

PUBLIC INQUIRY

into an appeal by Kent International Gateway Ltd
for a proposed rail/road freight interchange, warehousing and other
works

Land between the M20 and A20 to the west of Junction 8
and east of Thurnham Lane, Maidstone

Maidstone Borough Council application ref: MA/07/2092
Planning Inspectorate appeal ref: APP/U2235/A/09/206565

Evidence of Richard Bate MA MPhil MRTPI

on behalf of

Kent Downs Area of Outstanding Natural Beauty Executive



September 2009

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1 **QUALIFICATIONS**

- 1.1 My name is Richard Bate. I hold the degrees of MA in Geography (Cambridge) and MPhil in Town Planning (University College London). I am a Member of the Royal Town Planning Institute.
- 1.2 I am the senior Partner in the planning and environment consultancy Green Balance, which I established in 1991. Prior to that I had worked since 1978 as a planner in local government, in regional planning and in national voluntary organisations.
- 1.3 Much of my work for the last 25 years has involved the development of national and strategic planning policy and its local application. There is a strong emphasis on research (and publication) in my work, principally for national statutory bodies and NGOs. The scope of my work is very varied, covering rural issues, housing, minerals, heritage, and many other issues. I am retained by organisations as diverse as the National Trust, the National Housing Federation, and the Countryside Council for Wales. I am also familiar with the different planning systems in England, Wales and Northern Ireland. I have been the planning adviser to the House of Commons Select Committee on Communities and Local Government (and its predecessors) for the last 11 years. In 2003 we advised Defra on UK participation in the European Landscape Convention, leading subsequently to the UK signing and ratifying this convention. I have also advised CLG and its predecessors (and Natural England and its predecessors) on national minerals policy issues.
- 1.4 I have been involved in the interests of Areas of Outstanding Natural Beauty for over 15 years. Many projects involved the South Downs and aspects of the creation there of a National Park (for the Countryside Agency, National Trust and Council for National Parks). I have advised the Countryside Council for Wales on marine dredging off the Gower AONB, and prepared a management plan for the Studland peninsular in the Dorset AONB for the National Trust. I have worked extensively too on National Park issues (particularly for the Council for National Parks and Park-based NGOs), and I am currently preparing the minerals policies for the Peak District NPA LDF Core Strategy.
- 1.5 Since 2006 I have been retained by the Kent Downs AONB Executive to advise on major development proposals affecting the integrity of the AONB. This has included, for example, an applied research project (with Northumbria University) making the first ever use of a new data set on tranquillity to identify the impact of the proposed Lydd airport runway extension on the tranquillity of the Kent Downs AONB.

2 **SCOPE OF EVIDENCE**

- 2.1 Green Balance has been appointed by the Kent Downs AONB Executive to review the impact of the Kent International Gateway proposal on the interests of the Kent Downs AONB. I have assessed the proposal against the planning policies and other material considerations relevant to the AONB. The Kent Downs AONB Executive has consistently opposed this scheme, which is a position with which I agree.
- 2.2 The Kent Downs AONB Executive is opposed to the scheme principally on landscape grounds. My evidence concentrates on this. The Executive is also opposed to the light pollution impact of the scheme. On this topic my case is largely by way of support for evidence submitted by Maidstone Borough Council. The Executive is also concerned by the additional noise impacts affecting the enjoyment of the AONB, and by the additional consequential traffic on certain roads in the AONB. My evidence is divided to cover each of these in turn.
- 2.3 It is the aim of this evidence to avoid duplication of relevant material submitted by others, particularly by being additional to that of the statutory bodies (Maidstone BC as local planning authority and Natural England) whose landscape evidence I have seen in draft and support. With this in mind, I have not restated much of the relevant policy base, for example.

3 **LANDSCAPE**

- 3.1 The appeal site lies immediately beyond the boundary of the Kent Downs AONB, at the foot of the scarp slope of the North Downs. It is readily visible from the AONB and lies within the setting of the AONB. Planning policies for the appropriate protection of the setting of the Kent Downs AONB are therefore material considerations in this case. I also show that a significant part of the value of the AONB exists in the quality of the views to and from the chalk scarp, so that damage to the setting of the AONB in locations such as the appeal site would also diminish the enjoyment of the AONB itself.

Policy background on protecting the setting of the Kent Downs AONB

National and regional planning policies

- 3.2 Mr Tyldesley for Natural England explains the policies which apply in AONBs. I focus here on policy regarding their settings alone. The statutory purpose of AONBs is to conserve and enhance the natural beauty of their area. To explain the purposes of nationally designated landscapes and how these are expected by the Government to be achieved, Defra published in March 2005 *Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads* (Appendix 1). This includes the following statement:

“it may sometimes be the case that the activities of certain authorities operating outside the boundaries of these areas may have an impact within them. In such cases, relevant authorities will also be expected to have regard to the purposes of these areas” (paragraph 6).

So far as I am aware, this is the only national guidance pursuant to the legislation which specifically recognises that activity within the setting of an AONB can affect the purposes for which the area was so designated.

