narrowing over recent years Annual Monitoring Report 2011/12. In general unemployment in the borough is low when compared with the Kent and national picture 'Unemployment in Kent' Research & Evaluation Bulletin, Kent County Council (September 2013).~~

11.94 For Maidstone Borough to grow in a sustainable manner the increase in house building needs to be aligned with growth in local employment. Economic growth will be achieved through a range of provision and for the purposes of the local plan, and in line with the NPPF, economic development includes the following uses:

- Uses within Class B of the Use Class Order including offices, research and development, warehouses and industry
- Public and social uses such as health and education
- Town centre uses such as retail, leisure, entertainment, arts, cultural and tourism development.

11.95 The net additional land requirements for B class uses and retail to 2031 are to be delivered through the allocation of sites and the granting of planning permissions. Other economic growth will be created through tourism, social infrastructure provision such as education and health care, construction and other small scale opportunities such as the conversion or extension of rural buildings that will not necessarily require the allocation of land. ~~The council's Economic Development Strategy (2008) provides the economic vision for~~

² Proposed amendment made by Economic Development, not as a result of comments.

~~the borough and sets out how prosperity will be achieved across the range of business sectors. This strategy is currently being reviewed. *The council's emerging Economic Development Strategy (2014-31) sets out an economic vision for the borough in 2031 through its 'ambition statement'. The strategy goes on to identify five priorities to capitalise on the borough's economic assets and to create the right conditions for growth. These are 1) retaining and attracting investment; 2) stimulating entrepreneurship; 3) enhancing the town centre; 4) meeting skill needs and 5) improving the infrastructure.*~~

11.96 A significant proportion of Maidstone's growth in B class uses is expected to come from office-based employment. The first choice location for new office development will be the town centre. The council is aiming to create the right conditions for growth in the town centre through a comprehensive approach, improving accessibility, enhancing the public realm and encouraging a range of commercial uses, primarily retail, office and leisure related. This is directed through the specific policies of the local plan. A particular issue is the quantity of long-term vacant office stock in the town centre and the identification of appropriate alternative uses for such stock. ~~An initial estimate is that some 5,100sqm of currently vacant office stock in the town centre and elsewhere may no longer be fit for purpose at present Revised Employment Land Forecast (2013). *Analysis suggests that some 25,000sqm of the borough's stock of office floorspace is long term vacant³. Such stock, which is no longer fit for purpose, is unlikely to be fully re-occupied and its loss to other uses is unlikely to adversely impact on the borough's economic growth.*~~

11.97 In addition to town centre office sites, there is a complementary role for offices at beyond centre sites which are well connected to the highway network, such as Eclipse Park in recognition of the differing market demand that such sites meet.

11.98 The proposed strategic site allocation at Junction 7 is a particular opportunity to create a hub for medical related businesses, capitalising on the development of the Kent Institute of Medicine and Surgery, to attract high value, knowledge intensive employment and businesses as a boost to the local economy. This site will also deliver additional general office space in a high quality environment. Outline consent has recently been granted for the medical hub (subject to the completion of a section 106 agreement). The further specific sites allocated for additional employment development, including storage, warehousing and industrial development in line with identified needs, will help provide for a range of jobs of differing skill and wage levels as a way of helping to maintain a low unemployment rate going forward.

11.99 With the exception of some of the secondary office stock within the town centre, existing business sites and industrial estates are an important and appropriate part of the business stock for the future which can also help to provide for the range of employment needs. Policy DM18 directs the retention, intensification and regeneration of the identified Economic Development Areas. In addition, there is a significant stock of commercial premises outside these designated areas which also provide for local employment. Within Maidstone urban area and the Rural Services Centres the first preference will be for such existing sites to remain in employment generating uses.

11.100 Retail development makes a big contribution towards the economic health of the borough and reinforces Maidstone's role as County Town. Maidstone Town Centre is the primary focus for retail development within the borough with the RSCs also providing

³ Qualitative Employment Site Assessment (2014) GVA

appropriate local levels of retail facilities as set out in the Centre Hierarchy. Retail provision elsewhere in the borough currently comprises district centres and a degree of out of town development.

11.101 Within the countryside the priority for economic development will be on the conversion and extension of existing suitable buildings and established sites, farm diversification and tourism where this can be achieved in a manner consistent with local rural and landscape character in order that a balance is struck between supporting the rural economy and the protection of the countryside for its own sake. Policy DM37 sets out the considerations which will apply when established rural businesses want to expand their existing premises. There is also a trend towards greater homeworking which allows for a reduced impact on transport infrastructure.

11.102 Opportunities for further tourist related development will be supported in particular within the town centre as well as small scale initiatives that support the rural economy. The council will also promote education, leisure and cultural facilities, again within the town centre in particular, to retain a higher proportion of young and well educated people within the borough and in turn enhance the prospects of creating a dynamic local economy.

Policy DM17
Economic development

1. The council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. This will be achieved through the allocation of specific sites and through:
 - i. The retention, intensification, regeneration of the existing industrial and business estates identified as Economic Development Areas as defined on the policies map;
 - ii. The retention, intensification, regeneration and expansion of the existing economic development premises in Maidstone urban area and the rural service centres provided the site is in an appropriate location and suited to the economic development use in terms of scale, impacts and economic viability;
 - iii. Enhancing the vitality and viability of Maidstone town centre and maintaining the hierarchy of retail centres;
 - iv. Supporting proposals that encourage highly skilled residents to work in the borough to reduce out-commuting;
 - v. Improving skills in the workforce in particular by supporting further and higher education provision within Maidstone's urban area;
 - vi. Supporting improvements in information and communications technology to facilitate more flexible working practices;
 - vii. Prioritising the commercial re-use of existing rural buildings in the countryside over conversion to residential use; and
 - viii. 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.

DM18 RETENTION OF EMPLOYMENT SITES

Consultation issues and responses

<p>Policy: DM18 Retention of employment sites</p>
<p>Key Issues:</p> <ol style="list-style-type: none"> 1. Policy fails to recognise the significance of the established employment site at Detling Aerodrome. 2. Policy should add Springfield Mill. 3. Policy should add Maidstone East car park/Sorting Office site. 4. Policy should retain the employment role of Invicta Barracks. 5. Policy identifies Eclipse Park for use class B1 development only which is too restrictive and contrary to NPPF. 6. Brooklyn Park should be added as an economic development area or to EMP 1.
<p>Key issue 1: An objection because the policy fails to recognise the established employment site at Detling Aerodrome and including the old Auction site.</p>
<p>Detail: The representation argues that the policy fails to recognise the significance of the established site at Detling Aerodrome. It should be listed as a site designated for Economic Development for use classes B1, B2 and B8 within the first part of the policy. It provides a valuable opportunity for enhancement and expansion of employment within these classes, together with provision of important strategic infrastructure to assist the economic prosperity of the Borough. The cattle auction site should be included as part of Detling Airfield as it is previously developed land and well screened from the rest of and AONB.</p>
<p>Officer response: Detling Aerodrome is already listed in Policy DM18 as Detling Airfield.</p> <p>The old auction site is not included within the boundary set out in the adopted Local Plan 2000. However the GVA report does include it within the boundary of the Detling Airfield Economic Development Area. It is well screened and forms a cohesive part of the existing estate.</p> <p>Representation 1619 also argues for the significant expansion of the Aerodrome. The allocation of additional employment land is a matter for Policy EMP1.</p>
<p>Proposed change: Amend the boundary of the Economic Development Area at Detling Airfield to include the auction site.</p>
<p>Key issue 2: Objection the policy should add Springfield Mill and Maidstone East car park/Sorting Office site; and retain the employment role of Invicta Barracks.</p>
<p>Detail: The representation requests that Springfield Mill is included in policy DM18.</p>
<p>Officer response: The long term business occupants of both the Sorting Office and the Whatman site (at Springfield) are vacating their sites. This prompts the opportunity to consider the future use of these sites by the inclusion of specific site allocations in the draft plan. On balance, it has been considered because of the Maidstone East/Sorting office site's key town centre location provides the best opportunity for contributing to future retail needs in the short/medium term with associated housing (Policy RMX1). Springfield can deliver a significant amount of housing on an urban brownfield site to contribute towards the challenging 'objectively assessed need' for new homes (Policy H1).</p> <p>The specific merits of any representations proposing alternative uses for these sites will be considered when the site allocation policies are reviewed in January 2015.</p>

Maidstone Barracks is identified as a potential housing site post 2026 (policy H3 (2)). The site may offer employment opportunities for MOD staff but it is not more widely available to the commercial market and as such is not identified as part of the general employment sites supply in Policy DM18.

Proposed change: No change.

Key issue 3: Objection the policy identifies Eclipse Park for use class B1 development only which is too restrictive and contrary to NPPF

Detail: The representation argues that the prescriptive approach to use classes is contrary to national policy in the NPPF that advocates a flexible and positive approach to economic development. Eclipse Park is particularly well placed to deliver employment development as the site is free from infrastructure constraints and therefore by enabling the flexible delivery of economic development, it will allow the timely delivery of development and jobs early in the Plan process whilst some other sites more constrained by infrastructure delivery will require more time to deliver employment.

Policy DM18 identifies Eclipse Park as a designated Economic Development Area for use class B1 development. The policy states that non B-class development will not be permitted unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for the designated use in the medium term.

Whilst the identification of Eclipse Park for development is supported, the prescriptive approach to use classes is contrary to national policy in the NPPF that advocates a flexible and positive approach to economic development. Paragraph 21 of the NPPF states that “ policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances ”, whilst paragraph 156 states that Local Plans should “ allocate sites to promote development and flexible use of land ”.

This approach is also reflected by the current permissions in place and development at the site which itself is a mix of office, retail and a hotel, all of which make a contribution to employment. It is also reflected more widely at Junction 7 in the mix of employment uses that exist in the area at Newnham Court (comprising retail, offices, childrens’ nursery, veterinary clinic, hairdressers and restaurants), KIMS and the wider Maidstone Medical Campus outline permission and Maidstone Studios.

Officer response: The NPPF states that local planning authorities should identify sites for local and inward investment to match the Economic Development Strategy and to meet anticipated needs over the plan period. The anticipated need for B1, B2 and B8 uses for the Borough to 2031 is set out by GVA in their Quantitative and Qualitative Employment Site Assessments 2014. Eclipse Business Park forms an important component of the Borough’s B1 supply now and in the future with the potential to provide new, bespoke office floorspace suitable for modern business needs in a location highly accessible to the motorway network . It is considered a strategically important employment location by Locate in Kent, the County’s inward investment agency.

However the same study goes on to state that “the predominant nature of take up of office space suggests that demand for space in the future will require smaller units or purpose built, multi-tenant stock. This reflects the concentration of small businesses within the borough, the focus of office occupiers (mostly smaller professional service firms) and the lack of strategic market interest in Maidstone as a ‘back office’ location for financial or insurance services.”
The extant offices consents at Eclipse Business Park are for large scale office floorplates,

which are clearly now no longer in demand. Existing planning permissions are unlikely to be built out.

The representation proposes that the policy should take a more flexible approach to the future development of this site. In response, criterion (3) of the policy would allow for non B class uses on the site where it can be demonstrated that there is no reasonable prospect of the site's use for offices. Further, criterion (4) exceptionally allows for mixed use development where wider, specified benefits would accrue. It is considered that this policy approach allows for reasonable flexibility whilst still prioritising the site's predominant importance as an office location.

Proposed change: No change.

Key issue 4: Business ID 1704 Brooklyn Park should be added as an economic development area or to EMP 1

Detail: Employment allocations should make the best use of motorway junctions to meet market demands. As such DM18 should be amended to include Brooklyn Park as a designated Economic Development Area or if not included in Policy EMP 1.

Officer response: The site is 1.9 hectares located on Junction 6 M20. Consent has previously been granted for B1 offices (MA/09/1210) and B1 light industrial units (MA/03/0399) and B2 (MA/03/0873). An extant permission for B8 storage (MA/11/2023) still exists. A new planning application has also been submitted for B2 uses. The identified Economic Development Areas are sites in existing employment use (in whole or in part). Whilst this is not the case for Brooklyn Yard, the site is particularly well connected to the strategic road network and would be suitable for B class uses in principle making a valuable addition to the stock of such business premises. As the intention of Policy DM18 is to retain the best employment sites in such uses, inclusion of Brooklyn Yard in this policy is considered appropriate

Proposed change: Include Brooklyn Yard in Policy DM18 (1).

DM18 RETENTION OF EMPLOYMENT SITES

Proposed policy following amendments

Policy DM 18 – Retention of employment sites

- *Additions and amendments*
 - ~~Deletions~~
-

11.103 In addition to new allocations of employment land, it is important that a stock of existing employment sites is maintained. A range of well located commercial premises and sites need to be secured so that they can continue to be available to meet the needs of existing and modernising businesses. Policy DM18 identifies Economic Development Area across the borough designate specifically for B class uses which include sites with planning permission as well as established, existing employment locations.

11.104 The demand for office, manufacturing and warehouse premises can be expected to fluctuate over the plan period in line with changes in the economic cycle. It is important that these designated, good quality and productive sites are not permanently lost to alternative uses as a result of only short term changes in demand, whilst recognising that the permanent protection of a site that has no prospect of coming forward for its designated use is counter-productive for the local economy. Recent changes to the General Permitted Development Order enable the conversion of office space to residential use without the need for planning permission for a limited 3 year period (until 30 May 2016). Policy DM18 identifies locations with higher quality office floorspace for retention in the longer term, recognising that in the short term conversion to residential use could happen without consent. The recent General Permitted Development Order changes also allow up to 500m² of B1 floorspace to be used for B8 uses without the need for planning permission.

11.105 Planning applications which seek alternative non B class uses in identified Economic Development Areas will be supported only where there is clear evidence that substantiates why the site should not be retained for its designated use. This must include evidence of, and the outcomes from, the concerted marketing of the site for its designated uses for a continuous period of at least 12 months prior to the applicant's submission via relevant commercial property publications and websites. In addition, applications should include an analysis of the on-going suitability of the site for its designated uses and its commercial viability for those uses. Both the suitability and viability assessments should evidence current market conditions and also the future prospects for the sectors for which the site is designated. The analysis of future prospects should look ahead at least 5 years to ensure a medium term view of market trends and employment land requirements is taken.

11.106 Exceptionally, a mixed use scheme which incorporates an element of non B class uses may be a means to achieve an overall upgrade in the quality of B class business floorspace on a designated site or bring underused premises into more productive use. The overall employment capacity of the site should be maintained or increased by such a scheme as measured by either the employment-generating floorspace provided or the number, permanence and quality of the jobs created. Any proposals for retail or leisure would also need to comply with policy DM19.

11.107 There is also a significant stock of B class employment premises and sites outside the designated Economic Development Areas. In Maidstone and the rural service centres, the redevelopment or expansion of existing sites for employment-generating uses will be supported. Redevelopment of such sites for non-employment generating uses will be permitted where the existing use has an adverse impact on residential amenity, causes highway safety issues or causes over-riding visual harm or where it is proven through the submission of a viability report that there is no realistic prospect of its commercial reuse.

11.108 *In the town centre specifically, there is a significant stock of office premises however the quality of these is mixed. A review of the town centre office stock⁴ reveals that the better quality stock it is not focused in a single or limited number of locations, rather it is dispersed through the town centre;. Notwithstanding the current, temporary changes to permitted development rights, it is considered important to retain the better quality office premises to help sustain the town centre's role as an employment location. The larger scale (above 1000sqm) higher quality office premises are included in Policy DM18 as their loss to alternative uses would have the greater significance for the town centre's employment role.*

Policy DM 18

Retention of employment sites

1. The following locations, as defined on the policies map, are designated Economic Development Areas for use classes B1, B2 and B8:
 - i. Lordswood Industrial Estate, Walderslade;
 - ii. Aylesford Industrial Estate, Aylesford;
 - iii. 20/20 Business Park Allington;
 - iv. Parkwood Industrial Estate, Maidstone;
 - v. Tovil Green Business Park/Burial Ground Lane, Tovil;
 - vi. Station Road/Lodge Road/Honeycrest Industrial Park, Staplehurst;
 - vii. Pattenden Lane, Marden;
 - viii. Detling Airfield, Detling;
 - ix. Lenham Storage, Lenham;
 - x. Marley Works, near Lenham;
 - xi. Barradale Farm, near Headcorn;
 - xii. Station Road, Harrietsham;
 - xiii. Viewpoint, Boxley;
 - xiv. Ashmills Business Park, Lenham;
 - xv. Tenacre Court/Roebuck Business Park, Ashford Road, Harrietsham;
 - xvi. Hart Street Commercial Centre, Hart Street, Maidstone;
 - xvii. Hermitage Mills, Hermitage Lane, Maidstone
 - xviii. The Old Forge, Bearsted;
 - xix. Gallants Business Centre, East Farleigh
 - xx. Headcorn South, Biddenden Road, near Headcorn
 - xxi. Woodfalls Industrial Estate, Laddingford
 - xxii. Warmlake Business Estate, near Sutton Valence
 - xxiii. Bredhurst Business Park, Westfield Sole Road, Walderslade
 - xxiv. The Old Brewery, London Road, Maidstone
 - xxv. Brooklyn Yard, Sandling, Maidstone

⁴ Qualitative Employment Sites Assessment (GVA, 2014).

2. The following locations, as defined on the policies map, are designated Economic Development Areas for use class B1:
 - i. South Park Business Village, Maidstone;
 - ii. Turkey Mill Court, Maidstone;
 - iii. Eclipse Park, Maidstone;
 - iv. County Gate, Staceys Street
 - v. Medway Bridge House, Fairmeadow
 - vi. 23/29 Albion Place
 - vii. Victoria Court, Ashford Road
 - viii. West of Lower Stone Street comprising Gail House, Link House, Kestrel House and Chaucer House
3. Within designated Economic Development Areas, change of use or redevelopment of a site or premises to non B class uses will not be permitted unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for the designated uses in the medium term.
4. Within designated Economic Development Areas, mixed use proposals incorporating an element of non B class uses may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business and where the overall employment capacity of the site is maintained.
5. Outside the designated Economic Development Areas, the redevelopment and expansion of existing B class employment premises in Maidstone urban area and the rural service centres for employment-generating uses will be supported. Redevelopment of existing or vacant employment premises in Maidstone urban area and the rural service centres for non-employment uses will be permitted provided it can be demonstrated that the existing/last use has an adverse impact on residential amenity, highway safety or causes over-riding visual harm and/or there is no reasonable prospect of continuing or re-establishing an employment use.

DM19 TOWN CENTRE USES

Consultation issues and responses

Policy: DM19 Town centre uses
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Objection: The policy should be amended to replace “ an existing centre” with “ the existing town centre” to clarify the presumed purpose of this policy. 2. Objection: town centre, and edge of town centre locations should be more widely considered for additional housing. 3. Objection: There is no evidence to demonstrate that the sorting office and Maidstone East site is capable of delivering new retail development.
<p>Key issue 1: The policy should be amended to replace “ an existing centre” with “ the existing town centre” to clarify the presumed purpose of this policy.</p>
<p>Detail: The policy should be amended to replace “ an existing centre” with “ the existing town centre” to clarify the presumed purpose of this policy.</p>
<p>Officer response: The representation implies that Policy DM19 refers to just one centre; Maidstone Town Centre. This is not the case and the policy relates to the district and local centres listed in Policy DM20.</p>
<p>Proposed change: No change.</p>
<p>Key issue 2: Town centre, and edge of town centre locations should be more widely considered for additional housing.</p>
<p>Detail: It is the view of KCC that town centre, and edge of town centre locations should be more widely considered for additional housing. There is no question that the nature of town centres is changing rapidly, with such change likely to increase in coming years as shopping habits alter (including more extensive online shopping, for example). In order to ensure vitality and viability, town centres must embrace a level of change.</p> <p>Kent County Council would like to see further emphasis on town centre and edge of centre residential uses – including conversion of existing (former commercial) buildings. This would reduce the pressure on housing sites at the urban fringe and in outlying villages, but would also contribute towards the ongoing viability of the town as a centre for entertainment and recreation, assisting in its ability to compete against other retail/commercial/leisure centres.</p>
<p>Officer response:</p> <p>It is important that Maidstone town centre maintains a supply of good quality office stock to meet the needs of businesses over the plan period. Policy DM18 lists the protected Economic Development Areas in the town centre where change of use to non B class uses will not be supported. However outside Economic Development Areas the mixed redevelopment of B class employment for non employment uses, such as residential, will be supported subject to the criteria in the policy; see DM18 paragraph 5. It is also recognised that recent changes to the General Permitted Development Order enable the conversion of office space to residential uses without the need for planning permission for a limited three year period (30 May 2016).</p>
<p>Proposed change: No change.</p>
<p>Key issue 3: There is no evidence to demonstrate that the sorting office and Maidstone East site is capable of delivering new retail development.</p>
<p>Detail: There is no evidence base with the Local Plan that conclusively demonstrates that the Maidstone/Royal Mail sorting office sites are capable of delivering new retail development as part of their wider regeneration over the Plan period. The identification of these sites as a</p>

priority for new retail development, in concert with the provisions of Policy DM19 relating to the sequential and impact tests and accessibility criteria, impose a presumption against development of otherwise suitable out of centre sites for retail purposes. Given the failure of the Local Plan to carry out NPPF/NPPG compliant assessment whether the retail needs requiring to be met over the plan period exceed the availability of suitable town centre of edge of centre sites such a presumption is unjustified and will result in needed retail development being refused planning permission.

Officer response: Solum Regeneration, a joint venture between Network Rail and Kier Group, has been established to redevelop and improve railway station sites across the South East. It has submitted an outline application for retail and a new station together with public realm improvements (2014). This provides considerable evidence that the site will come forward for development.

Proposed change: No change.

DM19 TOWN CENTRE USES

Proposed policy following amendments

Policy DM 19 – Town centre uses

- No policy changes proposed
-

11.108 The National Planning Policy Framework defines the main town centre uses as retail, leisure and entertainment, offices, arts, culture and tourism and the town centre is the first choice location for these uses. Applicants will be expected to have demonstrably followed a sequential approach when selecting development sites for town centre uses, including fully exploring how the scheme could be adapted so that it could be accommodated on a more central site (i.e.'disaggregation'). The sequential approach, whereby in centre and then edge of centre sites are selected above well connected out of centre sites, is underpinned by the principle that sites closest to existing centres are likely to be better served by public transport and be more accessible by walking and cycling. Development on such sites also increases the prospect of linked trips, whereby one journey into the centre can serve a number of purposes.

