



CPRE/1

Town and Country Planning Act 1990

**Appeal by Kent International Gateway Limited
APPU2235/A/09/2006565/NWF**

Kent International Gateway, Land West of Junction 8, M20, Maidstone, Kent

Statement by Brian Lloyd on behalf of Protect Kent (the Kent Branch of CPRE)

PLANNING



The Kent Branch of the Campaign to Protect Rural England exists to promote the beauty, tranquillity and diversity of rural England by encouraging the sustainable use of land and other natural resources in town and country.

Registered office: Kent branch of the Campaign to Protect Rural England, 3 Evegat Park Barn, Station Road, Smeeth, Ashford, Kent TN25 6SX Fax: 01303 815189 Email: info@cprekent.org.uk

Phone: 01303 815180 www.cprekent.org.uk

A company limited by guarantee, registered in England number 4335730, registered charity number 1092012

1. Summary

- 1.1. In this statement I have sought to highlight the policy considerations that Protect Kent considers are important in relation to the protection of the countryside and impact on the landscape.
- 1.2. Government planning policy places the achievement of sustainable development at the heart of the UK planning system, and this explains that truly sustainable development must secure an acceptable integration of environmental, economic and social objectives. It is Protect Kent's serious concern that the extensive loss of countryside that the development would involve, and the impact it will have on the landscape character of the area and the adjoining Kent Downs Area of Outstanding Natural Beauty, means that the proposal fails to comprise the necessary integration of environmental, economic and social objectives and thus it does not comprise sustainable development.
- 1.3. The proposed development comprises major development in the open countryside, in a location and of a form that relates poorly to the existing urban structure of Maidstone. It also, in part, falls within a longstanding Strategic Gap the purpose of which is to maintain the separation between Maidstone and the Medway towns by restricting development that would significantly extend settlements beyond their existing built confines. This is a principle that has been carried forward into the South East Plan under Policy AOSR7.
- 1.4. The site also falls entirely within an area that has been identified for many years as a Special Landscape Area. Although this Structure Plan designation has not been carried forward into the South East Plan, it is clear from the assessment undertaken by Jacobs that the site makes *"a very important contribution to the broader landscape character of the area"*. This broader landscape character is that of the Kent Downs Area of Outstanding Natural Beauty (AONB), as the site is located at the foot of the scarp slope of the downs. Although the site is not located within the AONB, it does provide the important foreground setting of the AONB which Policy C3 states should provide the context against which the application should be considered.
- 1.5. Having regard to national and development plan policies outlined in this statement, it is Protect Kent's view that the proposed development is unacceptable because it will:
 - comprise urban sprawl and ribbon development that extends the urban area in an illogical fashion into the open countryside where national and development plan policies demand strict control of development;
 - involve a significant extension to the defined urban area, which at its western end encroaches into the longstanding defined strategic gap designed to contain development and avoid settlement coalescence;

- involve the loss of a large swathe of countryside that is in productive agricultural use, and which acts as a green lung for local residents by providing an open buffer between them and the M20 Motorway and high speed rail line;
- involve the loss of a large area of countryside that acts as a gateway to the wider countryside to the north, including the North Downs Area of Outstanding Natural Beauty, as a result of the public rights of way that cross it. As such is it highly valued and enjoyed by local residents and contributes significantly to their quality of life;
- destroy part of the foreground setting of the AONB, and thus remove the continuity of the North Downs landscape as it approaches the urban area;
- destroy an area which has long been recognised for its own scenic significance, and which retains a strongly rural undeveloped character remote from the nearby urban area;
- remove historical physical linkages between the urban area and the wider countryside, making it less easy for residents and visitors to enjoy access to the AONB; and
- undermine the character of the AONB by introducing major urban development in the foothills of the North Downs that will be clearly visible from vantage points within the AONB.

1.6. In the light of these concerns alone, Protect Kent would ask the Secretary of State to dismiss the appeal and refuse planning permission.

2. Introduction

2.1. Protect Kent is the Kent Branch of the Campaign to Protect Rural England (CPRE). CPRE is a national charity which promotes the beauty, tranquillity and diversity of rural England. We advocate positive solutions for the long-term future of the countryside. Founded in 1926, we have 60,000 supporters and a branch in every county. The Kent Branch was established in 1929.

2.2. I, Brian Edward Lloyd, am a chartered town planner employed by Protect Kent. I hold an honours degree in Geography from the University of Birmingham and a Masters degree in Town Planning from the University of Wales. I was elected as a corporate member of the Royal Town Planning Institute in 1989. I have 25 years professional experience, entirely in the field of planning policy.