- 3.3 The Government’s commitment to protecting the settings of AONBs in planning terms is apparent from the support provided to regional planning policies. Policy C3 ‘Areas of Outstanding Natural Beauty’ of the Regional Spatial Strategy for South East England opens as follows:

“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.”

- 3.4 This policy has been accepted by the Secretary of State though the approval of the Regional Spatial Strategy in May 2009. Nationally endorsed policies also aim to protect the generality of the settings of AONBs in the Regional Spatial Strategies for the North West (Policy

EM1(A), approved September 2008), Yorkshire and Humber (paragraph 10.58, approved May 2008) and South West (Policy ENV3, Proposed Changes July 2008).

- 3.5 More specifically, the Secretary of State has also sought to ensure that wind farm and other renewable energy developments close to the boundaries of AONBs do not undermine the purposes of designation, and in doing so has emphasised the importance to these nationally recognised assets of the landscape settings around them. As well as a policy in the North East region (Policy 40, approved July 2008), Policy NRM15 in the South East ends with the statement that:

“Proposals within or close to the boundaries of designated areas should demonstrate that development will not undermine the objectives that underpin the purposes of designation”.

- 3.6 Policy C3 ‘Areas of Outstanding Natural Beauty’ of the Regional Spatial Strategy for South East England continues from the above statement as follows:

“Positive land management policies should be developed to sustain the areas’ landscape quality. In drafting local development documents, local planning authorities should have regard to statutory AONB Management Plans.”

As the application of this Policy depends on the content of the Kent Downs AONB Management Plan, it is discussed under ‘other policies’ below at paragraphs 3.10-12.

- 3.7 Finally on relevant national treatment of the settings of AONBs, I draw attention to the support which the Secretary of State has given on appeals to protecting these. Proposals of the enormous size of the Kent International Gateway are few, and I am not aware of anything similar proposed within the setting of an AONB. However, smaller but still significant developments outside AONBs but which would adversely affect the AONBs’ settings have been refused by the Secretary of State on appeal primarily for that reason. In particular, I draw attention to two caravan park proposals in Weymouth and Portland BC (Appendix 2), refused by Inspectors on 8th February 2007 (Seaview Holiday Park) and 11 November 2008 (Waterside Holiday Park) where damage to the setting of the AONB was a key reason for refusal. I consider that the much larger proposal for Kent International Gateway similarly merits refusal on the grounds of its visual impact on the setting of the Kent Downs AONB.

Local policies

3.8 The main local planning policies relevant to the consideration of the appeal are set out in the Officers' Report to the Maidstone Borough Council Planning Committee circulated on 28th April 2009 (section 8), and are discussed by other witnesses. I draw attention particularly to Policy TP23 in the Kent and Medway Structure Plan (CD 2.6) to support intermodal interchange facilities to serve the Channel Tunnel "only where there are no significant adverse effects on the local economy, countryside character or the environment, including the Kent Downs Area of Outstanding Natural Beauty". Although now overtaken by the approval of the South East RSS, the spirit of this policy lives on in RSS Policy C3 noted above.

3.9 The planning status of the appeal site is under review through the Local Development Framework for Maidstone BC. The possibility of development on part of the site has been raised in the Preferred Options consultation, where the land is presented variously as suitable for major growth (east end), green space network (centre) and an area of search for urban edge development sites (west end). The Core Strategy of the LDF has not yet been submitted or examined. In response to the consultation, the Kent Downs AONB Executive opposed the treatment proposed for the appeal site, commenting (in March 2007, see Appendix 3) inter alia as follows:

- Strategic Policy CS2, Maidstone Town: "we do not support the proposed 'major growth' up to the AONB boundary and within the locally designated landscape, or the development sites on the edge of the main urban area, where these also abut the AONB and are within the locally designated landscape. The area for major growth extends from the south east of Maidstone up to the AONB boundary, but the AONB Executive feels that the northernmost greenfield land provides an important buffer between the urban edge and the AONB, and that the major growth area should be confined to the south of the green space identified on the key diagram. Similarly the urban edge areas of search should be confined to the south of Maidstone urban area, rather than including the sensitive sites to the north. The proposed development within the locally designated landscape also contradicts policy CS11 which seeks to protect Special Landscape Areas"; and
- Strategic Policy CS6: "the Executive is concerned that some of the development areas appear to abut the southern boundary of the AONB. Major development should not be permitted within the AONB boundary except in exceptional circumstances (as set out in PPS7), however if development is permitted adjacent to the boundary or in proximity to the AONB, it can still have significant effects on views to and from the AONB, impacts on its setting and impacts on the tranquillity of the AONB from increased light pollution, noise and traffic. Proposals which could affect the integrity of the AONB must be carefully assessed to ensure that

developments which would have a significant adverse effect are not permitted.”

Other policies

3.10 The Regional Spatial Strategy Policy C3 requires local planning authorities to have regard to statutory AONB Management Plans. The *Kent Downs Management Plan 2009-14* (CD 6.3.3) includes the following policies which are relevant in respect of RSS Policy C3:

- On Landform and Landscape Character, Policy LLC8 states:
“Proposals which negatively impact on the distinctive landform, landscape character and identified special components of natural beauty, the setting and views to and from the AONB will be opposed and resisted.”
- On Sustainable Development and Travel, Policy SDT5 states:
“Proposals that have a negative impact upon the setting and views to and from the AONB will be resisted unless they can be satisfactorily mitigated.”