11.109 The National Planning Policy Framework provides the definitions of 'edge of centre' and 'out of centre' sites. For retail uses the site's relationship to the primary shopping area is the key factor in determining whether a site is in, edge or out of centre. This is defined on the policies map. For other town centre uses the key factor is the site's relationship to the town centre boundary, which is also shown on the policies map. Applicants should follow the approach to sequential sites' assessment set out in the Communities and Local Government (CLG) document 'Practice Guidance on Need, Impact and the Sequential Approach December 2009', together with the tests set out in the National Planning Policy Framework (paragraph 24). The local plan also identifies a number of district and local centres across the borough, which serve more localised shopping and service needs, and these should also be regarded as centres for the purposes of a sequential search for retail sites.

11.110 In assessing the impact of proposals, applicants should also follow the approach in the CLG practice guidance and the National Planning Policy Framework (paragraph 26). Additionally, applicants will be expected to give specific analysis to the impact of their proposals on the retailers in the primary shopping frontages because maintaining the health of this core retail area is considered to be particularly important in sustaining the future vitality and viability of the town centre.

11.111 The local plan identifies the Maidstone East/Royal Mail Sorting Office, which is an important regeneration site, as a priority site for new retail development at the edge of the town centre. Out of centre retail proposals which would undermine the delivery of this key allocated site will not be supported.

POLICY DM19

Town centre uses

1. Proposals for main town centre uses should be located in an existing centre unless:
 - i. By means of a sequential approach, it is demonstrated that the proposal could

not be accommodated first on a site within an existing centre and the proposal is located at the edge of an existing centre, or second it is demonstrated that the proposal could not be accommodated on a site within or at the edge of an existing centre and the proposal is located on an accessible out of centre site; and

- ii. By means of an impact assessment it is demonstrated that a retail, office or leisure proposal would not result in a significant adverse impact, cumulative or otherwise, on the vitality and viability of an existing centre or undermine the delivery of a site allocated for the use proposed.
2. Proposals located at the edge of an existing centre or out of centre should ensure the provision of specific measures which will improve the quality and function of sustainable connections to the centre, in particular walking and cycling routes and public transport links and specific measures which will mitigate the impact of the proposal on the identified centre or centres. The nature, extent and permanence of the measures will be directly related to the scale of the proposal.

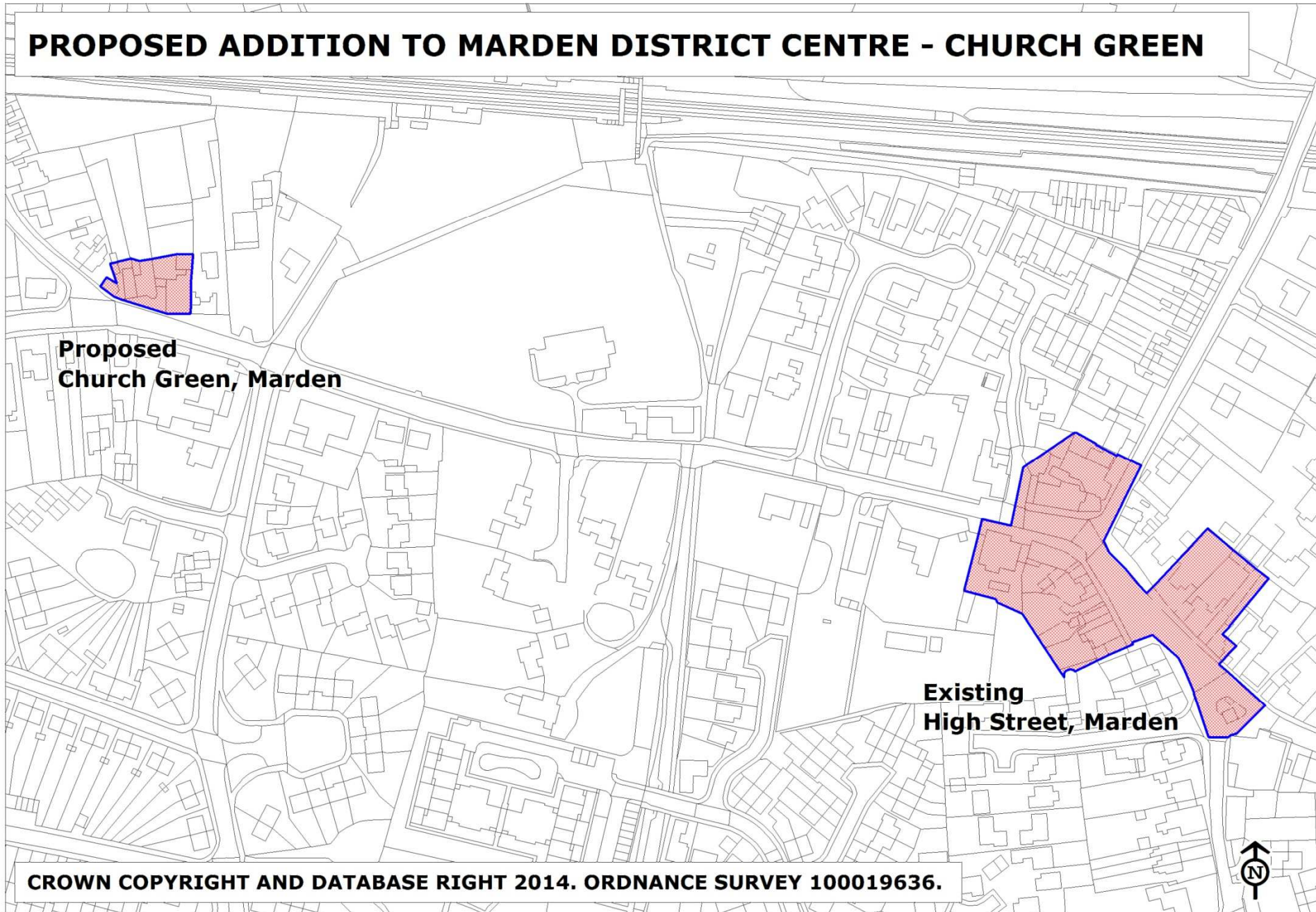
DM20 DISTRICT CENTRES, LOCAL CENTRES AND LOCAL SHOPS AND FACILITIES

Consultation issues and responses

Policy: DM20 District centres, local centres and local shops and facilities
Key issues:
<ol style="list-style-type: none"> 1. Some unconditional support. 2. Policy should reject developments outside the High Street, which is a significant asset. 3. Newnham Court should be included as a district centre. 4. Doctors' surgeries should be included in centres. 5. Reference should be made to local views and adopted neighbourhood plans. 6. Insufficient parking in Coxheath. 7. Include Church Green, West End, Maidstone Road and Albion Road (Marden). 8. Policy does not address retail units not on the High Street. 9. Part 4 should refer to community uses.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Policy should reject developments outside the High Street, which is a significant asset.
Detail: Comment seeks for this policy to also restrict retail development outside of the high street and restrict development on retail parks.
Officer response: Reject. In principle this comment reflects the sequential test as set by Government, however, this is addressed in policy DM19 – Town centre uses.
Proposed change: No change.
Key issue 3: Newnham Court should be included as a district centre.
Detail: As a reflection of the existing and proposed development, Newnham Court should be designated as a district centre.
Officer response: Reject. The inclusion of Newnham Court as a district centre is not justified. Newnham Park has been identified in policy RMX1 as a mixed use allocation, part of which includes Newnham Court. The shopping village as is, has grown in piecemeal fashion and is allocated to allow for a comprehensive redevelopment. However, that redevelopment is predominantly replacement premises for the existing garden centre and shops which are already established (14,300m ²) and up to 700m ² of additional floorspace, which will comprise uses complementary to the town centre, rather than in conflict with it.
Application 13/1931, which proposed a comprehensive redevelopment, beyond the boundaries of which were envisaged in this policy, was refused at planning committee.
In addition, Grovewood Drive, Grove Green, which is in close proximity to the Newnham Court Shopping Village, is designated a district centre, offering an appropriate range of retail and community facilities.
Proposed change: No change.
Key issue 4: Doctors' surgeries should be included in centres.
Detail: Doctors' surgeries should be included in district and local centres.
Officer response: Partially accept. The council does not maintain an absolute list of what uses are compatible and what uses are not compatible with district and local centres, because local

Policy: DM20 District centres, local centres and local shops and facilities
context also needs to be taken into account. However, the term 'community facilities', which is referenced for both district and local centres, may include doctors' surgeries. Where it is appropriate, district and local centres can include these uses. Doctors's surgeries are not always immediately adjacent to district and local centres and as a result would not serve the function in themselves.
Proposed change: No change.
Key issue 5: Reference should be made to local views and adopted neighbourhood plans.
Detail: Neighbourhood plans form part of the development plan, alongside local plans. Where adopted, a neighbourhood plan will contain planning policies, which must be considered in determining planning applications. Neighbourhood plans can also allocate and designate land for specific uses, although these must be in conformity with the strategic policies in the local plan.
Officer response: Partially accept. Although neighbourhood plans do need to be considered alongside the local plan, this is standard practice. The development plan as a whole should be considered in determining a planning application. This does not need to be referenced in the local plan.
Proposed change: No change.
Key issue 6: Insufficient parking in Coxheath.
Detail: During the local plan consultation, in particular at the Coxheath event, and in comments submitted, the lack of parking in the centre of Coxheath has been raised as a concern by a number of residents.
Officer response: Partially accept. Some residents in Coxheath undoubtedly need car parking when visiting the shops. The problem is identifying the appropriate opportunity to address this issue. The purpose of policy DM20 is to identify existing and proposed district and local centres and provide policy protection so that these uses cannot easily be changed to something that would erode the function of the centre. For car parking to be provided, land needs to be available to provide this function.
The draft neighbourhood plan addresses car parking, although does not propose how further spaces will be provided.
Proposed change: No change.
Key issue 7: Include Church Green, West End, Maidstone Road and Albion Road (Marden).
Detail: Proposed expansion/addition to the district centre identified in Marden.
Officer response: Partially accept. Detailed research was undertaken in the borough to determine the ongoing status of existing centres and to consider if any new centres needed to be allocated. In Marden it is accepted that Church Green could be added to the district centre as an outlier.
Proposed change: Amend policy to include Church Green as part of the Marden district centre.
Rename Marden district centre to:
"High Street and Church Green, Marden"
Key issue 8: Policy does not address retail units not on the High Street.
Detail: This policy does not cover the town centre.
Officer response: Reject. The town centre is addressed in policies SP1 – Maidstone Town Centre, DM19 – Town centre uses, DM27 – Primary shopping frontages, DM28 – Secondary shopping frontages and DM29 – Leisure and community uses in the town centre.

Policy: DM20 District centres, local centres and local shops and facilities
Proposed change: No change.
Key issue 9: Part 4 should refer to community uses.
Detail: Part 4 of the policy relates to scenarios where the loss of facilities in a district or local centre is proposed.
Officer response: Reject. Although this policy does appropriately refer to community facilities, these are addressed by policy DM12 – Community facilities.
Proposed change: No change.



DM20 DISTRICT CENTRES, LOCAL CENTRES AND LOCAL SHOPS AND FACILITIES

Proposed policy following amendments

Policy DM 20 – District centres, local centres and local shops and facilities

- *Additions and amendments*
 - ~~Deletions~~
-

11.112 Local convenience shops and other such facilities can play an important role in sustainable development, by meeting the day-to-day needs of local communities. The National Planning Policy Framework seeks to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet such needs.

11.113 Whilst the council recognises the importance of securing viable uses for premises, this must also be balanced against the needs of the community. Changes in the economy sometimes lead to public houses becoming vacant and alternative uses being sought. However, for some communities, especially in rural areas, these facilities provide both important services and leisure opportunities.

11.114 Where the loss of a local convenience shop or facility is proposed, the council will expect such an application to be supported by a viability report, prepared by a qualified professional within the relevant industry, together with financial accounts and marketing information illustrating that the use is no longer viable. Accounts should, where possible, cover a three year period. The council will also give consideration to the availability of comparable alternative facilities. In assessing this, the feasibility of such alternatives being used will be considered, including not only the distance from the potential users, but also the attractiveness and likelihood of the route being used. The impact of the loss of a local facility may be greater in village locations, where alternatives are less accessible. Well located local facilities can be positive assets, which are available to all, including those without cars and mobility problems.

11.115 Within the borough, the council has identified district and local centres which fulfil the function of providing essential local facilities as a group. District centres serve a wider catchment than a local centre and will typically cater for weekly resident needs. A district centre will usually comprise groups of shops, often containing at least one supermarket or superstore, and a range of non retail services, such as banks, building societies and restaurants, as well as local public facilities such as a library. Local centres include a range of small shops serving a small catchment. Typically, amongst other shops, a local centre might include a small supermarket, a newsagent, a sub-post office and a pharmacy. Other facilities could include a hot-food takeaway and launderette. In rural areas, large villages may perform the role of a local centre. Additionally, there are small parades of shops throughout the borough of purely neighbourhood significance.

11.116 The council wishes to maintain the existing retail function together with supporting community uses in these locations, in the interests of securing sustainable, well-functioning communities. Within the defined district and local centres, new non A or D use classes A use classes comprise A1 shops, A2 financial and professional services, A3 food and drink, A4 pubs

and bars, and A5 hot food takeaways; D use classes comprise non residential community uses and small scale leisure uses. will be resisted at ground level in order to maintain the retail role of the centres. The provision of additional retail and/or community facilities, plus a new local centre to complement the new residential development scheme at Langley Park, will be supported for similar sustainability reasons.

POLICY DM 20

District centres, local centres and local shops and facilities

1. The council will seek to maintain and enhance the existing retail function and supporting community uses in the following district centres, as defined on the policies map:
 - i. Mid Kent Centre, Castle Road, Allington;
 - ii. Grovewood Drive, Grove Green;
 - iii. Heath Road, Coxheath;
 - iv. The Square, Lenham;
 - v. High Street, Headcorn;
 - vi. High Street *and Church Green*, Marden; and
 - vii. High Street, Staplehurst.

2. The council will seek to maintain and enhance the existing retail function and supporting community uses in the following local centres, as defined on the policies map:
 - i. Ashford Road, Bearsted;
 - ii. The Green/The Street, Bearsted;
 - iii. Marlborough Parade, Beverley Road, Barming;
 - iv. Cherry Tree, Tonbridge Road;
 - v. Boughton Parade, Loose;
 - vi. Egremont Road, Madginford;
 - vii. Parkwood Parade;
 - viii. Sandling Lane, Penenden Heath;
 - ix. Senacre Square, Woolley Road;
 - x. Northumberland Court, Shepway;
 - xi. Snowdon Parade, Vinters Park;
 - xii. Mangravet, Sutton Road/Mangravet Avenue;
 - xiii. High Street/Benover Road, Yalding; and
 - xiv. Hermitage Walk, Hermitage Lane.

3. A new local centre will be provided as part of a new residential development scheme at Langley Park.

4. In considering planning proposals which would involve or require the loss of existing post offices, pharmacies, banks, public houses or class A1 shops selling mainly convenience goods outside local and district centres, consideration will be given to the following:
 - i. Firm evidence that the existing uses are not now viable and are unlikely to become commercially viable;
 - ii. The availability of comparable alternative facilities in the village or the local area; and
 - iii. The distance to such facilities, the feasibility of alternative routes being used, and the availability of travel modes other than by private motor vehicle.

DM21 RESIDENTIAL PREMISES ABOVE SHOPS AND BUSINESSES

Consultation issues and responses

Policy: DM21 – Residential Premises above shops and businesses
Key issues: 1. Some Unconditional support. 2. Does not include/reference RSC's. 3. Point 2 should be expanded. 4. More promotion of residential uses.
Key issue 1: Some unconditional support
Detail: Some unconditional Support
Officer Response: Support noted
Proposed Change: No change
Key issue 2: Does not include/reference RSC's.
Detail: GENERAL OBSERVATION - doesn't include RSCs.
Officer Response: Point 1 refers to within town, district or local centres.
Proposed Change: No change.
Key issue 3: Point 2 should be expanded.
Detail: CPRE Protect Kent supports this Policy, but we consider that some further guidance should be given in regard to point 2. As it stands, planning permission will be granted as a matter of course, but there could be instances where this should not be the case, e.g. where it might impact on the continued viability or operation of the shop.
Officer Response: The Council recognises the importance of shops and other such facilities in playing an important role in sustainable development. The NPPF supports a balance of land uses within an area so that people can be encouraged to minimise journey lengths for shopping.
Para 11.114 of the Draft MBC Local Plan states that "where the loss of local convenience shop or facility is proposed, the council will expect such an application to be supported by a viability report, together with financial accounts, and marketing information illustrating that the use is no longer viable".
Proposed Change: No change.
Key issue 4: More promotion of residential uses.
Detail: GENERAL OBSERVATION - edge of town centre locations should be more widely considered for additional housing. Would like to see further emphasis on town centre and edge of centre residential uses – including conversion of existing (former commercial) building
Officer response: This issue is dealt with under Local Plan policy SP1 which allows for the retention of the best quality office stock whilst allowing for the development of lower quality offices and opportunities for residential development.
Proposed Change: No change

DM21 RESIDENTIAL PREMISES ABOVE SHOPS AND BUSINESSES

Proposed policy following amendments

Policy DM 21 - Residential premises above shops and businesses

- No policy changes proposed
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11.117 'Living over the shop' can have a positive impact upon the vitality of town centres and other commercial areas. Once shoppers and workers depart, residential units to upper floors can provide a sense of life and occupation, which can add to a perception of security and vitality. 'Living over the shop' also helps to create a sense of place and mix of uses advocated by the National Planning Policy Framework.

11.118 The council wishes to support such proposals in all suitable locations, where good standards of living can be provided for future occupiers. New proposals will be required to meet the design criteria set out in policy DM4. The loss of residential accommodation above retail and business premises will be resisted unless the circumstances of the site render it unsuitable for continued occupation.

POLICY DM 21

Residential premises above shops and businesses

1. Change of use from residential accommodation in premises where the ground floor is (or last was) in class A retail or class B1 business uses within town, district or local centres will be permitted, provided it can be shown that the accommodation is no longer suitable or is potentially unsuitable for residential occupation because of location or design.
2. The council will permit 'living over the shop' projects in all suitable premises in the town centre, district and local centres, and village shops.

DM22 MOORING FACILITIES AND BOAT YARDS

Consultation issues and responses

Policy: DM22 – Mooring facilities and boat yards
Key issues: <ol style="list-style-type: none"> 1. Some unconditional support 2. Provided adequate scale and short term 3. Policy encourages boats to moor along the River Medway which restricts river management, forcing flood water back to Yalding 4. Need to balance the increase in mooring facilities with sufficient stations to supply and water needs 5. Require ii to be amended
Key issue 1: Some unconditional support
Detail: Some unconditional Support
Officer Response: Support noted
Proposed Change: No change.
Key issue 2: Support
Detail: Support - Provided adequate scale and short term
Officer Response: Support noted - Policy states that small scale and short term mooring facilities will be provided – subject to the views of the Environment Agency
Proposed Change: No change.
Key issue 3: Policy encourages boats to moor along the River Medway which restricts river management, forcing flood water back to Yalding.
Detail: Object to this policy as it encourages boats to be moored beside the River Medway for recreation purposes and permanent living accommodation which restricts the management of the river at times of floor at all times of year, which forces flood water back up to Yalding.
Officer Response: The Council promotes the mooring and boat yards for small scale and short term mooring facilities only. The development of these facilities will only be permitted, subject to the views of the Environment Agency.
The Environment Agency response states that they are unable to provide views on new facilities until such a time when detailed proposals have been submitted.
Proposed Change: No change.
Key issue 4: Need to balance the increase in mooring facilities with sufficient stations to supply and water needs.
Detail - In the event of expansion of access to waterways there is a need to balance the increase in mooring facilities with sufficient stations to supply fuel and water needs and proper facilities on land for the disposal of waste, including sewage.
Officer Response: Policy DM22 requires that facilities are provided for the disposal of boat toilet contents. The need for fuelling facilities is a commercial decision and is the responsibility of individuals or businesses to provide these facilities should they wish. Applications for fuelling facilities will be assessed against wider policies contained within the Local Plan.
Proposed change: No change
Key Issue 5: Require ii to be amended – Environment Agency
Detail: We note this policy and that proposed new moorings will be subject to our views. As has been implied, we are unable to provide any views until such time that detailed proposals have been submitted. We however require the following point to be amended:

Policy: DM22 – Mooring facilities and boat yards

ii – “Maidstone town centre – ~~subject to an increase in the width of the navigable channel without loss of ecological value~~”

We do not see how this adds value to this point. As with all the other locations listed it will be totally dependent on the details submitted as part of a formal application.

Due to the complexities of the Medway Navigation it may be worth considering a more detailed Strategy for the Medway Navigation as a supplementary planning document in consultation with Tonbridge & Malling Borough Council and us.

Officer Response: Noted

Proposed Change: Point ii to be amended to: “Maidstone town centre”

DM22 MOORING FACILITIES AND BOAT YARDS

Proposed policy following amendments

Policy DM 22 – Mooring facilities and boat yards

- Additions and amendments
- ~~Deletions~~

11.119 Mooring facilities and boatyards can provide tourism and recreation facilities which can contribute positively towards the economy. The National Planning Policy Framework lends strong support to the building of a robust economy, including within rural areas. The River Medway, which runs through both the urban and rural parts of Maidstone Borough, is an important asset, which provides opportunities to enhance tourism and recreation facilities through additional and enhanced mooring facilities. The council wishes to safeguard existing boat yards, in order to protect water-based recreation facilities. The River Medway contributes positively towards a varied range of recreational facilities and this enhances the attractiveness and diversification of the borough for local communities and visitors.

11.120 However, in order to safeguard the rural character of the countryside and the quality of the built environment, it is important that such proposals are limited in scale and that their cumulative impact is not harmful to amenity. Much of the River Medway is seen in the context of highly sensitive townscape and landscapes, such as the Maidstone All Saints' Church Conservation Area, the valley formation of high landscape quality through Teston, East and West Farleigh and the Green Belt at Nettlestead.

11.121 The council will also have regard to the advice of the Environment Agency in assessing flooding issues.

POLICY DM 22

Mooring facilities and boat yards

1. Further small scale and short term mooring facilities will be permitted at the following locations subject to the views of the Environment Agency:
 - i. Allington
 - ii. Maidstone town centre ~~—subject to an increase in the width of the navigable channel without loss of ecological value~~
 - iii. Wateringbury
 - iv. East Farleigh
 - v. Yalding
 - vi. Stoneham

And provided that all of the following criteria are met:

- vii. There is no loss of flood plain or land raising;
- viii. The impact, including cumulative impact, shall preserve landscape quality, ecology and uses of the river and valley in the locality;

- ix. Proposals create no operational problems for other river users, including fishermen;
 - x. Facilities are provided for disposal of boat toilet contents;
 - xi. The site is capable of being adequately screened and it being possible to provide appropriate landscaping with indigenous species; and
 - xii. The presence of any similar uses in the locality and the combined effect of any such concentration would be acceptable in terms of environmental impact and highway safety.
2. The council will not permit the redevelopment to other uses of boat yards that are in use, or have the potential to be used, in connection with water-based recreation.