2.3. I have been employed by Protect Kent since December 2007 as a Senior Planner. Between December 1984 and March 1992 I held various planning policy posts with Mid Sussex District Council and Horsham District Council. In March 1992 I joined Swale Borough Council in Kent as a Principal Planner and in October 1997 I was appointed as the Council's Planning Policy Manager. In that capacity I was responsible for overseeing the preparation of the Council's planning policy documents, including two borough-wide local plans, and providing advice to, and representing, the Council on strategic planning policy matters including in regard to the Kent Structure Plan and the South East Plan. I also provided policy advice to development control colleagues on planning applications, and assisted as a witness at several planning appeal inquiries.

2.4. For Protect Kent my main role is to help our District committees to provide input to the preparation of Local Development Frameworks throughout Kent to secure CPRE objectives. I also provide professional advice to the committees on major planning applications and on planning issues generally.

2.5. In this statement, in support of the fuller planning policy evidence submitted by Maidstone Borough Council and Kent County Council, I seek to highlight the relevant planning policies in regard to the protection of the countryside and landscape, as these are issues of particular concern to Protect Kent.

3. Planning Policy Issues

- 3.1. Maidstone Borough Council and Kent County Council have provided comprehensive evidence on the relevant planning policy issues that need to be taken into account in this appeal. Protect Kent endorses this evidence, and I do not intend to repeat it verbatim in this statement. Rather, I shall seek to highlight the policy considerations that Protect Kent consider are important in relation to the protection of the countryside and impact on the landscape, these being matters of principle concern to Protect Kent.
- 3.2. Protect Kent has other concerns with the proposal and these are addressed in other statements that we have submitted to the Inquiry.
- 3.3. At the heart of planning policy in the UK is the principle of sustainable development, and Planning Policy Statement (PPS) 1 *“Delivering Sustainable Development”* is of fundamental importance in considering this planning application. Paragraph 1 of PPS1 states:

“Planning shapes the places where people live and work and the country we live in. Good planning ensures that we get the right development, in the right place and at the right time. It makes a positive difference to people’s lives and helps to deliver homes, jobs, and better opportunities for all, whilst protecting and enhancing the natural and historic environment, and conserving the countryside and open spaces that are vital resources for everyone. But poor planning can result in a legacy for current and future generations of run-down town centres, unsafe and dilapidated housing, crime and disorder, and the loss of our finest countryside to development.”

- 3.4. Paragraph 4 of PPS1 explains that the effective protection of the environment is one of the four aims of sustainable development. Paragraph 5 explains that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by, amongst other things, protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities.
- 3.5. As a key principle, paragraph 13 of PPS1 states that *“development plans should ensure that sustainable development is pursued in an integrated manner, in line with the principles for sustainable development set out in the UK strategy. Regional planning bodies and local planning authorities should ensure that development plans promote outcomes in which environmental, economic and social objectives are achieved together over time”*.
- 3.6. With regard to this key principle, paragraph 17 of PPS1 explains that the Government is committed to protecting and enhancing the quality of the natural and historic environment, in both rural and urban areas. It continues that planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole. Paragraph 19 explains that significant adverse impacts on the environment should be avoided and alternative options which might reduce or eliminate

those impacts pursued. Paragraph 20 highlights the need for planning policies to protect the wider countryside and take account of the impact of development on landscape quality.

- 3.7. It is clear from PPS1 that the protection of the environment, specifically the quality and character of the countryside and landscape, is a key component of achieving sustainable development. True sustainable development must secure an acceptable integration of environmental, economic and social objectives. It is Protect Kent's serious concern that the extensive loss of countryside that the development would involve and the impact it will have on the landscape, including on the adjoining Area of Outstanding Natural Beauty, means that the proposal fails to comprise the necessary integration of environmental, economic and social objectives and thus it does not comprise sustainable development as sought by PPS1.

Policies in relation to the Protection of the Countryside

- 3.8. The development proposal comprises approximately 112 hectares of land and is located entirely outside of the urban area of Maidstone as defined in the Maidstone Borough-Wide Local Plan, adopted in December 2000. The land is in active agricultural production, though there are also some significant woodland blocks, mature trees and hedgerows. It is also an area that is enjoyed by many who use the public right of way network that cross it - see separate statements from William Catlin BS Graham Smith of the Ramblers Association and Anne Rillie on behalf of the British Horse Association (CPRE/7).
- 3.9. The land is not allocated for development in the Local Plan and is not identified as a general location for major urban expansion in the South East Plan. Consequently, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 determination must be made in accordance with the development plan unless material considerations indicate otherwise. This means that it falls for consideration against the general policy of development restraint in the countryside and it is for the site promoter to demonstrate that other material considerations override this general presumption and that it comprises sustainable development in environmental, economic and social terms. Protect Kent does not consider that the case for a road/rail interchange in this location has been made, for the reasons robustly presented by Maidstone Borough Council, Kent County Council and other third parties. Consequently, national and development plan policies that seek to protect the countryside and landscapes should prevail.
- 3.10. Whilst the western most part the site abuts the defined urban area of Maidstone, the vast majority involves a significant extension of the urban area eastwards towards junction 8 of the M20 Motorway completely unrelated to the urban form of Maidstone. In effect it comprises urban sprawl and a major ribbon development running alongside both the M20 and the A20 that encroaches significantly into the open countryside some distance from the defined urban area. This is a form of development that has been universally