3.11 The proposed development conflicts with these policies. Although land management policies, they should be given considerable weight in this planning decision because:

- i) to do so is a formal requirement of the development plan, as indicated above;
- ii) PPS12 (paragraph 6.3) makes clear that supplementary guidance prepared by outside bodies (and AONB Committees are specifically mentioned) can be afforded a weight commensurate with that of a Supplementary Planning Document provided certain conditions are met, which they clearly are in this case, as follows:
 - The same disciplines of consultation and sustainability appraisal have been applied. They have been, as the Kent Downs AONB Management Plan has been the subject not only of Sustainability Appraisal, but also community and stakeholder engagement, Appropriate Assessment and an Environment Report. Collectively these exceeded the requirements set by Natural England for AONB Management Plan reviews. Natural England has stated that steps taken “demonstrate excellent good practice” and has been effusive in its congratulations to the Executive (Appendix 4).
 - the borough council to which it is intended to apply has endorsed the guidance. Like every other local planning authority with land in the AONB, Maidstone BC has formally adopted the Management Plan to shape the way in which they carry out their functions in relation to the AONB in their area.

3.12 I conclude that the Management Plan and in particular policies LLC8 and SDT5 – addressing impacts on the AONB, views and settings – should carry considerable weight in the assessment of the current appeal.

The importance to the AONB of the chalk scarp, its setting and views

3.13 The outstanding beauty of the chalk scarp of the North Downs, together with the views from it over its setting, was the central reason why the AONB was designated in the first place. These features have remained critical to its value and to public enjoyment ever since. A key part of the asset whose setting merits protection is the chalk scarp, while at the same time the setting itself is integral to the experience of that asset. This applies both generally along the length of the AONB and specifically in the Detling to Hollingbourne section.

3.14 I explain below why this is the case, under two headings. First, I set out the designation history of the AONB in the vicinity of the appeal site, and show how the national AONB designation and the county Special Landscape Area designation have complemented each other from the outset to protect both the scarp and its setting. Second, I demonstrate how the chalk scarp and its setting were central to the purpose of designation and have remained critical to the value of the AONB.

Designation history of the AONB and Special Landscape Area

Kent Downs AONB

3.15 In 1945 John Dower produced his report *National Parks in England and Wales*. This not only recommended particular areas worthy of designation as National Parks, but identified a further 52 conservation areas of high landscape quality, one of which was the North Downs. These provided the basis for the subsequent designation of Areas of Outstanding Natural Beauty. The National Parks Commission began the process of designating the Kent section of the North Downs in 1958. There was an extensive programme of mapping, consultation, revision and discussion (relevant documents listed below are reproduced in Appendix 5).

3.16 Of particular relevance to this Inquiry is the meeting between the Commission and Kent County Council on 22nd January 1964. The Commission revisited some fundamental issues about what should be designated:

- “(a) Should boundaries be tightly drawn or not?
- (b) What was meant by “outstanding” ie. was it to be regarded as absolute or relative?
- (c) How far should the objective be to protect or rehabilitate areas?” (Minute 1).

The matter was summed up in Minute (6), in which Mr Heckels (Clerk to the County Council) indicated his agreement with the view of the Commission:

“On the general question of boundaries, Mr Heckels said that he was inclined to agree that these should be drawn tightly rather than loosely so that what was contained within the designated area could be justifiably defended.”

From the history of the designation process of the Kent Downs AONB it is clear that the Commission kept to this principle. In effect it was their intention to designate the ‘outstanding’ areas of countryside, and no attempt was made to include the setting of those outstanding areas.

- 3.17 Throughout the designation process, Kent County Council promoted its view that a wider area was of ‘outstanding’ quality than proposed for designation by the Commission. The County Council also urged the Commission not to use major roads as boundaries to the AONB where landscape of quality lay beyond. For example, on 10th March 1966 Mr Heckels wrote to the Commission urging that consideration for inclusion in the AONB

“be given to those important sections of highways and/or motorways such as Route M.2, A.20(M) and its proposed extension westwards to Wrotham Heath, and A.2, by the inclusion of sufficient land on both sides of such roads to preserve the views therefrom”.¹

- 3.18 Even after the National Parks Commission had sent its formal Designation Order for the Kent Downs AONB to the Government for approval, on 8th February 1968, Kent County Council still sought to persuade the Commission to change its proposed boundary. On 10th April 1968 Mr Heckels wrote

“to make the following further representations to the Commission on behalf of the County Council as Local Planning Authority:...

(h) the exclusion of the areas at Addington and south of the A.20(M), which the Local Planning Authority had previously urged should form part of the area for designation, is regretted and the Local Planning Authority asks for the boundary to be amended by including them”.