DM23 HOUSING MIX

Consultation issues and responses

Policy: DM23 – Housing mix
<p>Key issues:</p> <ol style="list-style-type: none"> 1. References to SHMA should be omitted as it is an unreliable tool and is flawed. 2. Consideration for older person needs to be addressed with specific mention of provision of bungalows. 3. Reference to be made of the importance of 'local needs' housing. 4. Paragraph 11.124 is not carried forward into policy. 5. Policy should mention neighbourhood plans. 6. Policy does not provide guidance for developers. 7. Housing mix becoming unbalanced due to smaller properties being enlarged.
Key issue 1: References to SHMA should be omitted as it is an unreliable tool and is flawed.
Detail: References to SHMA should be omitted as it is an unreliable tool and is flawed.
<p>Officer response: Reject – The NPPF, published in 2012, says that Local planning authorities should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs and have a clear understanding of market and affordable housing needs. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period.</p> <p>Maidstone along with Ashford and Tonbridge & Malling Borough Councils commissioned consultants GL Hearn to undertake a SHMA for the Maidstone, Ashford and Tonbridge & Malling local housing market areas in 2013. The SHMA responds to and is compliant with the requirements of both the National Planning Policy Framework (the NPPF) and the CLG's SHMA Practice Guidance (the Guidance) published in August 2007.</p> <p>GL Hearn is one of the UK's leading independent property consultancies providing trusted commercial property advice to the public sector, developers, investors and occupiers. They offer a comprehensive service advising on economic viability, planning, regeneration, development and strategic planning. They have extensive knowledge and experience of undertaking a range of studies and consultations for local authorities (including Strategic Housing Market Assessments) and advise on the formulation of policies within Local Development Frameworks.</p> <p>The final report was published this year and the data was subject to standard data quality control checks and as such is considered to be a reliable and sound tool that developers should use, along with other relevant sources, when considering submitting new planning proposals.</p>
Proposed change: No change.
Key issue 2: Consideration for older person needs to be addressed with specific mention of provision of bungalows.
Detail: Consideration for older person needs to be addressed with specific mention of provision of bungalows
Officer response: Accept – The Council acknowledges that older person's needs should be considered and mentions this at 11.122 of the plan. Specific mention of types of housing, including bungalows, have not been included in this policy and targets have not been set as

this could result in inflexibility. The council will seek to implement this policy by seeking a mix of housing types within the Borough that will be able to accommodate the needs of an increasingly diverse population (including older people) and help to encourage the creation of mixed, sustainable communities. Successful implementation of this policy will see individuals or households able to pass through all phases of life, if they so wish, living within one community. This should lead to improved community cohesion and health.

Specific housing types, including the provision of bungalows, can be addressed in the affordable and local needs housing supplementary document which will be produced. It is recognised however that the wording at 11.122 of the plan could be better, and that Policy DM23 could make reference to older persons and specialist supported housing.

Proposed change:

11.122 The key requirements for of a mixed community are a variety of housing, particularly in terms of tenure and price, and a mix of different households such as families with children, single person households and older people. Maidstone Borough Council recognises that to truly promote sustainable communities there must be a mix of types of housing that are provided in any given development or location. The council will actively seek to balance communities where particular house sizes or tenures have become prevalent beyond an evidenced need.'

Replace this with the following proposed wording:

11.122 The key requirements for a mixed community are a variety of housing, particularly in terms of tenure and price, and a mix of different households such as families with children, single person households and older people. The borough is made up of a variety of household types including, for example, older people who have specific housing needs that are different to the needs of large families and different again to those of disabled people. Maidstone Borough Council recognises that to truly promote sustainable communities there must be a mix of types of housing that are provided in any given development or location. Through providing a mix of housing types the borough will be able to accommodate the needs of an increasingly diverse population within the borough. The council will actively seek to balance communities where particular house types, sizes or tenures have become prevalent beyond an evidenced need.

Policy DM23

1. A sustainable mix of house sizes, types and tenures will be sought that reflects the needs of those living in Maidstone Borough now and in years to come.

Replace this with the following proposed wording:

1. In considering proposals for new housing development the council will seek a sustainable range of dwelling types, sizes and tenures that increases local housing choice and reflects the needs of those living in the Maidstone Borough now and in years to come.

Add new point 4.

4. The council will work with partners to facilitate the provision of specialist and supported

housing for elderly, disabled and vulnerable people.
Key issue 3: Reference to be made of the importance of 'local needs' housing.
Detail: Reference to be made of the importance of 'local needs' housing.
Officer response: Reject - Local needs housing is specifically covered under Policy DM25. This policy goes in to detail about the importance of local needs housing and how this can be considered and delivered.
Proposed change: No change.
Key issue 4: Paragraph 11.124 is not carried forward into policy.
Detail: Paragraph 11.124 is not carried forward into policy.
Officer response: Accept – Paragraph 11.124 details the range of data sources developers will need to access in order to help shape their proposals. Paragraph 11.124 states: <i>Developers will need to access a range of sources, including the SHMA, to help shape their proposals. Local stakeholders, including parish councils, may often be able to provide targeted information that assists an applicant to submit a locally relevant scheme. Where affordable housing is proposed or required, the housing register may provide additional guidance.</i> Point 2 of Policy DM23 however refers mainly to developers using the accommodation profiles detailed in the Strategic Housing Market Assessment (SHMA) to help inform and determine which house sizes should be delivered in urban and rural areas to meet the objectively assessed needs of the area. <i>2. Accommodation profiles detailed in the Strategic Housing Market Assessment 2013 will be used to help inform developers to determine which house sizes should be delivered in urban and rural areas to meet the objectively assessed needs of the area. In relation to affordable housing, the council will expect the submission of details of how this information has been used to justify the proposed mix.</i> It is therefore accepted that Policy DM 23 needs to be revised to make it clear that developers will need to take into account a range of data sources in addition to the SHMA to help shape their proposals.
Proposed change: New part 3 to be amended in the policy to read as follows: 3. Accommodation profiles detailed in the Strategic Housing Market Assessment will be used to help inform developers to determine which house sizes should be delivered in urban and rural areas to meet the objectively assessed needs of the area. Developers should also use a range of additional sources to help shape their proposals. These include, but are not limited to, discussions with Parish Councils and consulting adopted Neighbourhood Plans. In relation to affordable housing, the council will expect the submission of details of how this information has been used to justify the proposed mix.
Key issue 5: Policy should mention neighbourhood plans.
Detail: Policy should mention neighbourhood plans.
Officer response: Accept – Paragraph 11.124 mentions parish councils as a source for developers to help shape their proposals and this can be expanded to include neighbourhood plans. Neighbourhood plans to be included in 'Point 2' as mentioned in 'Key Issue 4.'
Proposed change: As stated in 'Key Issue 4' above.
Key issue 6: Policy does not provide guidance for developers.

Detail: Policy does not provide guidance for developers.
Officer response: Reject – Point 2 of the policy provides specific guidance for developers about what information they should be using to help shape any proposals. An affordable and local needs housing supplementary planning document will be produced to expand on how the proposals in this policy will be implemented. This will provide further more detailed guidance for developers.
Proposed change: No change.
Key issue 7: Housing mix becoming unbalanced due to smaller properties becoming enlarged.
Detail: Housing mix becoming unbalanced due to smaller properties becoming enlarged.
Officer response: Reject – The Council has acknowledged this issue. Paragraph 11.122 states that, 'The Council will actively seek to balance communities where particular house sizes or tenures have become prevalent beyond an evidenced need.'
Proposed change: No change.

DM23 HOUSING MIX

Proposed policy following amendments

Policy DM23 – Housing Mix

- Additions and amendments
- ~~Deletions~~

11.122 The key requirements for a mixed community are a variety of housing, particularly in terms of tenure and price, and a mix of different households such as families with children, single person households and older people. *The borough is made up of a variety of household types including, for example, older people who have specific housing needs that are different to the needs of large families and different again to those of disabled people.* Maidstone Borough Council recognises that to truly promote sustainable communities there must be a mix of types of housing that are provided in any given development or location. *Through providing a mix of housing types the borough will be able to accommodate the needs of an increasingly diverse population within the Borough.* The council will actively seek to balance communities where particular house types, sizes or tenures have become prevalent beyond an evidenced need.

11.123 Evidence detailed in the Maidstone Strategic Housing Market Assessment (SHMA) 2013 guides the profiles of development that are required in urban and rural locations. This evidence is valuable in determining the local housing picture and as a consequence which types and tenures of housing are required. The council will not, however, set specific targets within policy because these would result in inflexibility and a situation where imbalances could begin to occur over time.

11.124 Developers will need to access a range of sources, including the SHMA, to help shape their proposals. Local stakeholders, including parish councils, may often be able to provide targeted information that assists an applicant to submit a locally relevant scheme. Where affordable housing is proposed or required, the housing register may provide additional guidance.

POLICY DM 23 **Housing mix**

Maidstone Borough Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough.

1. *In considering proposals for new housing development, the council will seek a sustainable mix-range of house sizes, types and tenures that reflects the needs of those living in Maidstone Borough now and in years to come.*
2. Accommodation profiles detailed in the Strategic Housing Market Assessment 2013 will be used to help inform developers to determine which house sizes should be delivered in urban and rural areas to meet the objectively assessed needs of the area.
3. *Where affordable housing is to be provided, developers should also take into consideration the needs of households on the council's housing register and discuss*

affordable housing requirements with the council's housing team at the pre-submission stage of the planning process. In relation to affordable housing, the council will expect the submission of details of how this information has been used to justify the proposed mix.

4. The council will work with partners to facilitate the provision of specialist and supported housing for elderly, disabled and vulnerable people.
5. Gypsy, Traveller and Travelling Showpeople accommodation requirements will form part of the borough need for housing.

An affordable and local needs housing supplementary planning document will be produced to expand on how the proposals in this policy will be implemented.

DM25 LOCAL NEEDS HOUSING

Consultation issues and responses

Policy: DM25 – Local needs housing

Key issues:

1. Criteria 1 is contradictory to meeting local needs.
2. Important that housing mix and tenure is able to be progressed on a site specific basis responding to local need and aspirations.
3. Local communities must initiate such rural exception sites.
4. More consultation with Parish Councils.
5. Majority of housing should be reserved for local people.
6. Accords with Coxheath neighbourhood plan.
7. A small supply of bungalows should be included in the requirements for affordable and local needs housing.
8. But policy should be extended to encourage self-build schemes.
9. Provision of housing for ageing population needs to be considered.
10. Need to recognise the local needs of each age group, regard should be paid to the provisions of any relevant adopted neighbourhood plan and the recommendations of the Integrated Transport Strategy.
11. Headcorn Parish Council is happy to work with MBC to identify whether there is a need for local needs housing within the parish.
12. Consistency is needed here – 4 “The scale of development must be sympathetic to the character of the settlement where it is located.” 5. Please amend to reflect paragraph 116 NPPF – where it relates to major developments.
13. But could be further improved using the model applied to DM26.

Key issue 1: The Parish Council do not support section 1 of the policy.

Detail: The Parish Council do not support section 1 of the policy, which states:

People meeting the relevant occupation criteria will be given priority to occupy local needs housing (under the council’s housing allocation scheme).

Comment was that this allows MBC to decide who will be offered the accommodation in villages, of which could comprise of people from the urban area on the waiting list being forced to take accommodation in a rural area, or be removed from the list.

Local residents living in the village or surrounding areas will be excluded from consideration if they are not on the MBC Housing Register. Section 1 contradicts the ethos of the policy which is local need housing.

Officer response: **Reject.** Ensuring that access to local needs housing is available to local residents who are most in need of affordable housing, and have local connections is an extremely relevant issue and important. It is also a matter that the council take very seriously when administering allocations to such schemes. The council however does not consider that section 1 contradicts the ethos of the policy for local needs housing.

The council has a statutory duty under Part 6 of the Housing Act 1996 to adopt an Allocation Scheme “for determining priorities, and as to the procedure to be followed, in allocating housing accommodation. For this purpose ‘procedure’ includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are to be taken”.

Policy: DM25 – Local needs housing

In order to be accepted onto the register all applicants must meet the two qualifying criteria; these are local connection and housing need. This ensures that only those households with a true genuine need for affordable housing and with a local connection can be accepted, which actively supports the principals of a local housing needs scheme. Residents who live in the parish or neighbouring parishes, who wish to be considered for a local housing needs scheme, will be invited to apply to join the register, if they are not currently registered.

The council actively work in partnership with parish councils and affordable housing providers in marketing and publicising local housing need schemes, in order to ensure that local residents are aware of the eligibility requirements and process for applying.

The allocation scheme is designed to treat all applicants for social housing in a fair and equitable manner and to offer applicants some choice in their accommodation and ability to express preference on their accommodation type and location. Applicants who meet the occupancy criteria for a local housing needs scheme will have the option to bid for vacancies advertised through the Choice Based Lettings scheme, administered through Kent Home Choice. The occupancy criteria (current or past residency, employment, immediate family) gives priority to those applicants with a local connection to the parish or neighbouring parishes, ensuring local residents most in need of affordable housing benefit from the scheme.

Proposed change: No change.

Key issue 2: It is important that housing mix and tenure is able to be progressed on a site specific basis responding to local need and aspiration.

Detail: It is important that housing mix and tenure is able to be progressed on a site specific basis responding to local need and aspiration.

Officer response: **Accept.** The council agrees with this principal but considers that Policy DM23 and working practices covers the objection being raised regarding housing mix and tenure. Policy DM23 states:

- 1) A sustainable mix of house sizes, types and tenures will be sought that reflects the needs of those living in Maidstone Borough now and in years to come.
- 2) Accommodation profiles detailed in the Strategic Housing Market Assessment 2013 will be used to help inform developers to determine which house sizes should be delivered in urban and rural areas to meet the objectively assessed needs of the area. In relation to affordable housing, the council will expect the submission of details of how this information has been used to justify the proposed mix.

In addition to this, the council will also use a range of other local need data sources, such as the Housing Register, Help to Buy Agent database and Local Housing Need Surveys, when determining the appropriate housing mix and tenure for schemes on a site by site basis.

The council have not set specific housing mix targets within policy because these would result in inflexibility and a situation where imbalances could begin to occur over time. This position therefore enables the council to support the issue being raised, by ensuring that housing mix and tenure is progressed on a site specific basis, responding to local need and aspiration.

The council will continue to work with developers and affordable housing providers on a site

Policy: DM25 – Local needs housing
by site basis through viability assessments, to determine whether a variation of tenure split or housing mix is acceptable/appropriate, and what alternative proportions are achievable.
An affordable and local needs housing supplementary planning document will be produced to expand on how the proposals in this policy will be implemented.
Proposed change: No change.
Key issue 3: Local communities must initiate such rural exception sites.
Detail: Local communities must initiate such rural exception sites.
Officer response: Accept. It is normally the case that rural exception sites which are brought forward are done so in consultation and partnership with the parish council. Most rural exception site schemes are delivered as a result of a request from the parish council, for a local housing need survey to determine affordable housing need within the parish. The council and the local community then work together to identify suitable and available rural exception sites, some of which are put forward by local land owners.
Neighbourhood planning was also introduced through the Localism Act 2011. Neighbourhood planning legislation came into effect in April 2012, which gives communities the power to establish general planning policies for the development and use of land in a neighbourhood.
Many parishes are now seeking to address local housing need issues within their Neighbourhood Plans.
Proposed change: No change.
Key issue 4: More consultation with Parish Councils
Detail: More consultation with Parish Councils
Officer response: Accept. The council considers close partnership working and consultation with parish councils to be vitally important. Paragraph 11.134 states: <i>The council must therefore work in close partnership with parish councils and local stakeholders in order to maintain and promote sustainable, mixed and inclusive communities.</i>
Policy DM25 also states: The council will work with parish councils and local stakeholders to bring forward sustainably located local needs housing at its rural communities, where this has been proven necessary by a local needs housing survey undertaken by or on behalf of the parish council(s) concerned.
It is acknowledged that improvements can continue to be made with respect to consultation and communication with parish council's throughout this process, and the council will seek to address this through the affordable and local needs housing supplementary planning document.
Proposed change: No change.
Key issue 5: Majority of housing should be reserved for local people.
Detail: Majority of housing should be reserved for local people.
Officer response: Accept. The council's Housing Allocation Scheme and relevant occupancy criteria for local housing need schemes, ensures that priority is given to those with a local connection to the parish or neighbouring parish.
Proposed change: No proposed.
Key issue 6: ID493: Resident Support
Detail: Policy supports Coxheath Neighbourhood Plan

Policy: DM25 – Local needs housing
Officer response: Accept. Council are pleased this policy is supporting local ambitions within the Coxheath Neighbourhood Plan.
Proposed change: No proposed.
Key issue 7: Not enough suitable housing is being proposed for the increasing elderly population.
Detail: Not enough suitable housing is being proposed for the increasing elderly population, many of whom do not wish to live in flats because of the isolation they can generate. The availability of private garden space is also much valued by the elderly population. Bungalows provide an invaluable housing option for disabled people, but are rarely built by developers as they represent an inefficient use of the available land. A small supply of bungalows should be included in the requirements for affordable and local needs housing, to ensure availability of suitable accommodation for the elderly and disabled who need access to them. Policies DM24 and 25 should incorporate some reference to this.
Officer response: Accept. The council recognise the importance of providing suitable and appropriate housing for an ageing population. This comment is more relevant to policy M23 – Housing Mix, which does make reference to housing for older people. The affordable and local housing needs supplementary planning document will expand and provide further details as to the requirements for suitable housing for older persons.
Proposed change: No change.
Key issue 8: Policy should be extended to encourage Self Build Schemes as promoted by current Central Government policy
Detail: The Parish Council supports the draft Local Plan's policy for Local needs housing (DM25) but wishes the policy to be extended to encourage Self Build Schemes as promoted by current Central Government policy.
Officer response: Accept. The council recognises and acknowledges that Self Build schemes could offer potential benefits to local communities, and the borough such as resulting in properties that are higher quality, greener and cheaper. It is also considered that self building might offer part of the solution to Britain's housing shortfall and contribute to housing supply within Maidstone.
The council are therefore open to working with communities who wish to explore developing and/or managing their own land and developments through models such as co-operatives, mutuals, co-housing, self-build, Community Land Trusts, (CLTs) and the emerging Community-Right-to-Build, as well as self-build and custom-build approaches.
The Planning Minister Nick Boles announced new measures (2 July 2014) in which he said he would give aspiring self and custom builders a new Right to Build, which would enable them to ask their council to identify a shovel-ready site for their project.
Prospective self and custom builders will be able to register their interest with the local council, who will then be required to offer suitable serviced plots for sale at market value. Land for plots could come from local authorities' own landholdings or land from other landowners.
This initiative is in the early stages of development and it is too early to give a considered opinion as to how this concept will work and be implemented through council policy. The Department for Communities & Local Government (DCLG) issued a document inviting councils to lodge expressions of interest in becoming Right to Build "vanguards" to test the concept

<p>Policy: DM25 – Local needs housing</p>
<p>ahead of full-scale implementation. The lessons learned by these areas will then form a crucial part of a consultation later this year, on extending the Right to Build across the country. The council will therefore await the results of this exercise in order to fully consider how this concept could be implemented in Maidstone.</p> <p>The Homes and Communities Agency is also committed to supporting communities to deliver their own local housing and regeneration solutions. The HCA can support these bodies and schemes through their enabling role, and in some circumstances through their funding and land programmes. Some funding may be available through their Community Led Project Support funding to help groups get started.</p> <p>Encouragement towards the delivery of self-build schemes and support that is available will be considered as part of the affordable and local needs housing supplementary planning document, which will expand upon how proposals in this policy will be implemented.</p>
<p>Proposed change: No change.</p>
<p>Key issue 9: The provision of housing for ageing population does not appear to feature in the thinking.</p>
<p>Detail: The provision of housing for ageing population does not appear to feature in the thinking. The Ledian Farm, Leeds care village is the start of a large feature of development in the coming years. Not only does it satisfy a need, but it puts houses back into the market (for sale) and brings facilities to villages.</p>
<p>Officer response: Reject. The council recognises and acknowledges that the provision of housing for an ageing population is a key issue. The provision of such housing in local needs housing schemes will be considered where this has been proven necessary by a local housing need survey, and other key data sources such as the Strategic Housing Market Assessment and Housing Register.</p> <p>The council have also worked very closely with Kent County Council on the development of a new accommodation strategy for Kent, to provide for the county’s older and vulnerable population now and into the future.</p> <p>The strategy will inform providers about where and what investment is needed in Maidstone and across Kent, so they can best target resources to make sure Maidstone and Kent’s elderly and vulnerable population can live as independently as possible in their communities.</p> <p>In order that the strategy was inclusive to the Maidstone area, a district profile and local demographic and housing data was used as supporting evidence to help shape existing and future housing requirements for older persons. The results from this strategy will also feed into the council’s own Housing Strategy, which is due to be revised shortly. This will include reference to housing for older persons, and necessary actions to ensure that this provision is delivered.</p>
<p>Proposed change: No change.</p>
<p>Key issue 10: Need to recognise the local needs of each age group.</p>
<p>Detail: Need to recognise the local needs of each age group.</p> <p>Regard must also be paid to the provisions of any relevant adopted Neighbourhood Plan and the relevant recommendations of the Integrated Transport Strategy.</p>
<p>Officer response: Accept. This will be recognised when tailoring individual local housing need schemes to meet the needs of the local community. Reference to data on age groups will be</p>

Policy: DM25 – Local needs housing
used from local housing need surveys and the housing register to help inform the needs of each age group.
Proposed change: No proposed.
Key issue 11: Headcorn Parish Council is happy to work with MBC to identify whether there is a need for local needs housing within the parish.
Detail: Headcorn Parish Council is happy to work with MBC to identify whether there is a need for local needs housing within the parish.
Officer response: Accept. The council acknowledge the invaluable support and assistance that Headcorn Parish Council provided in the recent local housing needs development at Grigg Lane.
Proposed change: No change.
Key issue 12: Consistency is needed.
Detail: Consistency is needed here –
4 “The scale of development must be sympathetic to the character of the settlement where it is located.”
5. Please amend to reflect paragraph 116 NPPF – where it relates to major developments.
Officer response: Accept. The council recognises that consistency is important in terms of its policy approach. It is accepted that criteria 4 could be better worded as suggested.
Criteria 5 in Policy DM25 states: Where national landscape, ecological and heritage designations are affected by the proposed development, the necessity for development must be proven to outweigh the purpose, for which the designation is made.
Paragraph 116 is included under section 11 (Conserving and enhancing the natural environment) within the National Planning Policy Framework (NPPF) which states:
Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.
Consideration of such applications should include an assessment of:
<ul style="list-style-type: none"> • 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; • the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and • any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
Proposed change: Amend paragraph 4 to read...‘The scale of development must be sympathetic to the character of the settlement where it is located’.
Key issue 13: Policy should be redrafted in accordance with DM26.
Detail: CPRE Protect Kent generally supports this Policy, but considers that its construction could be improved by following that used for Policy DM26. We would suggest, therefore that it be recast as follows:

Policy: DM25 – Local needs housing

"Planning permission will be granted for local needs housing as an exception to usual policies of restraint designed to protect the countryside from development provided:

- 1. A need for it has been identified by a local needs housing survey undertaken by or on behalf of the Parish Council concerned;*
- 2. The housing provided will be occupied by those identified in need for housing in the Parish Council area;*
- 3. The housing provided will remain available in perpetuity to meet the local need for which it was permitted. This will be secured by planning conditions and/or legal agreements as appropriate;*
- 4. The site is sustainably located in regard to proximity to local services, in particular school and health facilities, and that these are accessible preferably on foot, by cycle or on public transport;*
- 5. The development would not harm the landscape and rural character of the area, in particular the Kent Downs Area of Outstanding Natural Beauty, and the openness of the Metropolitan Green Belt. Appropriate landscaping will be provided where necessary to mitigate impact;*
- 6. The scale of the development is appropriate to the context of the settlement where it is located;*
- 7. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis;*
- 8. The site is not located in an area at risk from flooding (zones 3a and 3b) based on the latest information from the Environment Agency or a specific Flood Risk Assessment which has been agreed by the Environment Agency; and*
- 9. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed*

Officer response: **Accept.** There are some aspects of the criteria in Policy DM26 which could also be used for Policy DM25, due to both local needs housing and gypsy and traveller sites mainly being in rural locations. It is considered that not all of the proposed alternative wording would however be suitable to use. Saying the housing provided will be occupied by those identified in need for housing in the Parish Council area would create inflexibility and to severe an occupancy restriction which in turn could lead to lengthy void periods. All local needs housing will be prioritised in the first instance to local people within the parish, and then neighbouring parishes as part of the allocation cascade and occupancy criteria arrangements agreed within the relevant s106 agreement. There needs to be flexibility built in though to go beyond this point to consider people with a local connection to the borough, if there are no qualifying applicants to consider.

