

From CPRE Kent and Joint Parishes Group  
c/o Queens Head House  
Ashford Road  
Charing  
Ashford  
Kent  
TN27 0AD

22 June 2015

Dear Councillor Wilson

Agenda for Policy and Resources Committee – 24 June 2015

We are deeply concerned at the inclusion of item 13 on this committee agenda, which is the report of the Director of Regeneration and Communities – Economic development strategy – and request that it is removed from this agenda.

The principal reason for this is that the report centres around development at Junction 8 of the M20, and recommends its approval. This report completely fails to acknowledge that a Public Inquiry has recently been held in to two planning applications at J8, following refusals by the Planning Committee on the principal of development here and not on details. The Borough Council employed a top planning barrister, Mr Stephen Whale, to conduct the case against the development. The Inquiry has not yet reported and proceedings are still active, therefore the matter should be considered sub-judice. Accordingly it is inappropriate to pre-empt the Inspectors decision. Until this is received this report should be held in abeyance or abandoned.

The report also fails to note that the last Cabinet decision on this subject was that land at J8 should not be developed and it is not included as employment land in the Draft Local Plan.

We are also concerned at the “survey” of residents carried out by FACTS, which was clearly designed to provide an apparent public acceptance of development at Junction 8. The exact question asked in a telephone call was “*Over the next 16 years Maidstone’s population will grow by about 20%, meaning an extra 17300 jobs will be needed for our residents. To deliver as many of these jobs as possible in the Borough the Council will need to consider allocating land for a new business park at junction 8 of the M20. To what extent would you support this idea?*” This is then followed by 5 levels of support, starting with “*support strongly*” This wording, read out in an instant telephone interview, is clearly leading to a specific answer biased towards acceptance. As such, we believe that this survey should be totally disregarded. We assume that this bias by FACTS was the result of it’s terms of reference, or improper council pressure.

There are several other aspects of this report which cause concern, not least the contradictions between several of the numeric assessments included in Agenda item 12 and a number of statements included in this report.

There is also a general failure to recognise that Maidstone's principle assets are that it is surrounded by accessible countryside, and has small villages for those who like this lifestyle. Both of these two aspects of the Borough are under threat. This lessens the attractiveness to possible employers and acts against economic growth.

We ask that this report on Economic Development Strategy be withdrawn from this agenda.

Yours sincerely

G W M Thomas for CPRE  
J N Horne for Joint Parishes Group

Cc Ms Alison Broom  
All members of the P&R committee

## Urgent Update for Policy and Resources Committee June 24<sup>th</sup> 2015

CPRE Kent and Joint Parishes Group sent an email to all Policy and Resource Committee Members objecting to the inclusion of the Economic Development Strategy on the agenda tonight. A copy of the email is attached.

The Council's response to each of the points made is set out below in red:

Point 1: The report centres around development at Junction 8 of the M20, and recommends its approval. This report completely fails to acknowledge that a Public Inquiry has recently been held in to two planning applications at J8, following refusals by the Planning Committee on the principal of development here and not on details. The Borough Council employed a top planning barrister, Mr Stephen Whale, to conduct the case against the development. The Inquiry has not yet reported and proceedings are still active, therefore the matter should be considered sub-judice. Accordingly it is inappropriate to pre-empt the Inspectors decision. Until this is received this report should be held in abeyance or abandoned.

Response: The Economic Development Strategy is a high level statement of policy. The document deals with J8 of the M20 as part of the strategy for the Borough as a whole. The fact that there is an outstanding planning appeal on an application at J8 does not prevent the Council from adopting this Policy, nor does it make the Policy unlawful. The term "sub judice" applies to proceedings in the criminal and civil courts. It means that a matter which is the subject of ongoing court proceedings should not be discussed or debated before judgement is issued. The term does not apply to proceedings in the Planning Inspectorate, which has the remit for dealing with planning appeals and public inquiries.

Point 2: The report also fails to note that the last Cabinet decision on this subject was that land at J8 should not be developed and it is not included as employment land in the Draft Local Plan.

Response: This economic development strategy does not identify specific sites for future employment growth across the borough (for office, warehousing and industry) - that is the role of the Local Plan. However a report by the Head of Planning to the Planning, Transport and Development Overview and Scrutiny Committee 21 October 2014 highlighted the findings of the Qualitative Employment Site Assessment and its implications for employment policies in the draft Local Plan. The report stated that the selection of sites in the Regulation 18 version of the Local Plan 2014 would not meet the identified qualitative needs in a location well connected to the strategic road network. Based on the outcomes of the Strategic Economic Development Land Availability Assessment (SEDLAA) the only available, additional land at a motorway junction is at J8 of M20. Development in this location would better meet the gap identified through the evidential analysis in the Qualitative Employment Sites Assessment. It could also enable the quantitative demand for offices to be met which is not the case for the current selection of Regulation 18 sites.