- 3.19 By seeking the designation as AONB of land south of the A20(M), the County Council was clearly hoping to include what is now the appeal site. That particular request was unsuccessful, though it is reasonable to interpret this area of land as a marginal case. If the KIG scheme on its

¹ At that time a road publicised as the Maidstone Bypass was built to motorway standards, the A20(M), between the A20 at Royal British Legion Village to the west and the A20 at Eyhorne Street to the east. This is now the central section of the M20. The principal piece of countryside between this road and the built-up area of greater Maidstone is the area in which the appeal site lies.

site beside the M20 were to be approved, then Mr Heckels would have been proved right: it was indeed not possible “to preserve the views therefrom”, whereas clearly they would have been preserved if land south of the M20 had been included within the AONB.

Special Landscape Area

- 3.20 The Kent Structure Plan was approved by the Secretary of State in April 1980. In addition to its Key Diagram it included a Countryside and Coast Supplementary Diagram. This indicated amongst other areas the extent of the Kent Downs AONB and of a county-level designation called ‘Special Landscape Areas’ (SLAs). Identifying the boundaries of SLAs was the task of the Kent Countryside Local Plan, which was adopted by the County Council in May 1983. Extracts from the Local Plan, including the reproduced Countryside and Coast Supplementary Diagram from the Structure Plan, are presented in Appendix 6. Paragraph 3.11 of the Written Statement explains the basis for defining SLAs:

“In order to arrive at a detailed boundary for each SLA detailed surveys were conducted, analysing landscape quality as objectively as possible and noting the importance of particular pieces of countryside as foreground to more striking scenery.”

This is explained further in the Report of Survey at paragraph 4.24 on the definition of SLAs:

“In broadly defining the extent of SLAs, the Structure Plan recognised the importance of preserving the foreground to important scenic features. Thus the North Downs SLA includes a strip of land at the foot of the escarpment....”

- 3.21 It is clear from these statements that Kent County Council used SLAs in part to provide protection for the setting of the Kent Downs AONB. The Supplementary Diagram shows clearly that in many locations, including around the appeal site, the SLA designation covers a modest area of land adjacent to the AONB where one of its functions is highly likely to have been to protect the setting of the outstanding scenery adjacent.
- 3.22 The evidence shows that there has been a longstanding commitment within Kent to protect the setting of the AONB (as well as the AONB itself), and that the current SLA policy should be seen in part as contributing to that process. This is explained in Mr Lovell's evidence. As well as charting briefly the evolution of SLA policy, Mr Lovell notes that the policy remains extant in Maidstone by virtue of saved Policy ENV34 from the Maidstone Local Plan 2000. A similar circumstance arose for consideration in the case of the appeal at Waterside Holiday Park, Weymouth where a development in the setting of an AONB was at issue (noted above and included in my Appendix 2). The Inspector decided that Weymouth and Portland's saved Local Plan Policy N12, which defines and designates the local landscape areas, should be accorded the same

weight as all other local policies. Similarly ENV34 remains part of the development plan in Maidstone and should be accorded full weight.

Recognition of the critical value of the chalk scarp and its setting

3.23 The 'setting' of the Kent Downs AONB in the vicinity of the proposed Kent International Gateway (or indeed elsewhere) has not been defined. There would be difficulties in doing this in terms of drawing lines on a map. For practical purposes what matters is the significance of the landscape asset which would be affected and the degree of impact of the proposed development upon it.

3.24 Mr Lovell for Maidstone BC in part expresses this using the methods set out in the *Guidelines for Landscape and Visual Assessment* (LI & IEMA, 2002), where the significance of an impact is related to the sensitivity of the receptor and the magnitude of the change. He has assessed both landscape effects and visual effects, and I welcome and support his analyses on these bases.

3.25 Mr Tyldesley for Natural England expands upon these themes, highlighting amongst other points that there are various ways of conceptualising 'settings' – all of which would be adversely affected by the proposed development. He also emphasises that there would be a significant diminution in the public enjoyment of the AONB if the development were to proceed, due to the erosion of views out of the designated area. I wholly agree with his contribution too.

3.26 I wish to emphasise the importance of the landscape asset whose setting would be so badly affected in the way Mr Lovell, Mr Tyldesley and indeed myself (below) describe. This asset has always been treated as one which relies for a significant part of its merit on the grandeur of the chalk scarp slope of the North Downs. Furthermore, the views from this scarp to beyond the designated area (and back from the setting towards the scarp) have always been integral to the reasons for designation. The Kent Downs was worth designating as a nationally outstanding landscape in part because of the views beyond it into its setting. This perspective on the significance of the asset can be traced through the main statements made about the Kent Downs AONB through its history, as the following sources demonstrate. All emphasise the importance of the scarp and of views. I have added emphasis in the text to references to views from (or to) the scarp. Fuller extracts are in Appendix 7.

3.27 (i) The Ministry of Housing and Local Government issued a Press Statement announcing the designation of the Kent Downs on 23rd July 1968. The description of the special qualities of the area was brief:

“The Downs rise in places to 600 feet, and the escarpments provide some fine views over the Weald. There is considerable wild-life interest within the areas and at Crundale Downs near Wye there is a National Nature Reserve.”