Criteria around safe access to and from the site is a relevant point though of which should be included as part of the criteria. Sustainability of any site is mentioned as a key consideration,

Policy: DM25 – Local needs housing

as well as national, ecological and heritage designations.

It would be helpful to separate out as a listed criteria the requirement for local needs housing to be proven necessary by a local housing need survey undertaken by or on behalf of the parish council. Such survey would need to be approved by the borough council. It's also important that any scheme which may come forward accurately reflects the needs of local residents who would be eligible to be considered for such accommodation.

Proposed change: Change opening paragraph and criterion 1 to say:

The council will work with parish councils and local stakeholders to bring forward sustainably located local needs housing at its rural communities. The council will consider granting planning permission subject to the following criteria:

1. This has proven necessary by a local needs housing survey approved by the council which has been undertaken by or on behalf of the parish council(s) concerned. In consultation with the parish council and registered provider of social housing, the council will determine the number, size, type and tenure of homes to be developed after assessing the results of the survey. The council will also use the housing register to determine where there may be unmet housing needs.

Amend criterion 4 to read:

4. Sustainability of the site and its settlement will be a prime consideration in decision making. The council will give preference to settlements and communities where a range of community facilities and services, in particular school, health, and shopping are accessible from the site preferably on foot, by cycle or on public transport. The site must also be safely accessed to and from the public highway by all vehicles using the site at all times.

DM25 LOCAL NEEDS HOUSING

Proposed policy following amendments

Policy DM25 – Local needs housing

- Additions and amendments
- ~~Deletions~~

11.131 Market housing in the borough’s rural settlements can be both expensive and in limited supply. Affordable housing, although addressing the issue of expense, can also be in limited supply.

11.132 This means that local people can often be forced to move away from the settlement that they call home, or that they must share a dwelling beyond a point that is reasonably comfortable for them to do so.

11.133 Outside of Maidstone, the five rural service centres and the five larger villages, the amount of market housing that is planned will be more limited. This means that many rural communities may not benefit from a general supply of affordable housing as provided for in policy DM24.

11.134 The council must therefore work in close partnership with parish councils and local stakeholders in order to maintain and promote sustainable, mixed and inclusive communities.

11.135 Local needs housing seeks to address the lack of general supply by allowing the development of exception sites under agreed local needs, sustainability and environmental criteria. The housing must remain affordable in perpetuity and priority will be given to occupants who have a specified connection to the settlement – often being residential, employment or family.

11.136 Rural service centres will benefit from some general affordable housing as a result of planned development, but there may also be cases where local needs housing is required.

Policy DM25

Local needs housing

The council will work with parish councils and local stakeholders to bring forward sustainably located local needs housing at its rural communities, ~~where this has been proven necessary by a local needs housing survey undertaken by or on behalf of the parish council(s) concerned.~~ The council will consider granting planning permission subject to the following criteria:

1. This has been proven necessary by a local needs housing survey approved by the council which has been undertaken by or on behalf of the parish council(s) concerned. In consultation with the parish council and registered provider of social housing, the council will determine the number, size, type and tenure of homes to be developed after assessing the results of the survey. The council will also use the housing register to determine where there may be unmet housing needs.

2. People meeting the relevant occupation criteria will be given priority to occupy the local needs housing (under the council's housing allocation scheme).
3. Local needs housing will remain available in perpetuity to meet the need for which it was permitted. This will be secured by planning conditions and/or legal agreements as appropriate.
4. Sustainability of the site and its settlement will be a prime consideration in decision making. The council will give preference to settlements and communities where a range of community facilities and services, ~~including shops, health and education are present.~~ Settlements must be effectively served by public transport. *in particular school, health, and shopping are accessible from the site preferably on foot, by cycle or on public transport. The site must also be safely accessed to and from the public highway by all vehicles using the site at all times.*
5. The scale of development must be sympathetic to the character of the settlement where it is located.
6. Where national landscape, ecological and heritage designations are affected by the proposed development, the necessity for development must be proven to outweigh the purpose for which the designation is made.

An affordable and local needs housing supplementary planning document will be produced to expand on how the proposals in this policy will be implemented.

DM26 GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE ACCOMMODATION

Consultation issues and responses

Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation

Key issues:

1. Criteria questionable
2. The number of pitches per site should be limited. Harm to the countryside outside the AONB and greenbelt should be avoided. Traveller sites should be more evenly distributed throughout the borough.
3. Proposals need to fit in with existing residents
4. Enough sites at present.
5. Support point 4 of the policy
6. Need to recognise the significance of the connections to the local area.
7. Propose additional development criteria in Policy DM26 that will guide planning decisions and ensure that (a) necessary wastewater infrastructure is provided in parallel with development, and (b) development is adequately separated from existing wastewater facilities such as wastewater treatment works and major pumping stations.
8. Suggest changing the wording of the policy to indicate the sensitivity of the AONB and necessity to ensure developments conserve and enhance the AONB.
9. Support.

Key issue 1: Question whether criteria will stand up to scrutiny at appeal.

Detail: The policy states that planning permission for Gypsy and Traveller and Travelling Showpeople accommodation will only be granted if the site is allocated for that use or if certain criteria are met. The policy is welcomed, but the criteria is being questioned as to whether it will stand up to scrutiny at appeal.

Criteria 1: It is being questioned as to whether the criteria is doing what the council want it to. Paragraph 11.139 states that it is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. It is queried that would not any site chosen in the borough be able to meet this pre-requisite?

A further comment was made that the criteria does not require sites to be close to facilities as stated at paragraph 11.139. It just merely mentions that local services, in particular school and health facilities, are accessible from the site preferably on foot, by cycle or on public transport.

Criteria 2: Comment regarding this is that it is a charter for refusal. It will be relied upon by objectors to refuse every application in the countryside. It has been suggested that the criteria needs to be qualified and tightened in the wording, for example, would not cause unacceptable harm.

Criteria 3: A question was raised as to why safe access to a site is only a concern for vehicles that use the site on a regular basis? They did not see the need for the words 'using the site on a regular basis'. It was suggested that this is important for all vehicles regardless of whether they use the site on a regular basis or not, particularly those who maybe unfamiliar with the area.

Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation

Criteria 5: Comment questioned the need for ecological surveys, which was thought to be an unnecessary expense on most sites. Suggested that it should only be required on sites known to be of special ecological interest.

Officer response: **Partially accept**

In conjunction with the National Planning Policy Framework, the Government's Planning Policy for Traveller Sites document sets out the Government's planning policy for traveller sites. The Council in preparing this Local Plan and policy DM26 has had regard to the policies in both these documents so far as they are relevant.

The guidance in these documents says that local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. The criteria listed within Policy DM26 seeks to address these issues to help guide the determination of planning applications and allocation of specific sites.

As with any other form of housing, poorly located sites, with no easy access to major roads or public transport services and local services, could compromise the ability of residents to:

- Seek or retain employment.
- Attend school, further education or training.
- Obtain access to health services and shopping facilities.

Criteria 1: seeks to ensure that local services (in particular school and health facilities) are accessible from the site to ensure that the above sustainability measures are taken into account for the residents benefit. It is the council's view that not all sites brought forward maybe able to meet this pre-requisite due to some sites potentially being in more remote rural locations. It is therefore important that this criteria is in place to determine the suitability of each site which may come forward.

Criteria 2: As Gypsy accommodation is frequently proposed in countryside locations, impact on rural/ landscape character, in particular Green Belt and the Kent Downs Area of Outstanding Natural Beauty, are important considerations. It is therefore important that the impact on these aspects are considered and assessed with particular regard to the additional issues listed within Criteria 2. It is acknowledged that the wording however could be tightened to state 'would not result in inappropriate harm to the landscape and rural character of the area'.

Criteria 3: The The inclusion of the caveat 'on a regular basis' is considered worthwhile. It would be unreasonable to refuse permission for an otherwise acceptable site on the basis that it had a compromised access for vehicles which would visit only infrequently (eg large delivery van) whereas vehicles associated with an occupant's business, for example, could fall within the terms of this criterion. KCC Highways has not objected to the current wording of this criterion (to be checked).

Criteria 5: In terms of ecological assessments the appropriate advice would be given during the planning application process as to what ecological assessments maybe required to assess the impact of the development on the ecology of the area. This is an extremely important

Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation

aspect to help guide the determination of any site allocations and planning applications as the majority of proposed sites are greenfield and as such needs to be included in the criteria.

Proposed change: Criteria 2 – Change the wording at the beginning of the sentence to add 'would not result in inappropriate harm to' the landscape and rural character of the area'.

Key issue 2: Sites should be in small numbers and spread across the borough, not putting too much pressure on one settlement.

Detail: Comments were that small numbers should be provided on sites, spread across the borough and not concentrated in areas such as Headcorn, which put a pressure and strain on local facilities. Existing large temporary sites should be dispersed across the borough.

There should be incentives to encourage this dispersal, and areas with a high percentage of gypsy and travellers should be given more protection.

Although Headcorn Parish Council broadly supports the policies set out within Policy DM 26, it feels that this policy is currently incomplete and should specify three additional points:

- a. Firstly the policy should state that sites "should be spread thinly across the borough". In the case of Headcorn, there is considerable reluctance amongst residents to see further expansion of the gypsy and traveller population within Headcorn Parish, in part because of a feeling that Headcorn already accommodates significant numbers – 3.7% of the dwellings in Headcorn in the 2011 Census were caravans, or other mobile or temporary structures, compared to 1% of dwellings in Maidstone as a whole.
- b. Secondly the policy should look to limit the number of pitches on individual sites. Feedback from the police suggests it is harder to police large sites.
- c. Finally the policy should strengthen the need for avoiding harm to the countryside outside the AONB and Metropolitan Green Belt, which would be in line with the findings from the recent Meadows enquiry.

In addition, Headcorn Parish Council notes that paragraph 4 clearly states that sites should not be permitted in areas at risk from flooding (zones 3a and 3b) and believes that this policy should be properly and consistently enforced. It notes that a recent planning application for a gypsy and traveller site in Headcorn, which was rejected on that basis for inclusion in the Local Plan, has subsequently been granted planning permission because the planning officer noted it had not flooded in the recent floods. Evidence very clearly shows that behavioural biases mean that people tend to overestimate the importance of recent events and underestimate future risks that are outside recent experience. This means it is extremely important to base decisions on the scientific evidence, not recent experience. To do otherwise would mean that MBC would be breaching Nation Planning Policy Guidelines, not to mention putting vulnerable households at risk.

Another comment was that the existing situation in Headcorn cannot be allowed to continue whereby large sites in a rural location are harming the open countryside and the services that the village is able to provide. An increase in anti-social behaviour in the village was mentioned.

There was objection to the 3 mobile homes planned for Hawthorn Farm in Ulcombe, in the Local Plan, as this will increase to 30 the approved number of Mobile homes in Ulcombe. Concern was raised as to the existing and proposed number of gypsy/traveller pitches in or

Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation

very near to the parish of Ulcombe.

It was commented that a large concentration of gypsy/traveller pitches in open countryside, compared with the size of the settled community in a small village like Ulcombe, hinders integration and contradicts Policy SP5 that "the countryside has an intrinsic value that should be conserved and protected for its own sake". Local tensions are exacerbated because there is less incentive for the gypsies/travellers to integrate locally and resentment in the settled community is thus increased in respect of the perception of their "dominating the settled community".

It was also pointed out that Ulcombe has no services (no shops, village pub, health centre or regular public transport), and Hawthorn Farm is down a potholed private track over 1 mile away in open countryside.

The Salford University evidence for gypsy sites is also being questioned. Comments received were that Salford produced its report under the requirements of the 2004 Housing Act in which it refers to "persons with a cultural tradition of nomadism or of living in a caravan".

The DCLG " Planning Policy for Traveller Sites, March 2012" refers to "persons of a nomadic habit of life whatever their race or origin". It was felt that this changes the eligibility for having a traveller site because it is no longer relevant to be of gypsy stock. It was considered that the basis of the Salford University report has therefore changed and invalidates much of the research done by Salford because the assumptions have been changed.

Comment was also received regarding paragraph 11.137 which says 'Gypsies and Travellers historically resorted to the Maidstone area because of their involvement in agriculture particularly hop and fruit picking. These patterns have prevailed, especially in the Weald area...'

This was not considered to be a true statement of today's realities. It was commented that most agricultural workers are East Europeans and if this is the basis of Salford University's report on Gypsy/traveller "needs" then it should be challenged by MBC. The Salford University report on future gypsy/traveller pitches was felt to be seriously flawed and the basis of arriving at 187 pitches should be re-visited.

Officer response:

In response to the request to 'spread sites thinly across the borough', it is the case that different degrees of planning constraint apply across different parts of the borough. It would be inappropriate to pursue such an objective which could not account for, for example, the national significance of the Kent Downs AONB. Further, there is a general lack of available potential Gypsy sites, relative to the need for additional pitches that has been identified. In these circumstances, it is considered that a requirement that additional sites should not be provided to a location where there are existing sites would not be capable of being sustained. Importantly, the draft policy does allow for any adverse landscape impacts resulting from the cumulative impact of development to be considered.

Sites of various sizes, layouts and pitch numbers operate successfully today and work best

Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation

when they take account of the size of the site and the needs and demographics of the families resident on them. There is therefore no one ideal size of site or number of pitches as a larger plots of land can contribute significantly to the need for gypsy and traveller accommodation. Smaller sites of 2-4 pitches can also be successful, particularly where designed for one extended family. These can be advantageous in making good use of small plots of land. The council would not therefore want to arbitrarily limit or place restrictions on the number of pitches but instead will apply the criteria in the proposed policy to determine the suitability of a specific proposal.

It is considered that criteria 2 adequately takes into account the requirement for avoiding harm to the countryside outside the AONB and Metropolitan Green Belt. The criteria clearly apply beyond as well as within these areas.

The objection to the 3 mobile homes planned for Hawthorn Farm in Ulcombe, in the Local Plan, is a comment specifically related to Policy GT1 – Gypsy and Traveller allocations, of which will be addressed in the officer response to this particular proposed policy.

The basis of Salford University's report on arriving at 187 pitches is considered to be robust and sound by MBC. The report explicitly takes account of both the 'housing' and 'planning' definitions of Gypsies & Travellers. Salford University has been commissioned by all the authorities in Kent and Medway (with the exception of Tunbridge Wells BC) to assess needs following the same methodology.

Proposed change: No change.

Key issue 3: Any site proposals need to fit in with existing residents.

Detail: Any site proposals need to fit in with existing residents.

Officer response:

It is acknowledged that consideration must be given to the relationship of sites to the surrounding community. For this purpose it is important to ensure that proposals to develop a site link in with other broader strategies in place for improving community cohesion.

The site must be sustainable, offering scope to manage an integrated coexistence with the local community. This will include consideration of noise and possible disturbance to Gypsy and Travellers living on the site, and possible noise and disturbance to the wider community, in particular from movement of Gypsy and Traveller vehicles.

The amenity of both neighbours and occupants is a general planning consideration which applies to all forms of development, not only Gypsy & Traveller development. Amenity issues are part of the specific considerations in the general Policy DM4 – Principles of Good Design (criterion (v)). On this basis, further amendment to Policy DM26 is considered unnecessary.

Proposed change: No change.

Key issue 4: Enough sites at present.

Detail: Enough sites at present.

Officer response: **Reject**

The Housing Act 2004 introduced a new obligation on local housing authorities to assess the accommodation needs of Gypsies and Travellers in their areas, and to develop a strategy to

<p>Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation</p>
<p>address these needs.</p> <p>The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) revealed a need for 187 permanent Gypsy & Traveller pitches to be provided in the borough during the period 2011 to 2031. The sites assessed as appropriate for allocation (listed in Policy GT 1) in the Local Plan only provide 23 permanent pitches, and are not sufficient to meet the government’s requirement that the local plan should identify 10 years worth of pitches.</p>
<p>Proposed change: No change.</p>
<p>Key issue 5: Support.</p>
<p>Detail: Support point 4 of the policy:</p> <p>The site is not located in an area at risk from flooding (zones 3a and 3b) based on the latest information from the Environment Agency or a specific Flood Risk Assessment which has been agreed by the Environment Agency.</p>
<p>Officer response: Accept: The council is pleased to receive Environment Agency support.</p>
<p>Proposed change: No proposed.</p>
<p>Key issue 6: Need to recognise the significance of the connections to the local area.</p>
<p>Detail: Need to recognise the significance of the connections to the local area.</p>
<p>Officer response: Accept</p> <p>The council believes that everyone should have the opportunity of a decent home. Decent homes are a key element of any thriving, sustainable community. This is true for the settled and Gypsy and Traveller communities alike.</p> <p>It is accepted that the determination of planning applications and allocation of specific sites should recognise and consider the infrastructure needed to support Gypsy & Traveller sites so that they meet the needs of residents and support good relations with people living nearby.</p> <p>This includes consideration as to whether the site has easy access to major roads or public transport services, is sustainable economically, socially and environmentally, and that sites can access to mains water, electricity supply, drainage, and sanitation.</p> <p>Personal connections to a locality, such as attendance at school, can weigh into the planning balance for a particular proposal.</p>
<p>Proposed change: No change.</p>
<p>Key issue 7: Gypsy and Traveller pitches need access to essential infrastructure.</p>
<p>Detail: It is important that gypsy and traveller pitches have access to essential infrastructure such as wastewater facilities. It is also important that the pitches are compatible with neighbouring land-uses. It would not be appropriate to locate pitches in close proximity to wastewater treatment works or major pumping stations.</p> <p>Southern Water endeavours to operate its wastewater treatment works efficiently and in accordance with best practice to prevent pollution. However, unpleasant odours inevitably arise as a result of the treatment processes that occur. New development must be adequately separated from wastewater treatment works, to safeguard amenity for occupants, including</p>

Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation

gypsies and travellers.

Proposed amendment:

We propose additional development criteria in Policy DM26 that will guide planning decisions and ensure that (a) necessary wastewater infrastructure is provided in parallel with development, and (b) development is adequately separated from existing wastewater facilities such as wastewater treatment works and major pumping station:
Essential services are provided, including sewerage infrastructure to convey wastewater for treatment.

There is adequate separation from existing incompatible land uses such as wastewater treatment facilities, and no unacceptable impact on the amenity of future occupants

Officer response:

The adequacy of wastewater servicing of any specific site is a matter which would be addressed through consultation with Southern Water at the time of a planning application. Subject to Southern Water's views, adequate wastewater facilities can be secured by means of a planning condition.

Whilst referring to wastewater facilities specifically, the change proposed under (b) is seeking to ensure that future occupants of sites have an acceptable living environment. It is considered that this important point is adequately and appropriately addressed in Policy DM4 – Principles of good design. Criterion (v) specifically highlights that development should achieve adequate residential amenity by ensuring development does not result in excessive noise, vibration, odour and vehicle movements (amongst other things).

Proposed change: No change.

Key issue 8: Kent Downs AONB.

Detail: Caravan and mobile homes are generally considered inappropriate development within the KDAONB. Development has to be of the highest quality and sites need continued maintenance to high standards in order to conserve and enhance the KDAONB (in line with national policy and guidance). The KDAONB enjoys the 'highest protection' Within the AONB the development must **conserve** and **enhance**, not merely, 'not harm'. We suggest changing the wording of the policy to indicate the sensitivity of the AONB and necessity to ensure developments conserve and enhance the AONB. It is noted that DM39 requires sites to be 'outside the KDAONB and its setting'.

It is requested that policy DM26 includes a similar policy; 'the site lies outside the Kent Downs AONB'. This would reflect the hierarchy of care suggested by NPPF paragraph 113, and the highest protection that is afforded AONBs – NPPF paragraph 115.

ERROR: As reported to Planning, Transport and Development Overview and Scrutiny Committee – 16 December 2014.

Officer response: Accept

Proposed change: The importance of the rural landscape and in particular the Kent Downs AONB is recognised and it is acknowledged that the wording within criteria 2 could be tightened to ensure that developments must conserve and enhance, not merely harm the

Policy: DM26 - Gypsy, Traveller and Travelling Showpeople accommodation
rural landscape and Kent Downs AONB areas.
Proposed change: No change.
CORRECTION: For Cabinet – 14 January 2015.
Officer response: Reject
Policy DM30 – Design principles in the countryside, effectively addresses the relationship of development proposals with the Kent Downs AONB. The established principle that the local plan is read as a whole means that DM30 will apply to proposed Gypsy, Traveller and Travelling Showpeople developments and that the detail proposed does not need to be repeated in DM26.
Proposed change: No change.
Key issue 9: CPRE Protect Kent supports this policy.
Detail: CPRE Protect Kent supports this Policy
Officer response: Accept: The council thanks CPRE for their support of this policy.
Proposed change: No change

DM26 GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE ACCOMMODATION

Proposed policy following amendments

Policy DM26 –Gypsy, Traveller and Travelling Showpeople accommodation

- Additions and amendments
- Deletions

11.137 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Gypsies and Travellers historically resorted to the Maidstone area because of their involvement in agriculture, particularly hop and fruit picking. These patterns have prevailed, especially in the Weald area, and the borough has a significant number of pitches mostly on small, privately owned sites. Going forward, the aim for the local plan is to contribute towards the creation of sustainable communities by making an appropriate scale of pitch provision which balances the reasonable need for lawful accommodation with the responsibility to protect countryside for its own sake.