The report went on to state that balanced against this economic case is the acknowledged sensitivity of the landscape in the J8 location and that that development at J8 would cause substantial landscape harm. The limitations of

the location in terms of public transport connections and relative separation from the centres of population were also acknowledged. However 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 balance of planning and economic development considerations now weigh in favour of identifying land in the location of J8 in the emerging Local Plan. The Planning, Transport and Development Overview and Scrutiny Committee resolved to support development for employment use at Junction 8 of the M20 subject to the development of a planning policy by the Cabinet Member for Planning, Transport and Development to mitigate damage and to ensure appropriate constraints.

Point 3: We are also concerned at the "survey" of residents carried out by FACTS, which was clearly designed to provide an apparent public acceptance of development at Junction 8. The exact question asked in a telephone call was *"Over the next 16 years Maidstone's population will grow by about 20%, meaning an extra 17300 jobs will be needed for our residents. To deliver as many of these jobs as possible in the Borough the Council will need to consider allocating land for a new business park at junction 8 of the M20. To what extent would you support this idea?"* This is then followed by 5 levels of support, starting with *"support strongly"* This wording, read out in an instant telephone interview, is clearly leading to a specific answer biased towards acceptance. As such, we believe that this survey should be totally disregarded. We assume that this bias by FACTS was the result of it's terms of reference, or improper council pressure.

There are several other aspects of this report which cause concern, not least the contradictions between several of the numeric assessments included in Agenda item 12 and a number of statements included in this report.

Response: In order to ensure effective engagement with residents, the council commissioned FACTS International. As a Market Research Society (MRS) company partner, FACTS International is committed to providing accurate, unbiased research as set out in the MRS Code of Conduct. Their interviewers and executives are committed to remaining wholly impartial and to conducting all research projects on a fully independent basis. The telephone survey was used as this structured approach would enable the views of a large number of Maidstone residents to be gathered within a short timeframe – 1,518 interviews were conducted between January 5th and January 20th 2015 – it also allowed interviews to be targeted so the opinions of those participating would be as representative as possible across all residents in the Borough. Quotas were set to ensure fair representation by age, gender and employment status. To allow results to be analysed at a ward level, at least 50 interviews were undertaken in each ward, with larger wards receiving more interviews. The survey lasted 10 minutes on average and consisted of 19 questions, including both multiple choice/ scale questions and those allowing an open /free response.

The questions were based on a desire to use plain English principles in the survey and to make this as accessible and relevant as possible to all residents, in keeping with the idea that a consultation should be 'involving' and 'understandable' as outlined in our "Principles of Engagement". The intention was to ask questions *related* to the key points of the draft EDS – particularly the

5 priorities – in a way that would encourage people to engage and participate. Questions about practical actions the Council could take are much more widely accessible and this approach also helped to ensure specific answers – by asking about things most people could easily understand and relate to.

The intention behind questions 1 and 2 was to gather residents' opinions on which of the Council's planned activities should be tackled first – in other words, what they should prioritize. This appears to have been well understood by respondents, on the basis of the range of responses received.

For question 3 the importance of ensuring a fair consultation and the particularly sensitive nature of the question around Junction 8 development meant that considerable thought was given to ensuring that questions were easy to interpret and understand and framed in such a way as to allow respondents to give an informed opinion. This approach is similar to "concept testing", a standard accepted practice in commercial research. This question and the associated follow up questions did give useful information around feelings towards development at this particular site and also shed light on the type of considerations that inform people's attitudes to development and out of town business parks more generally.

The draft EDS aims to support new job opportunities in a range of sectors and occupations. An important factor in attracting and retaining businesses is to have a property portfolio that meets modern business needs. The Qualitative Employment Site Assessment (GVA September 2014) commissioned by the Borough's Planning Policy team, states that "It is clear that from our Assessment there is both a quantitative and qualitative need for additional employment land within the borough to enable the full economic potential identified within the Economic Scenario Testing to be realised." The Planning Policy team have undertaken a site constraints analysis across the Borough which has led to the conclusion that Junction 8 is the only site that could deliver both the quantitative and qualitative employment needs of business over the plan period.

This general requirement for employment land over the plan period to 2031 informs the council's medium to long term strategy for the borough and should therefore not be confused with the Waterside Park planning application which was submitted to address the specific needs of two large local expanding businesses.

The Council is very aware of the sensitive nature of any consideration of development proposals at Junction 8 which is why it commissioned an independent Market Research company to undertake the residents' survey. The results of the survey show a range of views that will be taken into account and reported to Committee as part of the consultation response report that will be produced.

Point 4: There is also a general failure to recognise that Maidstone's principle assets are that it is surrounded by accessible countryside, and has small villages for those who like this lifestyle. Both of these two aspects of the Borough are under threat. This lessens the attractiveness to possible employers and acts against economic growth.

Response: The Economic Development Strategy does recognise this and states “The council is committed to maximising the economic potential of Maidstone and enabling the creation of jobs for all residents of different backgrounds and skill levels. While growth is imperative, it needs to be achieved sustainably without sacrificing the environmental qualities that make Maidstone a special place.” The Local Plan allocates land for development and in doing so sets out policies for the protection of the countryside and small villages.

END