- 3.28 (ii) A study into the Kent Downs was carried out in 1978-79 by Land Use Consultants as part of the Countryside Commission's programme aimed at clarifying the role of the AONB designation in countryside conservation and its effectiveness. An edited version of their report was subsequently published by the Commission in 1984 (*The Kent Downs Area of Outstanding Natural Beauty*, CCP150). The study found that

“... there was little, if any, debate about the core of the area to be protected, which is broadly common to the Hobhouse Area, the 1948 Preservation Area, and the Area of Great Landscape Value. This ‘core area’ is specifically described in a report by the National Parks Commission’s Field Officer as “the scarp and scarp slope of the North Downs”...”.

The study concluded its assessment of the designation process by stating:

“... the scarp slope and dry valleys of the Kent Downs were the main target for designation, particularly where they retained a downland character, that woodlands were highly valued throughout the designated area and particularly on the scarp slope and dry valley sides, and that other qualities of note were views from the escarpment, pastoral scenery, parklands, villages, churches and castles” (paragraph 1.9).

- 3.29 (iii) Subsequently the Countryside Commission and Kent County Council commissioned *The Kent Downs Landscape: An assessment of the Area of Outstanding Natural Beauty*, published in 1995. In the Foreword, the Chairman of the Countryside Commission highlights that:

The Kent Downs landscape is valued for its dramatic south-facing scarp, secluded dry valleys, the network of tiny lanes and for its isolated farms and churches... Situated between the capital and the coast, however, the landscape is seen by millions of people using the railways and the motorways along its boundaries.”

- 3.30 (iv) This year the Kent Downs AONB Executive has published its *Management Plan 2009-2014* (CD 6.3.3) which similarly emphasises the chalk scarp and views from it. Section 1.2 on ‘Special components of the Kent Downs AONB’ opens as follows:

“The Kent Downs’ dramatic and diverse topography is based on underlying geology. These features comprise: impressive south-facing scarps of chalk and greensand..... Breathtaking, long-distance panoramas are offered across open countryside, estuaries, towns and the sea from the scarp, cliffs and plateaux....”.

Likewise, section 4.1.1 on ‘The Landform of the Kent Downs’ opens with its first section on ‘The Chalk Ridge’, observing:

“The long arc of the North Downs chalk ridge is the most dominant element of the AONB, consisting of the steep, south-facing scarp slope rising above the Gault clay vale below, the open expansive plateau tops and gentle dip slopes traversed by many hidden, dry valleys. Spectacular views are offered along the chalk escarpment across the low Weald, the river valleys and the towns below.”

- 3.31 The generality of the importance to the designated area of the scarp of the North Downs and of views is supported by specific comment on the importance of the scarp overlooking the appeal site. The Countryside Commission’s description of the landscape in the Hollingbourne Vale section of the Mid-Kent Downs emphasises the view (*The Kent Downs Landscape: An assessment of the Area of Outstanding Natural Beauty*, 1995, page 27)² (see Appendix A). It opens as follows:

“The steep scarp of the downs, between Boxley and the Stour Valley, overlooks a wide rolling landscape of mixed farmland”:

- 3.32 Finally on the importance to the AONB of its setting and views, public opinion supports the established consensus on what matters most in the AONB. The *Kent Downs Management Plan 2009-2014* (CD 6.3.3) reports the views of the public on the most valued features of the Kent Downs AONB (pages 9-11). This is derived from responses to a questionnaire in the local newspapers *Kent on Sunday* and *Saturday Observer* (providing a broader base of opinion than relied on in the 2003 survey of readers of the Kent Downs AONB’s own newspaper *The Orchid*). ‘Scenery and views’ are by far the most highly valued quality of the AONB at 83%. No other feature (of the other ten options) gathered as much as 50% support. Views such as those from the AONB over the appeal site are critical to the value of the AONB and are central to the reasons why people appreciate the AONB so much.

- 3.33 I conclude that the overwhelming impression throughout the history of the Kent Downs AONB is the importance to the designated area of the chalk scarp of the North Downs and the views from it and to it. By virtue of the tightly drawn boundaries of the AONB, these views are clearly to (and from) land beyond the designated area. This land can be said to comprise its ‘setting’. It is in the foreground of this setting that the appeal site lies. The Kent International Gateway proposal is inherently a major challenge to the purposes for which the Kent Downs AONB was designated, and should be assessed in that light.

Visual impact of the proposal on the AONB

² This description forms the basis for the later landscape character review by Babbie for Kent County Council in *The Landscape Assessment of Kent*, October 2004 (CD5.13).

3.34 The visual impact of the proposals on the AONB is a matter which is too important to the interests of the Kent Downs AONB Executive for me to rely entirely on the evidence separately provided by Mr Lovell for Maidstone BC and Mr Tyldesley for Natural England, though I support the comments they have made. My comments are intended to be additional rather than duplication, and in some respects (such as the importance of the views from White Horse Wood Country Park and from the North Downs Way) I bring new information which has not been covered by others (so far as I am aware).