11.138 National guidance in 'Planning Policy for Traveller Sites' sets out the definitions of 'Gypsies and Travellers' and 'Travelling Showpeople' to be used for planning purposes.

11.139 The criteria in the policy below will guide the determination of planning applications and also the allocation of specific sites. It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside.

Policy DM 26

Gypsy, Traveller and Travelling Showpeople accommodation

Planning permission for Gypsy and Traveller and Travelling Showpeople accommodation will only be granted if the site is allocated for that use or if the following criteria are met:

1. Local services, in particular school, health, and shopping facilities are accessible from the site preferably on foot, by cycle or on public transport.
2. The development would not result in inappropriate harm to the landscape and rural character of the area, in particular the Kent Downs Area of Outstanding Natural Beauty, and the openness of the Metropolitan Green Belt. Impact on these aspects will be assessed with particular regard to:
 - i. Local landscape character;
 - ii. Cumulative effect – the landscape impact arising as a result of the development in combination with existing caravans; and
 - iii. Existing landscape features – development is well screened by existing landscape features and there is a reasonable prospect of such features' long term retention.

Additional planning should be used to supplement existing landscaping but should not be

the sole means of mitigating the impact of the development.

3. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.
4. The site is not located in an area at risk from flooding (zones 3a and 3b) based on the latest information from the Environment Agency or a specific Flood Risk Assessment which has been agreed by the Environment Agency; and
5. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.
6. In addition to the above criteria the following applies to Travelling Showpeople accommodation only:
 - i. The site should be suitable for the storage and maintenance of show equipment and associated vehicles.

DM27 PRIMARY SHOP FRONTAGES

Consultation issues and responses

Policy: DM27 – Primary shop frontages
Key issues: 1. Some unconditional support 2. Add good design to criteria
Key issue 1: Some unconditional support
Detail: Some unconditional Support
Officer Response: Support noted
Proposed Change: No change
Key issue 2: Support - Add good design to criteria.
Detail: Support - Provided should emphasis good design
Officer Response: Support noted – The council agrees that good design is a fundamental principle underpinning good planning. The NPPF places great emphasis upon raising the quality of the built, natural and historic environment and the quality of life in all areas. The Council aspires to achieve high quality design throughout the borough and policy DM4 of the Local Plan seeks to achieve this aim.
Proposed Change: No change.

DM27 PRIMARY SHOP FRONTAGES

Proposed policy following amendments

Policy DM 27 – Primary shopping frontages

- No changes
-

12.1 The primary shopping frontages are the identified parts of Maidstone town centre where retail uses are concentrated. These primary frontages are shown on the policies map and include the key shopping locations of Fremlin Walk and The Mall together with the connecting stretch of Week Street. In these frontages the proportion of ground floor floorspace dedicated to retail uses (use class A1) is some 85% or above (at May 2013). This part of the town centre is principally occupied by national retailing chains and is where the town centre's supply of larger shop units (above 500m²) is predominantly found. The attraction of the town centre for shoppers is particularly influenced by the presence of national retailers, and retaining the overall and predominant retail character of this area and a critical mass of such operators is important in sustaining ongoing vitality.

12.2 The large unit occupied by House of Fraser is the key anchor store in Fremlin Walk. It is the largest unit in the town centre (east of the river) and that best suited for a major, modern department store. Retaining such a department store in the town centre will be important in sustaining the centre's continuing attraction as a shopping destination. Recognising this more strategic significance, the House of Fraser unit has been identified as a primary frontage in its own right to control the loss, or partial loss, of this unit to non A1 uses.

12.3 A further important factor in maintaining vitality of the town centre is the presence of associated cafés and restaurants which encourage people to stay in the town centre for longer, as well as banks, buildings societies and other retail services such as hairdressers and travel agents for both day-to-day and more specialist needs. Allowing shops and cafés to extend their opening hours is a way of attracting people into the town centre later into the evening. As well as retaining the predominant retail character of the central part of the town, existing retail floorspace also contributes to meeting predicted needs for the town centre.

12.4 The objective of policy DM27 is to ensure retail (A1) remains the predominant use in this area. In addition it allows for limited retail-based supporting uses in a manner so as not diminish the overall prime retail purpose of this part of the town centre.

12.5 Recent amendments to the General Permitted Development Order (2013) enable A1 premises to be temporarily changed to A2 (professional and financial services), A3 (cafés and restaurants) or B1 (offices) without the need for planning permission. This change of use can be enacted for a finite period of two years after which the premises must revert to their previous lawful use. A permanent change of use for beyond the two year period would require the submission of a planning application, and the considerations of policy DM27 would apply.

POLICY DM 27

Primary shopping frontages

The primary shopping frontages in Maidstone town centre are shown on the policies map. To ensure that retail (A1) remains the predominant use within the primary shopping frontages, development will be permitted where:

1. The proposal is for retail (A1) use; or
2. The proposal is for a professional and financial services use (A2), a café and restaurant use (A3) or a drinking establishment (A4) and would not result in the percentage of ground floor retail (A1) floorspace in the frontage block in which the development would be located falling below 85%.

DM28 SECONDARY SHOP FRONTAGES

Consultation issues and responses

Policy: DM28 – Secondary shop frontages
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Add good design to criteria. 2. Could also allow residential development at these locations.
Key issue 1: Support - Add good design to criteria
Detail: Support - Provided should emphasis good design
<p>Officer Response: Support noted – The council agrees that good design is a fundamental principle underpinning good planning. The NPPF places great emphasis upon raising the quality of the built, natural and historic environment and the quality of life in all areas.</p> <p>The Council aspires to achieve high quality design through the borough and policy DM4 of the Local Plan seeks to achieve this aim. Therefore in order to achieve a high quality design policy DM4 will be taking in to account when determining proposals.</p>
Proposed Change: No change.
Key issue 2: Support – policy could also allow residential development at these locations – Dr Hilary Newport
Detail: CPRE Protect Kent supports this Policy, but we consider that it should also allow residential development as well.
<p>Officer Response: Support noted – The Council recognises and supports that 'living over shop' can have a positive impact upon the viability of town centres and commercial areas. Once shoppers and workers depart, residential units to upper floors can provide a sense of life and occupation. Living over a shop also creates a mix of uses which is advocated by the NPPF.</p> <p>The loss of a local convenience shop or facility, where proposed, will be resisted by the council. Para 11.114 of the Draft MBC Local Plan states that “where the loss of local convenience shop or facility is proposed, the council will expect such an application to be supported by a viability report, together with financial accounts, and marketing information illustrating that the use is no longer viable”.</p>
Proposed change: No change.

DM28 SECONDARY SHOP FRONTAGES

Proposed policy following amendments

Policy DM 28 – Secondary shopping frontages

- No changes

12.6 In the secondary frontage areas, also shown on the policies map, the retail units are generally smaller (under 500m²) and occupied by a mix of both national and local independent retailers. The latter have an important role in adding to the diversity and distinctiveness of the shopping 'offer' in Maidstone town centre. The approach of policy DM28 is to enable a broader range of uses to include professional services (A2), cafés and restaurants (A3) and pubs and wine bars (A4) which contribute to the wider appeal of the town centre. Earl Street in particular has become popular for food and drink outlets making it a destination in its own right.

12.7 A feature of vibrant and attractive town centre streets is the prevalence of entrances and open, glazed frontages to premises at ground floor level. An open frontage to the street, with views in to and out of the premises, is an invaluable way of enlivening the street scene. This is a characteristic of retail type uses, and community and leisure proposals in the secondary shopping areas should also be specifically designed to incorporate such active frontages.

POLICY DM 28

Secondary shopping frontages

The secondary shopping frontages in Maidstone town centre are shown on the policies map. Development within the secondary frontages will be permitted where:

1. The proposal is for a retail use (A1), a professional and financial services use (A2), or a café and restaurant (A3); or
2. The proposal is for a drinking establishment (A4) or hot food takeaway (A5) provided the development, either alone or cumulatively with other A4 and A5 uses in the frontage, does not have an adverse impact on local amenity, including as a result of fumes, noise, hours of operation or the visual impact of ducting ; or
3. The proposal is for a leisure or community use which accords with policy DM29.

In all cases, proposals should establish or retain an 'active frontage' to the street.

DM29 LEISURE AND COMMUNITY USES IN THE TOWN CENTRE

Consultation issues and responses

Policy: DM29 Leisure and community uses in the town centre
Key issues: 1. Lack of cultural aspirations e.g. theatre
Key issue 1: SUPPORT - add good design
Detail:SUPPORT - add good design
Officer response: DM29- Allowing for a variety of leisure uses as well as more community uses within the town centre will add to its diversity and should be supported by a clear and robust design rationale based on a sound understanding and analysis of local context, character and distinctiveness.
Proposed change:No change.

DM29 LEISURE AND COMMUNITY USES IN THE TOWN CENTRE

Proposed policy following amendments

Policy DM 29 – Leisure and community uses in the town centre

- No changes

12.8 Allowing for a variety of leisure uses (Class D2) as well as more community uses (class D1) such as health centres, crèches and community centres within the town centre will add to its diversity and will extend both its appeal and periods of activity throughout the day. Allowing these types of uses, including within the secondary shopping area, could similarly increase the prospects of vacant premises being brought into use. It is the case, however, that both these use class are quite broad and cover a wide variety of uses, so the impact of individual uses within the classes may be very different. The degree and nature of those impacts on local amenity need to be assessed as part of the overall assessment of proposals.

12.9 Changes of use can sometimes create concentrations of single uses, where the cumulative effects can also cause local problems. Proposals should be assessed not only on their positive contribution to diversification, but also on their cumulative effects on local amenity.

12.10 Community and leisure proposals in the secondary shopping areas should also be specifically designed to incorporate active frontages which are characteristic of shopping streets and can help to add to their overall vibrancy.

POLICY DM29

Leisure and community uses in the town centre

Proposals for leisure uses (Class D2) and community uses (Class D1) in the town centre which meet the following criteria will be permitted:

1. The development, including in combination with any similar uses in the locality, will not have an adverse impact on local amenity, including as a result of noise and hours of operation;
2. The proposal establishes or retains an 'active frontage' to the street; and
3. The proposal is not located at ground floor level in the primary shopping frontage.

DM30 DESIGN PRINCIPLES IN THE COUNTRYSIDE

Consultation issues and responses

Policy: DM30 Design principles in the countryside
Key issues:
<ol style="list-style-type: none"> 1. Some unconditional support. 2. Criterion 2 is questionable/unenforceable. 3. Criteria must be met before development is permitted. 4. Policy should refer to all landscape in the countryside, delete reference to 'highest value' landscapes. 5. Neighbourhood plans should be referenced as an aid to determining development proposals. 6. Concern that the Landscape Character Guidelines will not be completed until after the local plan is adopted. 7. Add criterion referencing impact on local roads.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Criterion 2 is questionable/unenforceable.
Detail: Question regarding how enforceable criterion 2 is.
Officer response: Partially accept. Design is ultimately subjective and in the case of this policy it is expected that the development management process would be used to guide the design of a development proposal, through pre-application discussions and potentially through any necessary discussions once the application has been submitted.
Where the policy needs to be tightened is in regard to the definition "landscape of the highest value."
The council has undertaken work on landscape character assessment and on the capacity of landscape to accommodate change. This will inform the application of this policy, as does the identification of "landscapes of local value" in policy SP5 – Countryside.
Proposed change: Amend criterion 2 to read:
"2. Outside of the Kent Downs AONB, not result in harm to the identified landscapes of local value, landscapes which have been shown to have a low capacity to accommodate change, and in all other locations respect the landscape character of the locality;"
Key issue 3: Criteria must be met before development is permitted.
Detail: Criteria must be met before development is permitted.
Officer response: Accept. The policy must be written in a positive manner i.e. 'Proposals will be permitted if' rather than 'Proposals will be refused unless.' This policy reflects that manner.
Proposed change: No change.
Key issue 4: Policy should refer to all landscape in the countryside, delete reference to 'highest value' landscapes.
Detail: Comment suggests that all landscape in the countryside should be taken together and that there should be no distinction between areas. Each proposal would be subject to a landscape and visual impact assessment.

Policy: DM30 Design principles in the countryside
Officer response: Reject. The comment suggests that all landscape should be addressed by the policy and that the provisions of DM10 3(iii) should take precedence i.e. each development proposal subject to a landscape and visual impact assessment.
The provisions of DM10 and DM30 can work together. DM30 makes allowances for broad areas of landscape in the countryside and makes the test more stringent for areas that are considered to coincide with these areas.
Proposed change: No change.
Key issue 5: Neighbourhood plans should be referenced as an aid to determining development proposals.
Detail: Neighbourhood plans and local plans form part of the development plan. Neighbourhood plans need to be in general conformity with the strategic policies in a local plan, but otherwise, the policies in a neighbourhood plan carry as much weight as those in a local plan.
Officer response: Accept. However, neighbourhood plans are automatically considered as part of the decision making process and do not need to be referenced in policy.
Proposed change: No change.
Key issue 6: Concern that the Landscape Character Guidelines will not be completed until after the local plan is adopted.
Detail: The Landscape Character Guidelines SPD will be adopted following the local plan, likely in 2016 or 2017. There is therefore concern about the protection of the landscape in the intervening period between adoption of the local plan and adoption of the SPD.
Officer response: Reject. The council is currently focusing its attention on preparing the local plan, which gives the strength to decision makers. Supplementary planning documents are supplementary to policy i.e. they add detail but are not policies themselves.
In the intervening period, the council will refer to its evidence base, which has informed the preparation of the local plan. The council prepared the Landscape Character Assessment in 2012 and has retained section 9 of the Landscape Character Assessment and Landscape Guidelines (2000) to be used in the transition period.
Proposed change: No change.
Key issue 7: Add criterion referencing impact on local roads.
Detail: Concerns raised regarding the impact of development on countryside roads.
Officer response: Partially accept. This is an important criterion, however, the local plan must be read as a whole. In any case, DM30 does already reference this.
References in the plan can be found at:
DM4 – Principles of good design – (v) DM13 – Sustainable transport – 3(i) DM30 – Design principles in the countryside – (3)
Proposed change: No change.

DM30 DESIGN PRINCIPLES IN THE COUNTRYSIDE

Proposed policy following amendments

Policy DM 30 – Design principles in the countryside

- *Additions and amendments*
- Deletions

13.1 Policy SP5 sets out the types of development which would be acceptably located within the borough's countryside. The local plan seeks high quality designs in all types of development but policy DM30 sets out additional principles to ensure high quality designs are realised in the borough's countryside.

POLICY DM 30

Design principles in the countryside

Outside of the settlement boundaries as defined on the policies map, proposals which would create high quality design and meet the following criteria will be permitted:

1. Conserve and enhance the landscape and scenic beauty of the Kent Downs AONB and its setting;
2. *Outside of the Kent Downs AONB, not result in harm to the identified landscapes of local value, landscapes which have been shown to have a low capacity to accommodate change, and in all other locations respect the landscape character of the locality;*
3. Not result in unacceptable traffic levels on nearby roads; unsympathetic change to the character of a rural lane which is of landscape, amenity, nature conservation, or historic or archaeological importance or the erosion of roadside verges;
4. Where built development is proposed, there would be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area; and
5. Where an extension or alteration to an existing building is proposed, it would be of a scale which relates sympathetically to the existing building and the rural area; respect local building styles and materials; have no significant adverse impact on the form, appearance or setting of the building, and would respect the architectural and historic integrity of any adjoining building or group of buildings of which it forms part.

Account should be taken of the Kent Downs AONB Management Plan and the Maidstone Borough Landscape Character Guidelines SPD.

DM31 NEW AGRICULTURAL BUILDINGS AND STRUCTURES

Consultation issues and responses

Policy: DM31 New agricultural buildings and structures
Key issues: 1. Some unconditional support. 2. Needs time limitation. 3. More detail needed on polytunnels, question if criteria be adjusted for seasonal use. 4. Account should be taken of Kent Farmsteads Design Guidance.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Needs time limitation.
Detail: Suggests that permissions need to be time limited beyond that which is already defined as part of the approval.
Officer response: Reject. It is unclear why this is suggested. Each planning permission has a time limitation attached. If the permission is granted on a temporary basis, for whatever reason, this is also made clear.
Proposed change: No change.
Key issue 3: More detail needed on polytunnels, question if criteria can be adjusted for seasonal use.
Detail: Polytunnels are used by farmers to aide growing their crops. However, they are also considered by some to be a blight on the landscape and potentially damaging to the environment and biodiversity.
Officer response: Polytunnels tend to require a planning application on the basis of how they are fixed to the ground. Where there is a permanent structure , these require permission. Where the structure is driven into the ground, these tend not to require permission. So only those that can be considered to have some form of permanence are subject to planning control. On that basis, only a given proportion will be subject to the policy. The policy as currently written requires a rotation programme for the covering/uncovering of frames. It is reasonable to ask the applicants to explore the possibility of this being determined on a seasonal basis, however, other factors will undoubtedly play their part in what is ultimately agreed.
Proposed change: Amend criterion 4(ii) to read: “ii. The inclusion of a rotation programme for the covering/uncovering of the structures/frames, which explores the possibility of following the seasons; and”
Key issue 4: Account should be taken of Kent Farmsteads Design Guidance.
Detail: The Kent Farmsteads Design Guidance is a document that was developed in partnership by the Kent Downs AONB, the High Weald AONB, Kent County Council, Kent Design and English Heritage.
Officer response: Accept.
Proposed change: Add final paragraph to policy, as follows: “Account should be taken of the Kent Farmsteads Guidance and the Kent Downs AONB Farmstead Guidance.”

DM31 NEW AGRICULTURAL BUILDINGS AND STRUCTURES

Proposed policy following amendments

Policy DM 31 – New agricultural buildings and structures

- Additions and amendments
 - Deletions
-

13.2 Certain agricultural and forestry developments do not require planning permission provided that the development falls within one of the categories set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, most of these permitted developments need to be submitted to the council for their prior approval of siting, design and external appearance. Developments that are not covered by this Order require planning permission in the usual way. The National Planning Policy Framework lends strong support to the rural economy and seeks to promote agricultural and land based rural businesses. The maintenance of land in agricultural use generally aids the preservation of the rural character of the countryside and the rural economy.

13.3 Whilst the council generally seeks a positive approach towards agricultural development, it is important to ensure that new development is justified and appropriately sited, in order to minimise the impact upon the openness, character and appearance of the countryside.

13.4 In recent years, changing consumer demands and production techniques have seen an increase in the use of polytunnels or other similar semi-permanent structures for cultivation purposes in the countryside. Such structures can have a significant visual impact on the landscape and due to their impermeable nature can result in increased surface water run-off. There is also a concern that such development has an impact on biodiversity. These potential negative impacts should however, be seen against the benefit that an increased growing season can have for the rural economy and the increased period where locally grown produce is available thus reducing reliance on imported produce.

POLICY DM 31

New agricultural buildings and structures

Proposals for new agricultural buildings or structures on land in use for agricultural trade or business which meet the following criteria will be permitted:

1. The proposal is necessary for the purposes of agriculture;
2. The proposal would not have an adverse impact on the amenity of existing residents;
3. The building or structure would be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location is essential the site should be chosen to minimise the impact of the building or structure on the character and appearance of the countryside; and
4. In the case of polytunnel development in addition to the above, the council will expect

proposals to address the following issues:

- i. How surface water run-off will be dealt with and controlled;
- ii. The inclusion of a rotation programme for the covering/uncovering of the structures/frames, *which explores the possibility of following the seasons*; and
- iii. The inclusion of a programme for the maintenance and enhancement of existing field margins in the interests of encouraging biodiversity.

Account should be taken of the Kent Farmsteads Guidance and the Kent Downs AONB Farmstead Guidance.