regarded with disdain since the passing of the Restriction of Ribbon Development Act in 1935.

3.11. That part of the site that does directly abut the urban area falls within a defined Strategic Gap that is intended to maintain the separation between Maidstone and the Medway Gap urban areas by restricting development that would significantly extend settlements beyond their existing built confines. Whilst Strategic Gaps were Structure Plan planning tools that have not been carried forward into the South East Plan, the principle of avoiding coalescence between Maidstone and the Medway towns is explicitly retained within Policy AOSR7 of the South East Plan. Saved Policy ENV31 of the Maidstone Borough-wide Local Plan is clear that “development which significantly extends the defined urban areas or the built up extent of any settlement or development, within the strategic gap as defined on the proposals map will not be permitted”. This proposal clearly comprises a significant extension of the built up extent of Maidstone.

3.12. Planning Policy Statement (PPS) 7 “*Sustainable Development in Rural Areas*” provides the Government’s planning policy on development in the undeveloped countryside. Page 6 of PPS7 sets out the Government’s objectives for the rural areas, which include the “*continued protection of the countryside for the benefit of all*” and that the quality of life and the environment in rural areas should be raised through the promotion of “*good quality, sustainable development that respects and, where possible, enhances local distinctiveness and the intrinsic qualities of the countryside*”. Paragraph (iv) states that “*the Government’s overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all*”.

3.13. With regard to development in the countryside, paragraph 15 of PPS7 states:

“Planning policies should provide a positive framework for facilitating sustainable development that supports traditional land-based activities and makes the most of new leisure and recreational opportunities that require a countryside location. Planning authorities should continue to ensure that the quality and character of the wider countryside is protected and, where possible, enhanced. They should have particular regard to any areas that have been statutorily designated for their landscape, wildlife or historic qualities where greater priority should be given to restraint of potentially damaging development.”

3.14. With regard to the countryside around urban areas, paragraph 26 of PPS7 states:

“While the policies in PPG2 continue to apply in green belts, local planning authorities should ensure that planning policies in LDDs address the particular land use issues and opportunities to be found in the countryside around all urban areas, recognising its importance to those who live or work there, and also in providing the nearest and

most accessible countryside to urban residents. Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g. through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities.”

3.15. In May 2009 the Government published for consultation a draft new Planning Policy Statement (PPS) 4 “*Planning for Prosperous Economies*”. It will supersede parts of PPS7 when it is finally adopted. Although it is currently a draft, it has some weight in considering the proposal.

3.16. In regard to economic development in the rural areas, Policy EC9.1 of the draft new PPS4 states:

“Economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. Most new development should continue to be located in or on the edge of existing settlements as this facilitates best use of existing infrastructure and delivers sustainable development. The countryside should be protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.”

3.17. In May 2009 the South East Plan (the Regional Spatial Strategy for the South East of England) was issued. This superseded the Kent and Medway Structure Plan on 6th July 2009. Paragraph 11.1 of the Plan acknowledges the diversity and quality of the countryside in the South East and in accordance with national planning policy guidance it states the need to plan for growth in a way that protects and cherishes the countryside and landscapes that make up the region. Paragraph 11.2 states:

“The importance of protecting and supporting the countryside is a fundamental objective for this Plan, as the countryside performs various functions that contribute to quality of life in the region. It is valuable:

Environmentally - through its provision of key habitats, as a flood management resource and carbon sink, and as a provider of renewable energy sources and food

Economically - through the jobs it creates, the millions of visitors it attracts and by helping the region retain and attract high value employees and businesses

Socially - through the enjoyment and tranquillity it provides its users, and by providing recreational opportunities and supporting more healthy lifestyles.”

The policy priority for the South East Plan is to focus development on previously-developed land (see Policy SP3).