The existing landscape experience

- 3.35 The starting point for this assessment is an appreciation of the current landscape experience of the AONB in this area. Between the Detling and Hollingbourne areas (to the north west and to the east of the development site respectively), the most striking feature of the landscape from all elevations within the AONB, looking broadly southwards, is of unspoilt rural farming countryside. This is especially the case from the Detling area and White Horse Wood Country Park. The very large urban area of Maidstone, to the south-west, is largely obscured by landform, but parts of northern Maidstone and of the village of Bearsted are just visible from higher elevations on the North Downs when looking in that direction. However, built development is not intrusive in the view due to its distance at an oblique angle and the extent of hedgerows and woodland on rising ground through and behind the developed area.
- 3.36 Hedgerows, trees and woodlands are of considerable importance in shaping the appreciation of this landscape. In particular, Snarkhurst Wood, to the west of Hollingbourne, sits on a large hillock of land which already hides a motorway service station and J8. This landform ensures that views to the ground in the far eastern end of the appeal site from the AONB are constrained from the Thurnham direction and only just visible from the Broad Street direction. Further west, Longham Wood also eliminates low-level views to the ground of the appeal site from the foot of the scarp to the north. (However, from higher parts of the AONB the existing ground can be seen over the top of Longham Wood.) Other smaller copses and a large number of mature hedgerows, both on the appeal site and north of it, convey an impression of quintessential rural England.
- 3.37 Apart from a few distant polytunnels, the main discordant note is the pair of major communications routes – the M20 and Channel Tunnel Rail Link – at the foot of the Downs. These follow cuttings and embankments through the lightly undulating landscape. Because they are narrow and sit low, with rising ground behind, and woods & hedgerows also on higher ground on either side of them, they are visible but for the most part not prominent: they obviously have a great visual impact from nearby, but a quickly declining impact with distance to the north. Their greater impact, in my view, is from the noise of their use, which upsets in varying degrees the tranquillity of the pastoral scene. The Ashford-Maidstone East railway

is barely visible at all from the AONB in this area. Of considerable significance is the absence of any other notable industrial development to spoil the view in a large vista east and west. Rather, the landscape is dotted with farmhouses, small settlements and the trappings of rural activities. Given the major urban development and communication routes in this part of Kent, the overwhelming impression is of just how fortunate the county is to have retained such remarkable rural quality in this area.

Understanding the proposals

3.38 The proposals include stacking of containers up to 15m high in the Inter-Modal area immediately south of the M20. In response to this, the application proposes to “install screen fencing along this stretch of the boundary. This would remove views of stored containers, leaving only short glimpses of the cranes above, lattice structures with far less visual impact” (*Planning Issues Report*, paragraph 7.36). The Environmental Statement adds at paragraph 6.6.11 that there will in this area be “screen fencing (up to approx. 3 metres high) and mounding incorporated to mitigate views towards the intermodal area (principally from the motorway”. I am unclear about this proposal. It is not stated where the fencing would be placed: as the M20 is on embankment at this point, a 3 metre high fence is unlikely to perform a useful screening function unless on the embankment beside the hard shoulder of the carriageway. Even then, 3 metres of fencing would only screen the sheds from cars: the eye level of HGV drivers is nearly 3m above the road, so a distinctly higher screen is likely to be needed to eliminate views to containers stacked 15m high a little to the south. None of the photomontages show what the fence might look like (e.g. it is not apparent in 3 Rev A).

3.39 This creates a dilemma for my commentary:

- If, as appears to be the case, fences are not actually intended, then the problem described will remain of extensive views of stored containers, which I consider would be an ugly intrusion into views from the AONB.
- Alternatively, if the fences are proposed but have been omitted from other illustrative material, then I consider that the overall visual impact has been understated. To be effective, the proposed screening fence would need to be distinctly higher if located on the M20 embankment, while if it was located on the top of a mound within the application site it would have to be vastly higher to allow for overlooking from the motorway embankment as originally intended. A high and lengthy screen in either position would have an appalling visual impact from many places within the AONB to the north, nearby and at a distance. This is the section of the site most clearly visible from the Pilgrims Way near Thurnham.

The reality is that mitigation of the visual impact of the stacked containers in the intermodal area from the north, whether from users of the M20 or users of the AONB, is impractical: in a different way the cure would be as bad as the disease. Nonetheless, clarification of what is proposed would be appreciated.