DM32 CONVERSION OF RURAL BUILDINGS

Consultation issues and responses

Policy: DM32 – Conversion of rural buildings
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Some unconditional support. 2. Permission should only be granted where the schemes form an integral part of the rural scene. 3. policy doesn't take into consideration NPPF paragraph 55, add the word 'or' between criterion 9 and 10. 4. Policy does accurately reflect the NPPF. 5. Regard should be given to any relevant recently adopted Neighbourhood Plan. 6. This is too restrictive where there is a need for housing. 7. Buildings that need reconstruction should be included. 8. Policy should consider the need for protect species surveys. 9. Policy should reference Kent Downs AONB landscape design handbook, KCC farmstead guidance and AONB farmstead guidance. 10. Language needs to be more consistent. 11. Policy should allow conversion to residential.
Key Issue 1: Some unconditional Support
Detail: Some unconditional support
Office response: Support noted
Proposed change: No change.
Key Issue 2: Permission should be granted where the schemes form an integral part of the rural scene.
<p>Detail: Object</p> <p>Conversion of rural buildings, such as barns & oast houses into dwellings should be permitted where these form an integral part of the rural scene no matter what state of decay that they are in.</p>
<p>Officer response: New permitted development rights came into force for agricultural buildings in England from 30th May 2013 (Class MA). Agricultural buildings under 500 square metres can change to a number of other uses (A1, A2, A3, B1, B8, C1 and D2). For buildings between 150 square metres and 500 square metres, prior approval (covering flooding, highways and transport impacts, and noise) is required.</p> <p>In addition new regulations came into force on 6th April 2014 (Class MB) which allows up to 450 square metres of agricultural building and land within a defined curtilage will be able to change to residential use for up to three dwellings, and carry out limited associated building works. To meet the criteria the buildings will need to have been user for agriculture on the 20th March 2013, or last used for agriculture before that date if unused on this date.</p> <p>NPPF para 55 states that Local Planning Authorities should avoid new isolated homes in the countryside. NPPF para 28 states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.</p> <p>In order to support the objectives of the NPPF, for developments that fall outside of the new permitted development class MA and MB, the council will seek to secure business and</p>

Policy: DM32 – Conversion of rural buildings
recreation uses for rural buildings.
Proposed change: Policy to be amended to take account of new permitted development legislation.
Key Issue 3: Policy does not accurately reflect NPPF.
<p>Detail: Objection</p> <p>We have considered draft policy DM32 in relation to the NPPF. Draft policy DM32 provides an easier route for business or recreational uses of redundant rural buildings. As stated in the supporting text at paragraph 13.8, this is because such uses typically require less physical changes and as a result the impact on the rural character can be more acceptable, while residential conversions are considered to have a potentially greater impact on the fabric and character of the building, which in turn can harm rural character and local identity.</p> <p>This argument is understood. However, there may well be cases where the form of buildings proposed for conversion is such that a sensitive residential scheme will have no greater impact than a commercial or recreational reuse, and may be more appropriate for other uses. For example where a building is constructed in a form and of materials that are similar to residential properties and where such buildings may include an existing second floor element. The NPPF at paragraph 55 supports residential reuse of redundant or disused buildings where this would result in an enhancement to the immediate setting. In such circumstances where a residential conversion could bring about an enhancement, there should be no requirement for a proposal to demonstrate that an employment use is not viable. Residential uses are often better able to bring about local enhancements than employment use which can generate a requirement for more parking and traffic movements. Much depends on the sensitivity of the setting. Where the existing buildings are in a sensitive area (either environmentally or in particular for heritage reasons) then it would seem unnecessary to demonstrate that an employment use is unviable if a suitable and sensitive residential scheme clearly delivers an enhancement to the immediate setting. We therefore propose that the policy be amended by adding the word "or" between criterion 9 and criterion 10 in order to allow for such an approach in appropriate circumstances.</p>
<p>Officer Response: New permitted development rights came into force for agricultural buildings in England from 30th May 2013 (Class MA). Agricultural buildings under 500 square metres can change to a number of other uses (A1, A2, A3, B1, B8, C1 and D2). For buildings between 150 square metres and 500 square metres, prior approval (covering flooding, highways and transport impacts, and noise) is required.</p> <p>In addition new regulations came into force on 6th April 2014 (Class MB) which allows up to 450 square metres of agricultural building and land within a defined curtilage will be able to change to residential use for up to three dwellings, and carry out limited associated building works. To meet the criteria the buildings will need to have been user for agriculture on the 20th March 2013, or last used for agriculture before that date if unused on this date.</p> <p>NPPF para 55 states that Local Planning Authorities should avoid new isolated homes in the countryside. NPPF para 28 states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.</p> <p>In order to support the objectives of the NPPF, for developments that fall outside of the new permitted development class MA and MB, the council will seek to secure business and</p>

Policy: DM32 – Conversion of rural buildings
recreation uses for rural buildings.
Proposed change: Policy to be amended to take account of new permitted development legislation.
Key Issue 4: policy not consistent with the NPPF, doesn't reflect recent changes to the GPDO.
Detail: On behalf of our client K Wood objection is raised to draft policy DM32 relating to the conversion of rural buildings. It is considered that this policy as worded is not consistent with the NPPF, nor does it adequately reflect the recent changes to the General Permitted Development Order 2014 (SI 564).
Specifically, the plan needs to be changed (WS para 13.5) to recognise that the NPPF supports the reuse of rural buildings for housing (para 55). It also needs to state that , 'This guidance has now been reflected in a change to the permitted development regulations which provide for the reuse of rural buildings together with the reasonably necessary operations needed for conversion subject to considerations of impact'.
WS Para 13.6 needs to be changed to reflect the fact that this change does not apply with the AONB and should state that, 'In line with the objective to protect the landscape quality of the North Downs AONB it is necessary that buildings considered for re-use in this location are of permanent and substantial construction, not requiring major or complete reconstruction and also that their resulting form and appearance is in keeping with the character of local buildings'.
To reflect the NPPF, WS para 13.8 should be changed to state that, 'In order to support the objective of promoting a strong rural economy the council has a preference for business or recreation uses for redundant rural buildings'. Reference to the requirement to demonstrate that such uses are not suitable or viable before residential use will be considered should be deleted.
Accordingly, criteria 9 and 10 of policy DM32 should be deleted so as to make it consistent with national policy. In the absence of this change the policy as worded would be unsound.
Officer Response: New permitted development rights came into force for agricultural buildings in England from 30 th May 2013 (Class MA). Agricultural buildings under 500 square metres can change to a number of other uses (A1, A2, A3, B1, B8, C1 and D2). For buildings between 150 square metres and 500 square metres, prior approval (covering flooding, highways and transport impacts, and noise) is required.
In addition new regulations came into force on 6 th April 2014 (Class MB) which allows up to 450 square metres of agricultural building and land within a defined curtilage will be able to change to residential use for up to three dwellings, and carry out limited associated building works. To meet the criteria the buildings will need to have been user for agriculture on the 20 th March 2013, or last used for agriculture before that date if unused on this date.
NPPF para 55 states that Local Planning Authorities should avoid new isolated homes in the countryside. NPPF para 28 states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
In order to support the objectives of the NPPF for developments that fall outside of the new

Policy: DM32 – Conversion of rural buildings
permitted development classes MA and MB, specifically in regards to buildings that are not currently used for agricultural purposes, the council will seek to secure business and recreation uses for rural buildings.
Proposed change: Policy to be amended to take account of new permitted development legislation, in regards to redundant farm buildings.
Key Issue 5: Regard should be given to any relevant recently adopted Neighbourhood Plan.
Detail: There is little or no mention of Neighbourhood Plans in the Local Plan which is a serious omission. As these are being developed in parallel with the Local Plan - and will have some weight in the planning process - some reference should be included in the appropriate policies to their relevance. Wording such as:- 'Regard will be given to any relevant adopted Neighbourhood Plan' should be incorporated into the following policies:- DM2, DM4, DM8, DM10-13, DM18, DM20, DM24-25, DM30, DM32-33, DM37-38.
Officer Response: The Council is fully supportive of communities who wish to pursue the development of a Neighbourhood Plan for their communities. A neighbourhood plan can assist a community to create a vision for their area, establishing general planning policies for the development and use of land. This could be where new homes should be built and what types of materials should be used, or where public open space should be located and how it will be maintained. The plan must conform to the local planning authority's local development framework.
Proposed Change: No change.
Key Issue 6: This is too restrictive where there is a need for housing.
Detail: OBJECT - too restrictive when there is a need for housing.
Office Response - Accept - NPPF Para 55 states that housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning authorities should avoid new isolated homes in the countryside unless there are special circumstances: Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
Proposed Change: Policy to be reworded to take in to account new permitted development and NPPF Para 55.
Key Issue 7: Buildings that need reconstruction should be included - Lorraine and Peter Bodycombe
Detail: buildings in need of reconstruction should be included in the policy
Officer response - Policy deals with the conversion of existing rural buildings. Policies regarding the construction, or reconstruction of buildings in the countryside are dealt with under separate policies within the Local Plan.
Proposed change: No change.
Key Issue 8: Policy should consider the need for protect species surveys - Mr John Lister - Natural England
Detail: OBJECT - consider the need for protected species surveys
Officer Response: Reject - Would be duplication with Policy DM10 which requires an ecological evaluation of development sites to take full account of the biodiversity present.
Proposed change: No change.
Key issue 9: Policy should reference Kent Downs AONB landscape design handbook, KCC farmstead guidance and AONB farmstead guidance – Kent County Council
Detail: Mention of the KDAONB Landscape Design Handbook, and KCC Farmstead guidance

Policy: DM32 – Conversion of rural buildings
and the Kent Downs AONB Farmstead Guidance would be helpful.
Officer Response: Policy to be amended
Proposed Change: "Account should be taken of the Kent Farmsteads Guidance and the Kent Downs AONB Farmstead Guidance."
Key Issue 10: Language needs to be more consistent.
<p>Detail: 1 "The building is of a form, scale and design which takes account of and reinforces landscape character".</p> <p>Reason: there's no evidence upon which to judge 'rural surroundings'.</p> <p>3 "Any alterations proposed as part of the conversion are in keeping with the landscape and building character in terms of materials used, design and form".</p> <p>Reason: Landscape character includes buildings, their scale, materials and style.</p> <p>5" ...would harm landscape character and visual amenity".</p> <p>Reason: curtilage, particularly in farmsteads where this policy is likely to be applied the most, is incredibly important to building/settlement character – see Farmsteads Guidance.</p> <p>6 "...character of the landscape"</p> <p>Reason: in the interests of consistency of language.</p> <p>10 or other buildings which contribute to landscape character or which exemplify the historical development of the Kentish landscape;</p> <p>Reason: The evidence base used to judge this policy is landscape character – landscape understanding requires an understanding of its historical development, so much more suitable to use landscape rather than countryside. Additionally, in the interests of consistency of language.</p> <p>12 "...in harmony with landscape character."</p> <p>Reason: in the interests of consistency of language.</p>
Officer Response: Partially Accept - policy to be amended to be more consistent.
Proposed Change: Amend policy to be more consistent.
Key Issue 11: Policy should allow conversion to residential - Rebecca Driver
<p>Detail: The impact of paragraph 2 of Policy DM 32, as drafted, means that some unused agricultural buildings, which would otherwise be suitable for conversion (for example because of their location), would not be granted planning permission because of the need for reconstruction. This risks creating a perverse situation, where buildings that are in good condition (and so could be used for their original use) are converted in preference to buildings that are in a bad condition, which instead will be left to rot, marring the countryside.</p> <p>47. In addition, given the pressure on housing numbers, the restrictions on converting buildings to residential use seem unduly restrictive. Some growth of housing in the wider countryside is desirable, in order to preserve more balanced rural communities and reduce the risk that relative scarcity means that the price of rural properties increases significantly compared to properties elsewhere, putting them out of reach of local residents. In the case of Headcorn residents, only 36% opposed development in the wider countryside around Headcorn</p>
Officer Response: New permitted development rights came into force for agricultural buildings

Policy: DM32 – Conversion of rural buildings

in England from 30th May 2013 (Class MA). Agricultural buildings under 500 square metres can change to a number of other uses (A1, A2, A3, B1, B8, C1 and D2). For buildings between 150 square metres and 500 square metres, prior approval (covering flooding, highways and transport impacts, and noise) is required.

In addition new regulations came into force on 6th April 2014 (Class MB) which allows up to 450 square metres of agricultural building and land within a defined curtilage will be able to change to residential use for up to three dwellings, and carry out limited associated building works. To meet the criteria the buildings will need to have been user for agriculture on the 20th March 2013, or last used for agriculture before that date if unused on this date.

NPPF para 55 states that Local Planning Authorities should avoid new isolated homes in the countryside. NPPF para 28 states that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

In order to support the objectives of the NPPF, for developments that fall outside of the new permitted development class MA and MB, the council will seek to secure business and recreation uses for rural buildings.

Proposed Change: Policy to be amended to take account of new permitted development legislation.

DM32 CONVERSION OF RURAL BUILDINGS

Proposed policy following amendments

Policy DM 32 – Conversion of rural buildings

- Additions and amendments
- ~~Deletions~~

13.5 Kent has a long agricultural history, with many buildings and structures having been constructed over the centuries to support the agricultural industry. ~~However, changes in agricultural practises have rendered many of these buildings redundant, leaving them vacant and prone to dereliction.~~ Government advice in the National Planning Policy Framework supports the re-use of redundant buildings where an enhancement to their setting would result. It also places emphasis upon the building of a strong, rural economy, which the conversion of redundant rural buildings can support.

13.6 However, the quantity and quality of buildings in the countryside in Maidstone borough brings increasing pressure for their re-use. In line with the objective to protect the quality of rural landscapes for their intrinsic value and openness, it is necessary that buildings considered for re-use are of permanent and substantial construction, not requiring major or complete reconstruction and that their resulting form and appearance is in keeping with the simple, functional character inherent in rural areas.

13.7 The quality and condition of rural buildings in the borough varies considerably. This wide range of buildings includes buildings such as oasthouses, which are indigenous only to the hop growing areas of the country and exemplify the historical development of agriculture in Kent. Many of these vernacular buildings have a degree of significance which merits consideration as a heritage asset. These functional buildings are often of simple form and character, so external alterations require careful consideration.

13.8 In order to support the objective of promoting a strong, rural economy, the council will seek to secure business or recreation uses for redundant rural buildings, unless it can be demonstrated that such a use is not suitable or viable. Such uses are of a more functional nature than residential uses, and typically require less physical changes, having a lesser impact upon the countryside and rural character. Residential conversions can be detrimental to the fabric and simple form and character of the building. They therefore require particular attention, in order to prevent a loss of rural character and local identity.

POLICY DM 32

Conversion of rural buildings

Outside of the settlement boundaries as defined on the policies map, proposals for the re-use and adaptation of existing rural buildings which meet the following criteria will be permitted:

1. The building is of a form, bulk, scale and design which takes account of and reinforces landscape character;
2. The building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction;
3. Any alterations proposed as part of the conversion are in keeping with the landscape and

building character in terms of materials used, design and form;

4. There is sufficient room in the curtilage of the building to park the vehicles of those who will live there without detriment to the visual amenity of the countryside; and
5. No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are erected which would harm landscape character and visual amenity.

In addition to the criteria above, proposals for the re-use and adaptation of existing rural buildings for commercial, industrial, sport, recreation or tourism uses which meet the following criteria will be permitted:

6. The traffic generated by the new use would not result in the erosion of roadside verges, and is not detrimental to the character of the landscape;
7. In the case of a tourist use, the amenity of future users would not be harmed by the proximity of farm uses or buildings; and
8. In the case of self-catering accommodation a holiday occupancy condition will be attached, preventing their use as a sole or main residence.

Proposals for the re-use and adaptation of existing rural buildings for residential purposes will not be permitted unless the following additional criteria to the above are met:

9. Every reasonable attempt has been made to secure a suitable business re-use for the building;
10. Residential conversion is the only means of providing a suitable re-use for a listed building, an unlisted building of quality and traditional construction which is grouped with one or more listed buildings in such a way as to contribute towards the setting of the listed building(s), or other buildings which contribute to landscape character or which exemplify the historical development of the Kentish landscape; and
11. There is sufficient land around the building to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting.

DM33 REBUILDING AND EXTENDING DWELLINGS IN THE COUNTRYSIDE

Consultation issues and responses

Policy: DM33 - Rebuilding and extending dwellings in the countryside
Key issues: <ol style="list-style-type: none"> 1. Some unconditional support 2. Local views important, pay regard to relevant adopted Neighbourhood Plan 3. More consultation with Parish Councils 4. Consider the need for protecting species surveys
Key Issue 1: Some unconditional Support
Detail: Some unconditional support
Office response: Support noted
Proposed change: No change
Key Issue 2: There is little or no mention of Neighbourhood Plans in the Local Plan which is a serious omission. As these are being developed in parallel with the Local Plan - and will have some weight in the planning process - some reference should be included in the appropriate policies to their relevance. Wording such as:- 'Regard will be given to any relevant adopted Neighbourhood Plan' should be incorporated.
Detail: Regard should be given to any relevant recently adopted Neighbourhood
Officer Response: The Council is fully supportive of communities who wish to pursue the development of a Neighbourhood Plan for their communities. A neighbourhood plan can assist a community to create a vision for their area, establishing general planning policies for the development and use of land. The Neighbourhood Plan must conform to the local planning authority's local plan policies.
Proposed Change: No change
Key Issue 3: More consultation with Parish Councils
Detail: Consult with Parish Councils
Officer Response: Article 13 of The Town and Country Planning (General Development Procedure) Order 1995, which is the current law on the position, requires the local planning authority to inform the Parish Council of applications. The Council will continue inform Parish Councils of planning applications in their areas and will take into account their representations when determining a planning application.
Proposed Change: No change
Key Issue 4: Policy should consider the need for protect species surveys.
Detail: OBJECT - consider the need for protected species surveys
Officer Response: Reject - Would be duplication with Policy DM10 which requires an ecological evaluation of development sites to take full account of the biodiversity present.
Proposed change: No change

DM33 REBUILDING AND EXTENDING DWELLINGS IN THE COUNTRYSIDE

Proposed policy following amendments

Policy DM 33 – Rebuilding and extending dwellings in the countryside

- No policy changes proposed

13.9 The intrinsic character and beauty of the countryside is an important asset of the borough, which is recognised by the National Planning Policy Framework and which is highly sensitive to development. However, in order to support rural communities, a level of flexibility for certain forms of development in rural areas is required.

13.10 In appropriate circumstances, the council will support the rebuilding of a lawful residential dwelling or an extension to an existing dwelling. In considering such proposals, the council will have particular regard to the mass and visual prominence of the resulting building, including the cumulative impact of such changes. The volume of new development will be more critical than its footprint.

13.11 The term ‘original dwelling’ refers to the dwelling as it was on 1st July 1948 or, if built later, as it was when first erected and granted planning permission.

POLICY DM 33

Rebuilding and extending dwellings in the countryside

Outside of the settlement boundaries as defined on the policies map, proposals for the replacement of a dwelling in the countryside which meet the following criteria will be permitted:

1. The present dwelling has a lawful residential use;
2. The present dwelling is not the result of a temporary planning permission;
3. The building is not listed;
4. The mass and volume of the replacement dwelling is no more visually harmful than the original dwelling;
5. The replacement dwelling would result in a development which individually or cumulatively is visually acceptable in the countryside; and
6. The replacement dwelling is sited to preclude retention of the dwelling it is intended to replace, or there is a condition or a planning obligation to ensure the demolition of the latter on completion of the new dwelling.

Proposals to extend dwellings in the countryside which meet the following criteria will be permitted:

7. The proposal is well designed and is sympathetically related to the existing dwelling without overwhelming or destroying the original form of the existing dwelling;
8. The proposal would result in a development which individually or cumulatively is visually acceptable in the countryside;
9. The proposal would not create a separate dwelling or one of a scale or type of

accommodation that is capable of being used as a separate dwelling; and

10. Proposals for the construction of new or replacement outbuildings (e.g. garages) should be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling remain visually acceptable in the countryside.

DM34 CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN LAND

Consultation issues and responses

Policy: DM34 Change of use of agricultural land to domestic garden land
Key issues:
<ol style="list-style-type: none"> 1. Some unconditional support. 2. Needs to set out sequence of changes. 3. Some consider this a reasonable change of use. 4. Policy should provide guidance on the scale of change. 5. Too permissive and open ended. 6. Should consult with parish councils.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Needs to set out sequence of changes.
Detail: No further detail provided, however, it would appear that the comment is seeking a preferred sequence of changes for the agricultural land to become garden land, perhaps with the potential outcome being that if this sequence is not followed then the permission will not be granted.
Officer response: Reject. The policy as drafted adequately states the considerations to be taken into account.
Proposed change: No change.
Key issue 3: Some consider this a reasonable change of use.
Detail: A number of respondents consider that the change of use described in this policy is reasonable.
Officer response: Partially accept. This policy has stated the circumstances in which a change of use from agricultural land to residential garden land will be accepted. However, the National Planning Policy Framework rightly seeks to safeguard the open, rural character of the countryside. The domestication of the countryside must be protected against inappropriate and excessive extensions to domestic gardens.
Proposed change: No change.
Key issue 4: Policy should provide guidance on the scale of change.
Detail: The policy as currently drafted does not indicate the scale of change that would be considered acceptable.
Officer response: Reject. The context of a given situation needs to be taken into account. It is difficult for the impact on countryside character to be assessed without being on site and in this instance a set of standards could be harmful in determining an application because it takes away an element of professional judgement.
Proposed change: No change.
Key issue 5: Too permissive and open ended.
Detail: The policy does not deter this type of use and does not specify restrictions strongly enough.
Officer response: Reject. The policy is written positively, as guided by Government. Policies should be written as such, 'Proposals will be permitted if', rather than, 'Proposals will be refused unless.'

Policy: DM34 Change of use of agricultural land to domestic garden land

The open ended nature of this policy reflects the range of circumstances in which this type of development or proposal could occur i.e. many. The policy is written so that decisions are based on professional judgement taking into account the context in a given situation. It is clear from paragraph 13.14 of the draft local plan that the council does not consider this change of use to necessarily be acceptable.

Proposed change: No change.

Key issue 6: Should consult with parish councils.

Detail: Maidstone Borough Council should consult with parish councils.

Officer response: Accept. In situations where this type of development is proposed, there is likely to be a parish and more than likely to be a parish council. The council's Statement of Community Involvement specifies the consultation procedure with parish councils.

Proposed change: No change.

DM34 CHANGE OF USE OF AGRICULTURAL LAND TO DOMESTIC GARDEN LAND

Proposed policy following amendments

Policy DM 34 – Change of use of agricultural land to domestic garden land

- No policy changes proposed
-

13.12 Changes in the agricultural industry sometimes result in vacant agricultural land being sold off as individual plots. In some cases this land is simply retained as open pasture land. However, planning permission is required where agricultural land is used to form an enlarged domestic garden, for example, where land is regularly mown and laid to lawn or used as an outdoor seating and play area.

13.13 Significant swathes of the borough, particularly in the Medway valley and Greensand fruit belt, are graded as high quality agricultural land under the DEFRA classification. The National Planning Policy Framework recognises the benefits of best and most versatile agricultural land. Where agricultural land is highly graded (grade 1 or grade 2) and is functionally well located for agricultural purposes, such that future agricultural use is feasible, the council will seek to resist its irreversible loss to domestic use.

13.14 The change of use of agricultural land to domestic garden land is also, in principle, contrary to the objective of safeguarding the open, rural character of the countryside, which is advocated by the National Planning Policy Framework. The domestication of the countryside, through the replacement of open pasture with lawns, domestic plants and garden furniture is generally harmful to the integrity and character of rural landscapes. This policy will safeguard against inappropriate and excessive extensions to domestic gardens.

13.15 In some cases, applicants may seek development that results in the infill of an area between existing clear boundaries to existing built development. Where development constitutes such infilling and is in keeping with the layout of the existing built environment, the impact upon the countryside is likely to be minimised.

POLICY DM34

Change of use of agricultural land to domestic garden land

Planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.

DM35 ACCOMMODATION FOR AGRICULTURAL AND FORESTRY WORKERS

Consultation issues and responses

Policy: DM35: Accommodation for agricultural and forestry workers
Key issues: 1. Some unconditional support. 2. Dwelling should reflect landscape character. 3. Suggest Kent farmsteads guidance is referenced.
Key Issue 1: Some unconditional Support
Detail: Some unconditional support
Office response: Support noted
Proposed change: No change
Key Issue 2: Dwelling should reflect landscape character.
Detail: The dwelling is in a location and style which respects landscape character
Officer Response: Agree: The council will ensure that all development within the borough enhances the natural environment by requiring all development, where appropriate, to protect landscape character.
Proposed change: No change required to Policy DM35 as Policy DM10 already requires all development to protect landscape character.
Key Issue 3: Suggest Kent farmsteads guidance is referenced.
Detail: Temporary and new dwellings can impact upon landscape character when sited within a farmstead. If allowing temporary permission for development within a farmstead MBC must ensure this is not giving a green light to a permanent dwelling. KCC suggest Kent Farmsteads Guidance is referenced here.
Officer Response: Policy DM 35 to be amended and include information on Kent Farmstead Guidance.
Proposed Change: "Account should be taken of the Kent Farmsteads Guidance and the Kent Downs AONB Farmstead Guidance."

