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24 June 2015

Dear Alison,

Re: Maidstone Borough Council Policy and Resources Committee Meeting 24 June 2015

I refer to the meeting of the above committee and note the release of the agenda and supporting documents.

I request that this letter is presented to all Members of this committee setting out the following:

1. Kent County Council (KCC) has significant concerns regarding the role and status of the Economic Development Strategy and how it seeks to pre determine critical decisions on the location of future Local Plan employment allocations;
2. The County Council considers that the adoption of the Economic Development Strategy in its current form is wholly premature and would severely undermine the primacy of the Local Plan process; and
3. It is the view of KCC that any decision to adopt the Economic Development Strategy would be entirely inconsistent with previous decisions made by Maidstone Borough Council (MBC) in determining planning applications for major commercial development at M20 Junction 8.

The County Council has consistently objected to major commercial development at M20 Junction 8 and formally appeared at the public inquiry in to the proposals at land south of the A20/ M20 Link Road Roundabout ('Waterside Park')¹. KCC has also recently objected to major commercial development at the site to the north of Waterside Park; 'Woodcut Farm'².

¹ Appeal references APP/U2235/A/14/2224036 and APP/U2235/A/14/2229271.

² See the letter dated 23 June 2015 from the KCC Member for Environment & Transport to Mr. R Timms, Case Officer (reference 15/503288/OUT).

The Waterside Park inquiry followed the decision of the Borough Council to refuse planning consent on two separate occasions³ primarily on the basis that the environmental harm caused by major commercial development in this sensitive location would not be outweighed by economic need. The Borough Council proceeded to defend the refusals at the inquiry in May 2015.

The County Council now notes that paragraph 6.21 (page 44) of the draft Economic Development Strategy has been amended to state:

“... with the NPPF direction to meet the needs of the economy in full it is officers’ view that, with the completion of this qualitative assessment, the balancing of planning and economic development considerations now weigh in favour of identifying land in the location of J8 in the emerging Local Plan”.
[Excerpt]

This statement is wholly premature in the absence of the Waterside Park appeal decisions which are expected on or before 31 July 2015. In making a decision on the appeals the Planning Inspector will balance the effect of the proposed development on the landscape character and visual amenity of the surrounding area against any need for the development.

The statement in paragraph 6.21 is misleading and demonstrates a lack of understanding of the role of the National Planning Policy Framework in delivering sustainable development. The Framework clearly sets out three dimensions to sustainable development (i.e. economic, environmental and social) and is equally clear that in terms of plan making and decision taking the policies in the Framework should be taken as a whole.

Furthermore the Framework does not set any requirement for local planning authorities to meet objectively assessed development needs within the administrative area where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Planning Practice Guidance reaffirms the role of the statutory Duty to Cooperate in addressing strategic planning issues that cross administrative boundaries in the functional economic area. The PPG recognises that, “... such needs are rarely constrained precisely by local authority administrative boundaries”⁴.

Notwithstanding this, the draft Economic Development Strategy also recognises the wider drawbacks of proposing new development at M20 Junction 8 in terms of the limitation of existing public transport connections and relative isolation from established settlements (paragraph 6.21). There is no evidence that an alternative strategy has been considered which is based on the principles of making the most effective use of sustainable transport infrastructure and focusing development in locations which are (or can be made) sustainable.

The Economic Development Strategy cannot simply usurp the statutory plan making process and whilst this is partly recognised at paragraph 1.10 (page 6), the

³ 27 February 2014 (MA/13/1549) and 22 October 2014 (14/501895/FULL)

⁴ Paragraph 007 (Reference ID: 2a-007-20150320)

document plainly seeks to direct the future spatial distribution of land allocations for economic development (i.e. section 6 'Locations for Growth'). Any decision regarding such land allocations is a matter for the Local Plan which must be subject to Strategic Environmental Assessment.

Overall, the adoption of the draft Economic Development Strategy in its current form would severely undermine the primacy of the Local Plan process by seeking to pre determine decision on the allocation of new land for economic development. This would not be in the interests of delivering genuinely sustainable development that reflects the vision and aspirations of the local community.

KCC **strongly urges** the Policy and Resources Committee to reject the recommendations set out in the report and not proceed to adopt the draft Economic Development Strategy in its current form. To do so would be detrimental to the sustainable development of the Maidstone Borough

If you require any further information of clarification on any matter then please do not hesitate to contact me.

Yours sincerely,



Paul Crick
Director of Environment, Planning and Enforcement