Views of the appeal site from the Pilgrims Way

- 3.40 The Pilgrims Way broadly follows the contour of the chalk NW-SE near the foot of the Downs scarp at about 100-110 metres AOD. At its closest point to the appeal site, at Thurnham village on the western side, it is about 1 km from the proposal. Further east, at Broad Street, the Pilgrims Way is about 1.5km from the site. It provides the first real opportunity, because of its alignment, to consider the generality of the views into the appeal site from a sufficient elevation where a large number of people might be affected. This minor metalled road is an important route between the villages and of considerable historic and recreational importance, offering often fine views over the ground falling away to the south. Kent County Council and Sustrans have been working to develop further promoted cycling routes in Kent, and the Pilgrims Way has now been identified as a route which will be encouraged through signage and by the promotional body Explore Kent. Usage of the Pilgrims Way by cyclists is therefore likely to increase.
- 3.41 In practice, the principal existing view to the ground of the appeal site is from between Thurnham and Cobham Manor Farm. Longham Wood would limit views to the east, so the principal view would be to shed 01, with some visibility also of sheds 02 and E. These are the largest industrial units. The impact would be some mitigation by the M20 and CTRL on embankments immediately in front, by the moderating effect of distance, and by the higher backdrop behind of rural landform and the hedgerows and woods upon it. It is possible that these and other industrial units may also be glimpsed from viewpoints which open up elsewhere along the Pilgrims Way, notably to the upper sidewalls of sheds where the ground is not visible. In the context of the grand view sweeping south off the Downs, the daytime visual impact of the industrial units would be less than from higher elevations. Dull green and brown paint in the surface treatment of the sheds, offered by the appellant (Design and Access Statement, Revised June 2009, section 4.5) would be of considerable benefit compared with fully-reflecting steel, though the wide extent of the metalwork would still entail the likelihood of significant shining surfaces in the sun.

Views of the appeal site from the North Downs Way

- 3.42 Numerous roads and rights of way rise from the Pilgrims Way up the scarp of the Downs. The roads are generally sunken lanes shrouded by trees and tend not to have significant views over the appeal site. The most important route at higher elevation is the North Downs Way, which like the Pilgrims Way runs roughly parallel to the line of the development. This is a national trail and is heavily used for recreation by both local people and visitors. The Thurnham section of the North Downs Way is one of the more heavily used of the entire trail in Kent (see Appendix 8).

- 3.43 Above Broad Street, the trail follows the contour just below the top of the scarp, while further west, to Thurnham, it takes a more strenuous course changing height up and down between this and the mid-scarp level. There is extensive woodland cover, particularly on the upper slopes of the scarp, so the North Downs Way is often in or bordering woodland with glimpses rather than full views to the south. Where views open out between the trees there is an incentive to linger to absorb the quality of the view. The most continuous open stretch of downland with views south is above Broad Street. The higher ground above the North Downs Way at this point lies within the Hucking Estate and is designated open access land. The Hucking Estate is a landscape funded by the Heritage Lottery Fund for public access and a Woodland Trust project. There is also a short section of steep path on the North Downs Way midway between Broad Street and Thurnham which offers open views through more than half the compass before the trail doubles back into a bowl of chalkland below Coldblow and Coldharbour.
- 3.44 Wherever views open out from the North Downs Way, the appeal site is more visible than it is from lower levels. The most important feature of this visibility is over the top of Longham Wood and in varying degrees over the tops of other smaller woods. As a result, virtually the entire area of the appeal site at ground level comes into view in whole or part from points along the North Downs Way (particularly the parts of the site north of the railway). The impact of the proposals is made impressively clear by the photomontages (existing, year 0 and year 10) from viewpoint 5, from above Broad Street, close to the North Downs Way. These show that most of the proposed structures would be clearly visible from the North Downs Way and the scarp. The Environmental Statement is fundamentally incorrect to state “Much of the proposed development would not be visible from any point along the North Downs Way” (paragraph 6.8.38).
- 3.45 Views of the proposed structures from the North Downs Way are more prominent from the Thurnham end because they are closer (by about 0.5km) but more extensive from above Broad Street. By looking down on the appeal site from higher positions, the development would be more intrusive than from the Pilgrims Way despite the intervening distance being greater. The Environmental Statement includes a series of viewpoints of the appeal site. View T, from directly above Broad Street, is the only one from the North Downs Way. Had a position 100m to the west been taken, all the intervening foreground trees would be absent, and the views over the site correspondingly have more impact.
- 3.46 The impact of such large structures would be entirely clear in the views from the North Downs Way, introducing alien intrusions into an otherwise little-tainted landscape. Significant in the view would be not only the enormity of these structures but also their context. They would introduce starkly level lines in otherwise undulating ground, and be accompanied in places by severe ground modelling to effect their level bases and bunding to reduce their visual impact from local positions.

- 3.47 In addition to the industrial units, I am also seriously concerned about the impact on views from the scarp of the AONB and from the North Downs Way of the five 25 metre high gantries to be installed for moving containers in the intermodal area of the development. These would be particularly alien and prominent features in the landscape. With the main Inter-Modal Area being immediately south of the M20 (north of Unit E), the considerable height of the gantries would be clear from the AONB and incapable of any meaningful screening. Even though the gantries would be partially located behind Longham Wood, they would be visible from many places, near and far. Views from the North Downs Way already see the ground over this wood. Their metallic structures would also be reflective and catch the light, making for visual intrusions in the AONB disproportionate to their mass.
- 3.48 There will be other features of the proposed development which will be visually intrusive, in varying degrees, and shine light into the AONB. The proposal includes surrounding each industrial unit with a steel palisade fence 2.4 metres in height. This will give the impression of industrial activity being imprisoned in an alien environment set apart from normal life. Depending on light levels and angles, this fencing, many hundreds of metres of it, may well shine at viewers in the AONB. Furthermore, the site will be host to large numbers of staff cars, lorries and other vehicles doing business on the site. Some will be parked, others moving. The large quantity of glass contained in these vehicles will create a considerable potential for reflecting sunlight into the AONB. It is the industrial units most exposed to the AONB (E, 01 and 02) which pose the greatest risks of this. They have loading facilities exposed in the direction of the AONB and their service roads pass on their north (i.e. AONB) sides from the new bridge over the railway line to the far western end. The loading facilities at Unit D may also be exposed to view. (Parked cars should be less likely to send reflected light into the AONB, as much of the car parking appears to be hidden behind screening and/or at lower level than the M20.)