DM35 ACCOMMODATION FOR AGRICULTURAL AND FORESTRY WORKERS

Policies following amendments

Policy DM 35 – Accommodation for agricultural and forestry workers

- *Additions and amendments*
- ~~Deletions~~

13.16 The maintenance of land in agricultural use generally aids the preservation of the rural character of the countryside and the rural economy. The National Planning Policy Framework lends strong support to the rural economy and seeks to promote agricultural and land based rural businesses. It also recognises that residential development in the countryside may be justified when there is an essential need for a rural worker to live permanently at, or in the immediate vicinity of, their place of work.

13.17 In considering whether a dwelling is essential, the council will apply functional and, if appropriate, financial tests. It is the needs of the holding, not the preferences of the individuals concerned, which will determine whether a dwelling is essential or not. The council will condition any planning permission to ensure that proposed dwellings and, where appropriate, existing dwellings remain in agricultural occupancy.

POLICY DM 35

Accommodation for agricultural and forestry workers

Proposals to site a caravan or other form of temporary housing accommodation for an agricultural or forestry worker outside of the settlement boundaries as defined on the policies map which meet the following criteria will be permitted:

1. The dwelling and its siting on an agricultural or forestry holding are essential for the efficient development and running of the enterprise there;
2. The need is for accommodation for a full time worker;
3. There is clear evidence that the enterprise has been planned on a sound financial basis and that there is a firm intention and ability to develop it;
4. No other housing accommodation is already available locally to meet the need;
5. The necessary accommodation cannot be provided by the conversion of a building on the holding; and
6. The necessary accommodation would be sited with any farmstead or other group of rural buildings on the holding.

Where a temporary planning permission is granted for a dwelling, the council will:

7. Limit the permission to a term of no more than 3 years;
8. Limit the occupation of the accommodation to a person solely or mainly working, or last working in the locality in agriculture or forestry, or a widow or widower of such a person and to any resident dependants;
9. Require the removal of the temporary accommodation within 3 months after the expiry of the permission; and

10. Require the restoration of the site within 12 months after the expiry of the permission in accordance with a scheme agreed with the local planning authority unless a permission is granted for a permanent dwelling there.

Proposals for a new permanent agricultural or forestry dwelling in the countryside outside defined settlement boundaries in support of existing agricultural or forestry activities on well-established units which meet the following criteria will be permitted:

11. There is a clearly established existing functional need for the dwelling;
12. The need relates to a full time worker or one who is primarily employed in agriculture and does not relate to a part time requirement;
13. The unit and the agricultural or forestry activity have been established for at least 3 years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;
14. The functional need could not be fulfilled by another dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker(s) concerned; and
15. The new dwelling is no larger in size than is justified by the needs of the enterprise or more expensive to construct than the income of the enterprise can sustain.

The council will limit the occupation of any dwelling to a person solely or mainly working, or last working, in the locality in agriculture.

In addition to the above criteria, account should be taken of the Kent Farmsteads Guidance and the Kent Downs AONB Farmstead Guidance.

DM36 LIVE-WORK UNITS

Consultation issues and responses

Policy: DM36 Live-work units
Key issues: 1. Objection: the policy is too restrictive live work units should be allowed outside RSC and Larger villages
Key issue 1: The policy is too restrictive live work units should be allowed outside RSC and Larger villages.
Detail: The policy is too restrictive and there may be occasions when isolated farmsteads need live work accommodation or other exceptional circumstances may exist where live work should be permitted outside the settlement boundaries of RSCs or the larger villages.
Officer response: The supporting text to Policy DM36 paragraph 13.22 sets out the reasons for new build live work units should be confirmed to the RSCs and larger villages. New build live work units would result in additional development which could be located elsewhere. The policy does allow for the conversion of existing buildings in the countryside outside of RSC and the larger villages.
Proposed change: No change is proposed

DM36 LIVE-WORK UNITS

Proposed policy following amendments

Policy DM 36 – Live-work units

- Additions and amendments
 - Deletions
-

13.19 A live-work unit is defined as “the genuine and permanent integration of living and working accommodation within a single self-contained unit, where the principal occupier both lives at and works from the property.”

13.20 In terms of the Use Classes Order live-work is “sui generis”, in other words unique or “of its own kind”. Live-work does not therefore fall neatly into any specific class within the Use Classes Order. In practical terms it is a composite use that brings together, within a single unit, residential (use class C3) and workspace. The workspace element would generally be expected to fall within the B1 use class, as, by definition being integral to a living space, the work use undertaken would have to be capable of being carried out in a residential area without detriment to residential amenity.

13.21 In practical terms this usually means use class B1(a) offices, but the work element of live/work could conceivably include small scale B1(c) light industrial use. In some instances it might include uses which do not fall strictly within the B use class such as a treatment room for an alternative health practitioner, or an artists’ studio.

13.22 The construction of new live/work buildings will be restricted to the defined urban area and the defined boundaries of the rural service centres and larger villages. New-build live/work units in the countryside would result in additional development of uses which can be located elsewhere. In the countryside permission will be restricted to appropriate proposals for the conversion and re-use of existing buildings.

13.23 If a large extension to the building would be necessary to provide appropriate workspace and living accommodation planning permission will not be granted. The council’s policy on rural building conversions to create live-work units relates to the re-use of existing buildings, not to the extension and re-use of rural buildings.

13.24 It is also important that a conversion creates a workspace which can accommodate a genuine business use. The workspace element of a conversion should be at least 30% of the total floorspace. While the policy refers to an ancillary residential use it is not considered that this means that the employment premises must be larger than the residential accommodation and a 30% designation will normally be acceptable provided that the resulting employment premises are sufficient to accommodate a genuine business use.

13.25 Nevertheless, the employment premises are of primary importance in terms of a live-work conversion; it is on this basis that permission would be granted for a conversion scheme and occupation of the ancillary residential accommodation is always tied to the use of these employment premises. The calculation of floorspace in the rural building will include ground and first floor accommodation.

13.26 For conversion and re-use applications, the council will require a full application, with detailed drawings of elevations showing the impact of the conversion on the building and its setting. Permitted development rights for subsequent alterations will normally be withdrawn.

13.27 The occupancy of the living space on new-build or conversion schemes will be restricted to a person directly involved with the business being operated. The council will impose a condition prohibiting occupation of the living accommodation until after the works necessary for the establishment of an employment generating use have been completed. The council will also impose a condition which retains the workspace.

Policy DM36

Live-work units

~~Construction and conversion of buildings to employment generating uses with ancillary living accommodation (live-work units)~~

1. The construction of new-build live-work units will be restricted to the defined urban area and settlement boundaries of the rural service centres and larger villages. New-build live-work units outside of the settlement boundaries as defined on the policies map will not be permitted.
2. Proposals for the conversion of rural buildings to employment generating uses with ancillary living accommodation which meet the following criteria will be permitted:
 - i. The building is of a form, bulk and general design which is in keeping with its rural surroundings;
 - ii. The building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction;
 - iii. Any alterations proposed as part of the conversion are in keeping with the rural character of the building in terms of detailed design, form and materials;
 - iv. There is sufficient room in the curtilage of the building to park the vehicles of those who will live there without detriment to the visual amenity of the countryside;
 - v. No fences, walls or other structures associated with the use of the building or the definition of its curtilage or any sub-division of it are erected which would harm the visual amenity of the countryside;
 - vi. The proposals are well related to the existing road network with direct access off a public road, and will not require construction of a new long track to serve the building;
 - vii. The proposals will not create conditions prejudicial to highway safety;
 - viii. The building is not situated in an isolated location, relative to local services such as shops, schools and public transport;
 - ix. The domestic curtilage is minimal, unobtrusive and capable of being screened;
 - x. The building is of sufficient size to accommodate a genuine business use and that any residential accommodation will be ancillary to that use; The workspace element of the conversion should comprise at least 30% of the total floorspace; and
 - xi. The development is not situated in the farmyard of a working farm where conversion would prejudice the future operation of a farming business.
3. The council will impose a condition prohibiting occupation of the living accommodation until after the works necessary for the establishment of an employment generating use

have been completed. The council will also impose a condition which retains the workspace.

DM37 EXPANSION OF EXISTING BUSINESSES IN RURAL AREAS

Consultation issues and responses

Policy: DM37 Expansion of existing businesses in rural areas.
Key issues: 1. Policy should be more restrictive.
Key issue 1: The criteria against which the expansion of existing industrial or business premises should be permitted should be extended to include a criteria regarding impact on landscape character and restrictive lighting.
Detail: The criteria against which the expansion of existing industrial or business premises should be permitted should be extended to include a criteria regarding impact on landscape character and restrictive lighting.
Officer response. The criterion at point 4 requires development not to result in an unacceptable loss in the amenity of the area and goes on to mention the importance of appearance to nearby properties. This would include both lighting and local appearance. Proposals would also be subject to Policy DM30 – Design principles in the countryside which states that development must respect local landscape character. Further reference in Policy DM37 is unnecessary.
Proposed change: No change.

DM37 EXPANSION OF EXISTING BUSINESSES IN RURAL AREAS

Proposed policy following amendments

Policy DM 37 – Expansion of existing businesses in rural areas

- Additions and amendments
- ~~Deletions~~

13.28 There are already many industrial and business enterprises located in rural areas. Some are long established, others normally small-scale, have been granted planning permission to operate in disused rural buildings. Many of these enterprises will over time need to expand and/or diversify. While such expansion is desirable for job creation, it can radically change the nature of the enterprise and its impact on the local environment. It is therefore important to weigh carefully the advantages to the rural economy of job creation or an improved industrial/business facility against the potential for an adverse impact on the rural environment.

13.29 In all cases where permission for expansion is granted, the council will require reasonable measures to be taken to ameliorate the impact, not only of the extension but also of the existing enterprise, on the local environment. Such measures, where required, will normally be considered essential for the grant of permission. Where necessary, planning agreements may be used to secure environmental improvements. Conditions will also be imposed to ensure there is adequate landscaping, parking and servicing provision.

Policy DM37

Expansion of existing businesses in rural areas

In the first instance, rural businesses requiring expanded premises should look to relocate to one of the Economic Development Areas identified in policy DM18 or to a site within Maidstone urban area or one of the rural service centres. Where it is demonstrated that relocation cannot be achieved, the expansion of existing industrial or business enterprises which are currently located outside of the settlement boundaries as defined on the policies map will be permitted where;

1. There is no significant increase in the site area of the enterprise. Minor increases and rounding off the existing site will be acceptable;
2. There is no significant addition of new buildings. New buildings may be permitted, provided they are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;
3. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;
4. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; *and*

5. The open storage of materials can be adequately screened from public view throughout the year.

DM38 HOLIDAY CARAVAN AND CAMP SITES

Consultation issues and responses

Policy: DM38 Holiday caravan and camp sites
Key issues:
<ol style="list-style-type: none"> 1. Some unconditional support. 2. Sites should not be permanent, enforcement measures should be used to maintain this. 3. Welcome the use of indigenous species and encourage plan to specify use of these. 4. Each case should be considered on its own merits. 5. Regard should be given to adopted neighbourhood plans. 6. Policy should reference and be sensitive to the AONB.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Sites should not be permanent, enforcement measures should be used to maintain this.
Detail: The comment expresses concern that these uses are for holidays and not for low cost housing "by the back door."
Officer response: Accept. The policy relates solely to the use of these sites as holiday sites for caravans and camping. Criterion 2 of the policy is included to ensure that this does not become the case.
Proposed change: No change.
Key issue 3: Welcome the use of indigenous species and encourage plan to specify use of these.
Detail: Use of indigenous species in screening is welcomed.
Officer response: Accept. Indigenous species should be used where appropriate. Landscaping plans will be required by condition.
Proposed change: No change.
Key issue 4: Each case should be considered on its own merits.
Detail: Each case should be considered on its own merits.
Officer response: Accept. All planning cases tend to be considered on their own merits. Policies are still required to guide that consideration.
Proposed change: No change.
Key issue 5: Regard should be given to adopted neighbourhood plans.
Detail: Detail: Neighbourhood plans and local plans form part of the development plan. Neighbourhood plans need to be in general conformity with the strategic policies in a local plan, but otherwise, the policies in a neighbourhood plan carry as much weight as those in a local plan.
Officer response: Accept. However, neighbourhood plans are automatically considered as part of the decision making process and do not need to be referenced in policy.
Proposed change: No change.
Key issue 6: Policy should reference and be sensitive to the AONB.
Detail: The policy should reference the Kent Downs AONB.
Officer response: Reject. Policies SP5 – Countryside and DM30 – Design principles in the countryside, already reference the Kent Downs AONB. The plan should be read as a whole.
Proposed change: No change.

DM38 HOLIDAY CARAVAN AND CAMP SITES

Proposed policy following amendments

Policy DM 38 – Holiday caravan and camp sites

- No policy changes proposed

13.30 Holiday caravan and camp sites provide alternative forms of accommodation which can add to the tourist attraction of the borough. The National Planning Policy Framework recognises the importance of sustainable tourism for a prosperous rural economy. However, the provision of tourist facilities must be balanced against the need to protect the quality of the countryside for the sake of its intrinsic character and beauty. Holiday caravan and camp sites should be located outside the borough's most sensitive landscape areas, in particular outside the Kent Downs AONB, and should not be prominent in the landscape and should be well screened.

13.31 In order to prevent the creation of isolated residential uses in rural areas, which would conflict with the aims of sustainable development, a holiday occupancy condition will be attached to any planning permissions.

POLICY DM 38

Holiday caravan and camp sites

1. Proposals for sites for the stationing of holiday caravans and/or holiday tents outside of the settlement boundaries as defined on the policies map will be permitted where;
 - i. The proposal would not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance;
 - ii. The site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.
2. A holiday occupancy condition will be attached to any permission, preventing use of any unit as a permanent encampment.

DM39 CARAVAN STORAGE IN THE COUNTRYSIDE

Consultation issues and responses

Policy: DM39 Caravan storage in the countryside
Key issues: 1. Some unconditional support. 2. Some unsupported objection. 3. Specify planting of indigenous species. 4. Lighting only if there is a demonstrable need and be restricted to an absolute minimum. 5. Policy should be deleted, can be dealt with through NPPF and other DM policies.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Some unsupported objection.
Detail: Some unsupported objection.
Officer response: Noted.
Proposed change: No change.
Key issue 3: Specify planting of indigenous species.
Detail: Specify planting of indigenous species.
Officer response: Accept.
Proposed change: Amend criterion 2 as follows: "2. Prior to use of the site commencing, it is comprehensively screened, where possible with indigenous species, on a year round basis. The screening may include bunds, tree and shrub planting and fencing in appropriate locations, and there will be no unacceptable impact on the landscape or environment;"
Key issue 4: Lighting only if there is a demonstrable need and be restricted to an absolute minimum.
Detail: In countryside locations lighting is more likely to be inappropriate and pollute the dark night sky.
Officer response: Accept.
Proposed change: Amend criterion 3 as follows: "3. Security arrangements would not be intrusive. In the case of lighting this will be used only where demonstrably required and will be directional so as to minimise light pollution;"
Key issue 5: Policy should be deleted, can be dealt with through NPPF and other DM policies.
Detail: Issue can be dealt with through the NPPF and other DM policies.
Officer response: Reject. This is a reasonable comment in the sense that any issues arising could be dealt with through the DM design policies, however, this policy was requested by development management officers and considered necessary to deal with ongoing situations in the countryside.
Proposed change: No change.

DM39 CARAVAN STORAGE IN THE COUNTRYSIDE

Proposed policy following amendments

Policy DM 39 – Caravan storage in the countryside

- Additions and amendments
- ~~Deletions~~

13.32 In many cases, it is impractical to store private caravans within the curtilage of dwellings. However, open storage of caravans can be an intrusive feature of rural landscapes. Within Maidstone Borough, the Kent Downs Area of Outstanding Natural Beauty is a highly sensitive and open landscape of national importance. In this area, the council will resist proposals for open storage of caravans, in order to preserve the quality of this valued landscape. In other locations, such development should be appropriately screened and sited, where it would not be isolated or prominent in the landscape.

POLICY DM 39

Caravan storage in the countryside

Proposals for the open storage of private caravans outside of the settlement boundaries as defined on the policies map which meet the following criteria will be permitted where:

1. The site lies outside the Kent Downs Area of Outstanding Natural Beauty and its setting;
2. Prior to use of the site commencing, it is comprehensively screened, where possible with indigenous species, on a year round basis. The screening may include bunds, tree and shrub planting and fencing in appropriate locations, and there will be no unacceptable impact on the landscape or environment;
3. Security arrangements would not be intrusive. In the case of lighting this will be used only where demonstrably required and will be directional so as to minimise light pollution;
4. The proposal would not result in a concentration of sites; and
5. The proposal is situated close to existing built development, including residential accommodation.

DM40 RETAIL UNITS IN THE COUNTRYSIDE

Consultation issues and responses

Policy: DM40 - Retail units in the countryside
Key issues: <ol style="list-style-type: none"> 1. Some unconditional support. 2. These sites are needed. 3. Question if this type of development is already covered by permitted development. 4. These should be restricted to buildings already existing on farm holding.
Key Issue 1: Some unconditional Support
Detail: Some unconditional support
Office response: Support noted
Proposed change: No change
Key Issue 2: These sites are needed Mr Michael O'Neill
Detail: Support: there is need of these sites
Officer Response: Agree: The council recognises the need for retail units to be provided in rural locations to promote a strong rural economy. The council supports proposals involving retail sales of fresh produce at the point of production. This is supported by NPPF para 28 which states that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, promote the retention and development of local services and community facilities in villages, such as local shops.
Proposed change: No change
Key Issue 3: Question if this type of development is already covered by permitted development- Mrs Alison Hooker - Marden Parish Council
Detail: General observation - is this not already permitted development?
Officer Response: Planning permission is not always necessary when considering a farm shop or farmers' market. Planning permission is not required for: <ul style="list-style-type: none"> • agricultural operations • the use of existing buildings on agricultural land for agricultural purposes • changes to the inside of buildings • small alterations to the outside, eg installing an alarm box On holdings of five hectares or more, permitted development rights exist for: <ul style="list-style-type: none"> • erecting, extending or altering a building • excavations and engineering operations But these are only allowed when the changes are reasonably necessary for the purposes of agriculture within the unit. You may still require approval from the local planning authority for certain details of the development. You will normally need to apply for planning permission for most other types of development and changes of use. Farm shops that sell any produce that has been processed, including meat and poultry, will need planning permission. Planning permission is not normally required if you use an existing building as a farm shop only for the sale of unprocessed goods produced on your farm. However, if you use your farm shop to sell significant amount of produce from elsewhere, you will probably require planning permission.
Proposed Change: No change
Key Issue 4: These should be restricted to buildings already existing on farm holding -

Policy: DM40 - Retail units in the countryside
Dr Hilary Newport - CPRE Protect Kent
Detail: SUPPORT – but needs additional criterion that any such retail outlets will only be acceptable where they are use an existing building in the farm holding
Officer Response: partially accept, proposals for farm shops should re-use or adapt appropriate farm buildings which are available, new buildings will only be considered exceptionally.
Proposed Change: Add criterion - , proposals should re-use or adapt appropriate farm buildings where they are available, new buildings will only be considered exceptionally.

DM40 RETAIL UNITS IN THE COUNTRYSIDE

Proposed policy following amendments

Policy DM 40 – Retail units in the countryside

- *Additions and amendments*
- ~~Deletions~~

13.33 The creation and expansion of rural businesses can contribute towards a prosperous rural economy. However, whilst promoting a strong rural economy, the National Planning Policy Framework also recognises the intrinsic character and beauty of the countryside, which is a valuable asset. Retail development in the countryside, if not strictly controlled, can also run counter to the objectives of sustainable development, by creating additional journeys to rural locations. It is therefore necessary to restrict development to that which primarily actively supports the maintenance of land in agricultural and other appropriate land based uses, such as farm shops primarily retailing produce at, and produced upon, their holding.

13.34 In considering such development, the council will view positively proposals where a significant proportion of produce, in terms of turnover, would originate upon the farm holding where it would be sold and, in granting planning permission, will consider the imposition of conditions to restrict the type of goods and extent of produce which does not originate upon the holding, for sustainability reasons. The council will seek to resist retail proposals in rural locations where the business case is not considered to justify such a location.

POLICY DM 40

Retail units in the countryside

1. Proposals involving retail sales of fresh produce at the point of production (or originating from the farm holding) outside defined settlement boundaries as defined on the policies map which the following criteria:
 - i. A significant proportion, based on annual turnover, of the range of goods offered for sale continues to be fresh produce grown and sold on the farm holding in question;
 - ii. The range of any additional sale goods would be restricted to agricultural produce and the offer for sale of other goods, including packaged or preserved food products, would not exceed a minimal level;
 - iii. The proposal would not demonstrably damage the viability of district centres and village shops; and
 - iv. *Re-use or adapt appropriate farm buildings where they are available, new buildings will only be considered exceptionally.*
2. In granting planning permission for farm shops, the council may impose conditions to restrict the amount of produce which originates outside the farm holding in which the proposed development is located and also to restrict the proportion of non food and other items to be sold, unless the proposal provides for a more sustainable alternative for the local community.