3.18. The Maidstone Borough-wide Local Plan confirms that the site falls in the countryside, it being outside the urban area defined on the Proposals Map. In the countryside, saved Policy ENV28 of the Local Plan seeks to prevent development that would harm the character and appearance of the area, or the amenities of the surrounding occupiers, and specifically confines acceptable development to:

- that which is reasonably necessary for the purposes of agriculture and forestry; or
- the winning of minerals; or
- open air recreation and ancillary buildings providing operational uses only; or
- the provision of public or institutional uses for which a rural location is justified; or
- such other exceptions as indicated by policies elsewhere in this plan.

The proposed development does not comprise any of these acceptable exceptions.

3.19. The proposed development comprises major development in the open countryside, in a location and of a form that relates poorly to the existing urban form of Maidstone. It goes against the thrust of national and development plan policy that seeks to protect the open countryside from development and to promote enjoyment of it. Specifically it will:

- comprise urban sprawl and ribbon development that extends the urban area in an illogical fashion into the open countryside where national and development plan policies demand strict control of development;
- involve a significant extension to the defined urban area, which at its western end encroaches into the longstanding defined strategic gap designed to contain development and avoid settlement coalescence;
- involve the loss of a large swathe of countryside that is in productive agricultural use, and which acts as a green lung for local residents by providing an open buffer between them and the M20 Motorway and the high speed rail line; and
- involve the loss of a large area of countryside that acts as a gateway to the wider countryside to the north, including the North Downs Area of Outstanding Natural Beauty, as a result of the public rights of way that cross it. As such is it highly valued and enjoyed by local residents and contributes significantly to their quality of life.

Policies in relation to Landscape

- 3.20. The site falls entirely within an area that has been identified as a Special Landscape Area for many years. Although this is a Structure Plan designation that has not been carried forward into the South East Plan, that does not mean that its previously recognised scenic quality has suddenly gone. Indeed, Jacobs in their assessment of the landscape and visual effects of the proposal (CD*) confirm that whilst there are visual detractors:

“...the site still has key positive attributes, including its pattern of topography, drainage and vegetation, which make a very important contribution to the broader landscape character of the area. These attributes have very limited potential for substitution. The site is also covered by the county level SLA designation reflecting its scenic significance and it retains a strongly rural undeveloped character remote from the nearby urban areas of Maidstone.” (paragraph 3.52).

- 3.21. Importantly, the site adjoins the Kent Downs Area of Outstanding Natural Beauty (AONB) that borders the M20/high speed rail line to the north, and is located at the foot of the scarp slope of the Downs. National planning policy (paragraph 21 of PPS7) affords the highest protection to landscapes of national importance, including AONBs. Paragraph 22 of PPS7 explains that major development should not take place within the AONB, except in exceptional circumstances. This is echoed by saved Policy ENV33 of the Maidstone Borough-wide Local Plan.
- 3.22. The site is not located within the AONB, but it does provide the foreground setting of the AONB as it is intrinsically linked to it by its landscape character; by the public rights of way network that cross it; and visually in views from the AONB. In this regard Policy C3 of the South East Plan is fundamentally important to the consideration of the proposal.
- 3.23. Policy C3 of the South East Plan is one of a number of policies, highlighted on page 4 of the Plan, as core to ensuring sustainable rural environments, i.e. *“which celebrate and enhance character and distinctiveness; accept change and development which respect that character; provide for a wide range of recreation and retreat”*. Policy C3 itself states:

“High priority will be given to conservation and enhancement of natural beauty in the region’s Areas of Outstanding Natural Beauty (AONBs) and planning decisions should have regard to their setting. Proposals for development should be considered in that context.”

- 3.24. The proposed development site is an important part of the setting of the Kent Downs AONB as explained in paragraph 2.22 above, and it is clear from Policy C3 that the impact on the setting of the AONB provides an important context for the consideration of this application. Protect Kent shares the view of most opposed to this application that this major development will have an unacceptable detrimental impact on the setting of the AONB and that as a

consequence it will have a direct impact on the character, quality and enjoyment of the AONB itself. We consider that the scale of the development proposed will:

- destroy part of the foreground setting of the AONB, and thus remove the continuity of the North Downs landscape as it approaches the urban area;
- destroy an area which has long been recognised for its own scenic significance, and which retains a strongly rural undeveloped character remote from the nearby urban area;
- remove historical physical linkages between the urban area and the wider countryside, making it less easy for residents and visitors to enjoy access to the AONB; and
- undermine the character of the AONB by introducing major urban development in the foothills of the North Downs that will be clearly visible from vantage points within the AONB.

3.25. CPRE Protect Kent supports the landscape evidence presented on behalf of Maidstone Borough Council, Kent County Council and the Kent Downs AONB Executive, whilst further specific comments on the visual impacts of the proposed development on the AONB are given in our statement no. CPRE/3.