DM41 EQUESTRIAN DEVELOPMENT

Consultation issues and responses

Policy: DM41 Equestrian development
Key issues:
<ol style="list-style-type: none"> 1. Some unconditional support. 2. Concern that temporary buildings will be poor quality. 3. Policy should make clear distinction between domestic and commercial use. 4. Reference should be made to AONB guidance where appropriate. 5. Should also reference cumulative impact of equestrian development.
Key issue 1: Some unconditional support.
Detail: Some unconditional support.
Officer response: Noted.
Proposed change: No change.
Key issue 2: Concern that temporary buildings will be poor quality.
Detail: Concern that temporary buildings will be poor quality.
Officer response: Reject. The requirement for the buildings not to exhibit a degree of permanence which would lend themselves to future conversions, is well grounded.
Accordingly, the building does need to be of a temporary nature, but this should not inhibit good design. The draft Maidstone Borough Local Plan includes policies at DM4 and DM30 relating to design principles and the requirements of these policies will need to be followed.
Proposed change: No change.
Key issue 3: Policy should make clear distinction between domestic and commercial use.
Detail: The concern relating to this comment is that often stables are accompanied by lighting, which can be inappropriate in countryside locations. Consultee requests that lighting should only be allowed where there is a demonstrable need.
Officer response: Partially accept. The concern relating to lighting is applicable to domestic and commercial premises.
Proposed change: Add new criterion, before 5:
"4. Proposals will include lighting only where it can be proven to be necessary;"
Key issue 4: Reference should be made to AONB guidance where appropriate.
Detail: Reference should be made to appropriate AONB guidance.
Officer response: Reject. Reference is made to the Kent Downs AONB Management Plan under policy DM30 – Design principles in the countryside.
Proposed change: No change.
Key issue 5: Should also reference cumulative impact of equestrian development.
Detail: Comment supports policy in general but requires an additional criterion referencing the cumulative impact of equestrian development.
Officer response: Accept.
Proposed change: Add new criterion, after 2:
"3. The cumulative impact of the proposed equestrian development has been shown to be considered, and where appropriate this has been mitigated;"

DM41 EQUESTRIAN DEVELOPMENT

Proposed policy following amendments

Policy DM 41 – Equestrian development

- Additions and amendments
- Deletions

13.35 Horse riding remains a popular leisure activity in the borough. The National Planning Policy Framework advises that recreational facilities can make an important contribution to health and wellbeing of communities. Whether planning permission is needed for the use of land and buildings for horses and equestrian activities depends on whether the horses are used for agricultural, recreational or commercial purposes. The use of land for grazing (which is part of the definition of agriculture in Section 336 of the Town and Country Planning Act 1990) is widely taken to include the grazing of horses and so does not require planning permission. The need for planning permission arises when horses are kept on the land. Horses are considered to be 'kept' when their food is supplemented over and above any grazing that takes place or shelter is provided for them. This can be in the form of stables or field shelters. If these circumstances exist the land is no longer used for agricultural purposes but is used for the keeping of horses. Planning permission is necessary for this change of use.

13.36 In order to protect the openness of the countryside, the use of existing buildings is preferred to the erection of new structures for equestrian purposes. Where this is not possible, the scale, siting and finish should be chosen to minimise visual impact and avoid prominent and isolated development. The proposed development should not be of a degree of permanence that could be adapted for other use in the future. Consideration must also be given to the security and safety of the animals being kept upon the land. For commercial proposals (10 stables or more), the council will only grant consent where the manager or owner of the animals makes adequate provision for the security of the site.

POLICY DM 41 Equestrian development

Proposals for domestic or commercial stables or associated equestrian development which meet the following criteria will be permitted:

1. The conversion of existing buildings would be used in preference to new built development
2. New stables and associated buildings would be grouped with existing buildings on the site wherever possible, and are not of a degree of permanence that could be adapted for other use in the future;
3. The cumulative impact of the proposed equestrian development has been shown to be considered, and where appropriate this has been mitigated;
4. All new development is of a design which is sympathetic to its surroundings in terms of scale, materials, colour and details;

5. Proposals will include lighting only where it can be proven to be necessary;
6. The proposal is accompanied by an integral landscaping scheme including boundary treatments which reflect the landscape character of the area;
7. The proposal contains an appropriately sited and designed area for the reception of soiled bedding materials and provision for foul and surface water drainage;
8. Adequate provision is made for the safety and comfort of horses in terms of size of accommodation and land for grazing and exercising;
9. The site would have easy access to bridleways and/or the countryside; and
10. For proposals of 10 stables or more, adequate provision is made for the security of the site in terms of the location of the proposed development in relation to the manager or owner of the animals.

ID1 INFRASTRUCTURE DELIVERY

Consultation issues and responses

<p>Policy: ID1 Infrastructure delivery</p>
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Disagreement that parishes have been adequately consulted, policy needs to reference neighbourhood plans and individual parish priorities. 2. Developer contributions will not be able to fund all infrastructure. 3. Broad range of infrastructure is required to support development. 4. Adequate drainage should be in place for surface water and foul water, ahead of development. 5. Considers list of priorities inappropriate, this is not one size fits all. 6. Transport infrastructure should be first priority. 7. Education, libraries, social services should be higher on the priority list. 8. Pump priming for new bus services serving new developments should be addressed. 9. Question if policy is consistent with NPPF promoting sustainable development. 10. Flood defence should be primary infrastructure.
<p>Key issue 1: Disagreement that parishes have been adequately consulted, policy needs to reference neighbourhood plans and individual parish priorities.</p>
<p>Detail: Concern regarding parishes and the amount of involvement they have had in the preparation of the local plan and infrastructure requirements.</p>
<p>Officer response: Partially accept. Maidstone Borough Council has recently completed an exercise where the planning department has been engaging the parishes about potential new sites and any other elements of concern. The council has been keen to express that this is considered to be ongoing engagement rather than a one time exercise.</p> <p>The infrastructure listed in the infrastructure delivery plan (IDP) has been determined through consultation with infrastructure providers, and is what the council could reasonably expect to request developers and others to deliver through section 106 planning obligations, which are subject to strict criteria in regulation 122 of the Community Infrastructure Levy (CIL) Regulations.</p> <p>Other infrastructure, that required by local communities, but not necessarily agreed upon by the infrastructure providers themselves, could potentially be delivered in other ways. The CIL list of relevant infrastructure is a list of infrastructure schemes that will be funded by the CIL. These schemes do not need to be subject to the same provisions as section 106 obligations. When the CIL has been adopted alongside the local plan in 2016, any development subject to the levy that is permitted in a parish will pay the levy to Maidstone Borough Council and then either 25% or 15% of that levy will be passed on to the parish where the development was permitted, subject to a neighbourhood plan having been adopted. Parishes could feasibly therefore also fund their own infrastructure projects – more so than they currently do/are able to.</p>
<p>Proposed change: No change.</p>
<p>Key issue 2: Developer contributions will not be able to fund all infrastructure.</p>
<p>Detail: It is likely to be the case that developer contributions could not fund all of the infrastructure that is required in the borough.</p>
<p>Officer response: Accept. Developer contributions ultimately will not be able to fund all infrastructure requirements and this is a reality that all of the partners involved in</p>

Policy: ID1 Infrastructure delivery
infrastructure delivery will need to accept and seek solutions to. The Government expects that there will actually be a funding gap and expects that this will be part of the necessary proof required to justify preparing a CIL. The IDP is not solely about what can be funded through CIL and should be continually updated to reflect the range of funding sources that will be used to deliver the infrastructure.
Proposed change: No change.
Key issue 3: Broad range of infrastructure is required to support development.
Detail: In order for developments to be considered acceptable in planning terms, a broad range of infrastructure is required to be delivered along with the development.
Officer response: Accept. Infrastructure delivery is a key issue in the allocation of new developments and while the consultation was ongoing in March, April and May it was a key message that often the developments themselves were not so much the problem, but the pressure that they put on existing infrastructure, while being perceived to not deliver any improvements.
The infrastructure policy and the IDP reflect that infrastructure is a broad topic and that the council has been in consultation with many infrastructure providers to understand what a community will need to be able to accommodate new development.
Proposed change: No change.
Key issue 4: Adequate drainage should be in place for surface water and foul water, ahead of development.
Detail: Drainage has been a particular issue in the southern villages of Marden, Staplehurst and Headcorn. As well as these there are drainage issues across other areas of the borough, often in close proximity to the flood plain.
Officer response: Partially accept. This is a key issue to be addressed and the council is currently in dialogue with Southern Water and Kent County Council about drainage issues. The lack of an effective drainage system, for whatever reason, can lead to public health issues and these must be addressed as part of any new development proposals.
For a recent development proposal, the council made it a condition that drainage issues were addressed and rectified prior to the occupation of any of the new homes.
Apart from the prioritisation of infrastructure types, policy ID1 does not deal with topic based infrastructure requirements. Infrastructure requirements are more adequately dealt with on a site by site basis, where the individual requirements of each site are known.
Proposed change: Amend criterion 1 to read:
“Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.”
Key issue 5: Considers list of priorities inappropriate, this is not one size fits all.
Detail: Considers that the list of priorities is inflexible.
Officer response: Partially accept. There may be on site issues that mean the priority list cannot be followed as set out at criterion 4. However, the priority list is included as a guide to indicate what types of infrastructure the council considers important and the likely priority

Policy: ID1 Infrastructure delivery
that the council will give in circumstances where a choice needs to be made about funding.
Proposed change: Add to the end of criterion 4:
“This list serves as a guide to the council’s prioritisation process, however, it is recognised that each site and development proposal will bring with it its own issues that could mean an alternate prioritisation is used.”
Key issue 6: Transport infrastructure should be first priority.
Detail: Transport infrastructure is second priority for residential development and first for business and retail development.
Officer response: Partially accept. Affordable housing, which is the top of the list for residential development, will in the future be delivered by a different mechanism to the vast remainder of infrastructure i.e. section 106 vs the CIL. The CIL rates proposed in the preliminary draft charging schedule already make allowances for affordable housing delivery, so in effect transport is top of both categories. Taking that into account, until the CIL is adopted, section 106 obligations remain the key infrastructure delivery method and the priority given to affordable housing remains as a reflection of what the council considers to be the most important issue in the borough.
Proposed change: No change.
Key issue 7: Education, libraries, social services should be higher on the priority list.
Detail: Education, social services and libraries are 6 th , 7 th and 9 th on the list respectively.
Officer response: Reject. Consideration to the priorities considered important has been given and it was determined that the list should be in the order included in the policy.
Proposed change: No change.
Key issue 8: Pump priming for new bus services serving new developments should be addressed.
Detail: This refers to advance funding of bus services so that new developments are already served when the first people move in, rather than at a later stage when there are technically more customers available to support a service, but, those customers have already lived for some time without a bus service and their use of private transport has become the norm.
Officer response: Accept. Where appropriate this should be delivered. Policy DM13 – Sustainable transport, has been amended to reflect this and criterion 1 of ID1 will be amended to reflect this.
Proposed change: Amend criterion 1 to read:
“Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.”
Key issue 9: Question if policy is consistent with NPPF promoting sustainable development.
Detail: In relation to the prioritisation of utilities lower on the list – 8 th for residential development and 5 th for business and retail development.
Officer response: Reject. Utilities are included on the list and are therefore recognised as being an important part of development proposals. The council has sought the guidance of infrastructure providers as a key part of developing the local plan and is grateful for their cooperation. The lower ranking of utilities is also a recognition that utility providers often have their own funding programmes, so the development may not always have to contribute.

Policy: ID1 Infrastructure delivery
Proposed change: No change.
Key issue 10: Flood defence should be primary infrastructure.
Detail: Flood defence is an important part of development in areas prone to flooding. New development can exacerbate flood problems so there is also a design issue to be considered, potentially benefiting from the inclusion of SuDS.
Officer response: Accept. While the Environment Agency have not specifically requested funding, they have requested that flood defences are considered on the list of infrastructure requirements and priorities. Given funding issues, it may be wise to include this.
Proposed change: Amend paragraph 14.7, with "Flood defences" included at the bottom of the residential list and the bottom of the business and retail development list.
Amend criterion 4, with "Flood defences" included at the bottom of the residential list and the bottom of the business and retail development list.

ID1 INFRASTRUCTURE DELIVERY

Proposed policy following amendments

Policy ID 1 – Infrastructure delivery

- *Additions and amendments*
 - Deletions
-

Providing the infrastructure needed to support growth

14.1 Infrastructure can be separated into three main categories; physical infrastructure (such as highways and public realm improvements), community infrastructure (such as schools, adult social services and cultural facilities) and green infrastructure (such as play spaces and parks).

14.2 The local plan shapes where new development should be located and also manages the pressure relating to speculative proposals through policy. It will provide new homes, jobs, services and thereby support social, economic and environmental objectives. The impact of development on local communities and the fabric of the existing built and natural environment is an important consideration. Managing this impact involves protecting existing infrastructure and securing the timely investment of new infrastructure.

14.3 The council has actively engaged with the main providers of infrastructure including parish councils at the rural service centres and larger villages and has a good understanding of existing infrastructure in the borough and its associated constraints to further development. The product of this engagement process is the Infrastructure Delivery Plan, which sets out the type, location and phasing of the infrastructure required to support the overall strategy for development in the local plan. It also details those who have responsibility for delivering the infrastructure, potential funding sources and estimated delivery timescales.

14.4 Where new development creates a need for new or improved site specific infrastructure, provision of such infrastructure or contributions will be sought from developers (through S.106 legal agreements) to make the development acceptable in planning terms. The key requirements of dedicated planning agreements are that they must be:

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the proposed development.

14.5 Site specific infrastructure requirements arise when there is a direct link between development and supporting infrastructure that is required to make the development happen. It will usually be provided within the development site boundary or exceptionally may be provided in an off-site location or in the last resort by in-lieu contributions.

14.6 In Maidstone Borough, some forms of infrastructure provision have historically not kept pace with development. This has been a contributory factor to some issues such as a congested road network, a shortage of affordable housing, deficiencies in open space provision and poor access to key community facilities in certain areas. There is concern that

future growth will intensify this problem unless a co-ordinated effort is made to ensure that essential infrastructure accompanies new development at all times.

14.7 Where there are competing demands for developer contributions towards the delivery of infrastructure for new development proposals, the council will prioritise these demands in the manner listed below, which ranks infrastructure types in order of importance:

Infrastructure priorities for residential development:

1. Affordable housing
2. Transport
3. Open space
4. Public realm
5. Health
6. Education
7. Social services
8. Utilities
9. Libraries
10. Emergency services
11. Flood defences

Infrastructure priorities for business and retail development

1. Transport
2. Public realm
3. Open space
4. Education
5. Utilities
6. Flood defences

14.8 The prioritisation of infrastructure provision has been designed to address essential requirements first. This should not be taken to imply that the infrastructure at the lower end of the list is of lesser importance rather that the precise timing of providing it is not critical to the phasing of development.

14.9 There is a trend towards greater home working which allows for a reduced impact on transport infrastructure. In order to facilitate this option, developers of new sites will be encouraged to install optic cables (or the latest technology infrastructure) to serve new occupants.

Community Infrastructure Levy (CIL)

14.10 It is important to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion. The Infrastructure Delivery Plan provides the evidence that the council has an understanding of the costs required in meeting anticipated growth set out in the local plan. Funding for the infrastructure schemes listed in the Infrastructure Delivery Plan is expected to comprise a number of components:

- Existing resources (i.e. current/outstanding Section 106 Contributions)
- New Homes Bonus

- Mainstream public funding
- Future site specific provision (Including Section 106 contributions)
- Community Infrastructure Levy

14.11 It would be extremely unlikely that the finance from the first 4 funding sources listed above would be sufficient to fund the total amount of infrastructure provision that is being sought. The Community Infrastructure Levy is intended to fill the funding gap that exists once existing resources (to the extent that they are known) have been taken into account. If a funding shortfall remains once the CIL charging levy is determined there will be a need to prioritise key infrastructure projects to ensure that the overall strategy within the local plan can be delivered. The list of key infrastructure projects considered necessary to support the local plan (identified through consultation with infrastructure providers) is included in the Infrastructure Delivery Plan, which accompanies this document. Transport based schemes form the majority of the delivery plan, which reflects a need to address an historic underspend on transport infrastructure in Maidstone Borough. Financing transport based schemes through CIL is considered a council priority.

14.12 The local plan focuses development at the Maidstone urban area and the rural service centres. Infrastructure is needed at a strategic level to support this growth. Strategic elements of the infrastructure required will be provided for by the Community Infrastructure Levy. This could include but is not limited to:

- Environmental improvements to Maidstone town centre;
- Improvements needed to transport infrastructure particularly in Maidstone urban area;
- Additional education and community facilities or expansion to existing facilities; and
- Strategic open space requirements.

14.13 New development will add incrementally to the need for strategic infrastructure. The Community Infrastructure Levy allows local authorities to raise funds from developers undertaking new development within the council's area. This is a fair, transparent and accountable levy which will be payable by the majority of new housing developments. The levy gives developers a clear understanding of what financial contribution will be expected towards the delivery of infrastructure. Some types of development are automatically exempt from the charge and the council can determine whether to charge the levy for other forms of development.

14.14 As the council moves towards developing its Community Infrastructure Levy it will need to make decisions about which types of development it wishes to place the charge on. Proceeds from the levy will be applied to identified projects within the Infrastructure Delivery Plan, with contributions being pooled and generally applied on an off-site basis.

14.15 The council will produce a Charging Schedule setting out the levy rate(s). This will comprise part of the Local Development Framework but it will not be part of the Statutory Development Plan. Viability testing will be undertaken to ensure a levy is set that strikes an appropriate balance between the desirability of funding infrastructure from the levy and the potential impacts of the levy on the viability of development across the borough. Once the levy is set, it will be applied to all development that meets the qualifying criteria.

14.16 Section 106 Agreements will continue to be used for site specific infrastructure on development sites, such as local provision of open space, connection to utility services (as required by legislation), habitat protection, flood mitigation and access roads.

14.17 Exceptionally, where developers face genuinely abnormal costs or for any other reason consider that paying the normal contribution towards infrastructure costs would seriously threaten the viability of a development, the council will be prepared to consider requests for a reduction subject to an "open book" approach being adopted.

14.18 Provision of affordable and local needs housing is dealt with in detail in policies DM24 and DM25 respectively.

POLICY ID 1

Infrastructure Delivery

1. Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. *In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.*
2. Detailed specifications of the site specific contributions required are included in the site allocation policies. Development proposals should make provision for all the land required to accommodate any additional infrastructure arising from that development. Dedicated Planning Agreements (S.106 of the Town and Country Planning Act,1990) will be used to provide the range of site specific facilities which will normally be provided on site but may in exceptional circumstances be provided in an off site location or as a last resort via an in-lieu financial contribution. In some cases, separate agreements with utility providers may be required.
3. Where developers consider that providing or contributing towards the infrastructure requirement would have serious implications for the viability of a development, the council will require an "open book" approach and, where necessary, will operate the policy flexibly.
4. Where there are competing demands for developer contributions towards the delivery of infrastructure for new development proposals, the council will prioritise these demands in the manner listed below, which ranks infrastructure types in order of importance:

Infrastructure priorities for residential development:

- i. Affordable housing
- ii. Transport
- iii. Open space
- iv. Public realm
- v. Health
- vi. Education
- vii. Social services
- viii. Utilities

- ix. Libraries
- x. Emergency services
- xi. Flood defences

Infrastructure priorities for business and retail development:

- i. Transport
- ii. Public realm
- iii. Open space
- iv. Education
- v. Utilities
- vi. Flood defences

This list serves as a guide to the council's prioritisation process, however, it is recognised that each site and development proposal will bring with it its own issues that could mean an alternate prioritisation is used.

5. The Community Infrastructure Levy will be used to secure contributions to help fund the strategic infrastructure needed to support the sustainable growth proposed in Maidstone Borough set out in the Infrastructure Delivery Plan. Once the levy is set, it will be applied to all development that meets the qualifying criteria. Following viability testing, the Community Infrastructure Levy rate(s) will be set out in the Charging Schedule to accompany the Publication version of the local plan.

ID2 ELECTRONIC COMMUNICATIONS

Consultation issues and responses

Policy: ID2 Electronic Communications
<p>Key issues:</p> <ol style="list-style-type: none"> 1. Some unconditional support. 2. Mobile network and Wi-Fi facilities need to be improved. 3. Criterion 5 is overly restrictive i.e. accommodating future sharing of networks on all base stations.
Key Issue 1: Some unconditional Support
Detail: Some unconditional support
Office response: Support noted
Proposed change: No change
Key Issue 2: Mobile network and Wi-Fi facilities need to be improved.
Detail: New development, residential, commercial and employment should include support for mobile networks and Wi-Fi, this obviously was not the case for Fremlins Walk, where despite it being advertised as available - it is inefficient
Officer Response: The NPPF lends strong support to the expansion of electronic communication networks, including telecommunications and high speed broadband. The council recognises the importance of such development and similarly adopts a positive approach to such development. New development should provide ducting that is available for strategic fibre deployment. Other forms of infrastructure, such as facilities supporting mobile broadband and Wi-Fi, should be included where practicable.
Proposed Change: No change.
Key Issue 3: Criterion 5 is overly restrictive i.e. accommodating future sharing of networks on all base stations - Mr John Cooke - Mobile Operators Association
Detail: The aim of criterion 5 of Policy ID2 is unclear and appears to be overly restrictive. While the design of certain telecommunications base stations will allow for future site sharing by other Operators, it is not physically possible in every case. Lattice style masts generally have capacity for site sharing however designs such as replica flagpoles and streetworks style poles may not. It is not possible for the telecommunications Operators to foresee all future equipment requirements on each base station site and it is not therefore feasible to future proof every design to allow site sharing. When the Operators identify the need for a new base station in particular area, they will consider the availability of site sharing as part of the site selection procedure and details of this would be submitted along with a planning application. Each planning application for telecommunications equipment should be determined on its merits (whether it is for a new site or for a site share) and it is considered that designing all new base stations to accommodate future sharing would be overly restrictive to future rollout by the Operators. On that basis it is requested that criterion 5 is removed from the Draft Policy ID2
Officer Response: NPPF para 43 states that in preparing local plans, local planning authorities should aim to keep the numbers of radio and telecommunication masts and the sites for such sites to a minimum consistent with the efficient operation of the network. The Council is committed to encouraging the efficient operation of the network and criterion 5 requires to consider the future demands of the network development, including that of other operators.
Proposed Change: No change

ID2 ELECTRONIC COMMUNICATIONS

Proposed policy following amendments

Policy ID2 – Electronic communications

- No changes proposed

14.19 Advanced, high quality communications infrastructure plays a key role in sustainable economic growth, and high speed communication networks, including broadband, are also an important element in the provision of local community facilities and services. The National Planning Policy Framework lends strong support to the expansion of electronic communication networks, including telecommunications and high speed broadband.

14.20 The council recognises the importance of such development and similarly adopts a positive approach to such development. New development (residential, employment and commercial) should provide ducting that is available for strategic fibre deployment. Other forms of infrastructure, such as facilities supporting mobile broadband and Wi-Fi, should be included where practicable.

14.21 Certain telecommunications developments do not require planning permission by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, local authorities are able to exercise some control over the siting and appearance of these developments. In these cases, and in the case of telecommunication developments subject to full planning control, the council will apply policy ID2.

14.22 In considering electronic communications development, the council will expect the operator to have regard to the Code of Best Practice on Mobile Network Development in England (published July 2013) or any subsequent best practice guide. Development should be sited, where possible, to minimise visual impact.

POLICY ID 2

Electronic communications

The council supports the expansion of electronic communications networks, including the provision of high speed broadband. Proposals for new masts and antennae by telecommunications and code systems operators will be permitted provided:

1. It has been demonstrated that mast or site sharing is not feasible and that the apparatus cannot be sited on an existing building or other appropriate structure that would provide a preferable environmental solution;
2. It has been demonstrated that an alternative, less environmentally harmful means of providing the same service is not feasible;
3. Every effort has been made to minimise the visual impact of the proposal;
4. Proposals adhere to current Government advice on the health effects of exposure to radio waves; and

5. Consideration has been given to the future demands of network development, including that of other operators.