Views of the appeal site from White Horse Wood Country Park and Thurnham Castle

- 3.49 White Horse Wood Country Park is a popular visitor attraction which lies above Detling and Thurnham at the top of the scarp of the North Downs. It includes the ancient monument of Thurnham Castle (a ruin) which looks out over the Vale of Holmesdale between the North Downs and the parallel Greensand Ridge to the south. The country park has a formal public viewpoint and several areas with splendid panoramic views over the appeal site from publicly accessible land. Thurnham Castle, close to and above the North Downs Way, similarly offers fine views. The adverse impact of the proposal on the views from these locations contribute in my view to a reason for refusing the appeal on grounds of visual intrusion into the AONB. The Revised Zone of Visual Impact map (Figure 6.5 Rev. A, June 2009) still shows Thurnham Castle as not intervisible with the appeal site, even though the appellants have prepared a new photomontage

(Viewpoint 9) and a photograph (Viewpoint X) demonstrating just how visible the development would be from here. The proposed development is also far more visible from the part of White Horse Wood Country Park above Thurnham Castle than the ZVI indicates, as a site visit can demonstrate.

- 3.50 The value of White Horse Wood Country Park for public enjoyment is immense. It was purchased by Kent County Council from the previous landowner in May 1999 for £200,000 as part of a Millennium initiative, and its use changed from agriculture to recreation. The Country Park includes Thurnham Castle. A Planning Statement prepared by Kent County Council (8th February 1999) is attached as Appendix 9. The merits of the site are described in the final paragraph, and these include “the extensive panoramic views from the scarp” (cf. paragraphs 3.27-33 above) which includes over the appeal site. The Country Park has been enhanced by means such as tree planting, a footpath layout to encourage circulation, a board indicating features in the view, and sculptures, and is now a well-used public facility.

Views to the AONB from the vicinity of the appeal site

- 3.51 Mr Lovell has explained the detailed consequences of the proposal for views towards the North Downs scarp from Bearsted and the area around the appeal site. Broadly, the existing footpaths and bridleways crossing the appeal site would be diverted, though Water Lane (which passes through the middle of the site) and Crismill Road would be retained. Two bridleways cross the western-most field of the appeal site, east of Thurnham Lane, and give the residents of Bearsted direct access to the Downs away from traffic. Enjoyment of these would be lost by diversion. The scarp face of the Downs (for the most part higher than the Pilgrims Way) is visible from these bridleways, and also from properties around the edge of Bearsted (most notably those near Thurnham Lane). These are very fine views, across farmland and then over the M20 in the middle distance to the uplifting sight of the chalk scarp beyond. These views would all simply be eliminated. The vast scale of the main shed proposed on this field would utterly transform the experience from a village-edge delight to an industrialised landscape. Almost the entirety of the foreground and middle ground views of the existing landscape shown in ES Viewpoints A, B and D would be eliminated (as well as a number of others).
- 3.52 The experience of the AONB from the Bearsted area would be transformed. Instead of gaining access from the edge of the village to open countryside and the chalk scarp, passage would have to be made first through an enormous industrial development. The experience of even the lanes which would remain would be transformed, especially for Water Lane, which would take its course through an engineered landscape with large industrial units closely adjacent especially to the east. The extremely damaging effect of the proposed development on

views towards the AONB from the Bearsted area contribute to a reason for refusing the scheme on grounds of visual impact on the AONB.

Conclusions on visual impacts

- 3.53 Overall, I consider that the perception of the landscape from the AONB – its setting – would be damaged by the proposed development. I challenge the conclusion in the ES (paragraph 6.8.47) that “The proposed development would not be seen or perceived as a whole from within the AONB” as this is clearly not the case from the North Downs Way above Broad Street nor from White Horse Wood or Thurnham Castle. Paragraph 6.8.48 properly accepts that “The visual effect of the proposed development on the setting of the AONB would be adverse”. I challenge the degree to which the proposed development would be visible from higher elevations (see above), and do not agree with the conclusions which follow from the errors in the ES in this respect (notably the Zone of Visual Influence diagram). It is on this basis in, paragraph 6.9.6, that the ES wrongly argues “The effects on the North Downs and AONB to the north of the motorway would be slight adverse. Although this landscape receptor is of an inherent high sensitivity, the influence of the proposed development on it would be minimised by the largely restricted visual relationship between the site and the landscape to the north.” In reality there would be a major visual impact.
- 3.54 I do not consider that the impacts on the AONB would be mitigated to the extent that the ES believes, and do not accept that the “more distant settlement and development areas” detract greatly from the appreciation of this landscape. I therefore consider that the visual effect upon the setting of the AONB would be worse than the “moderate/slight adverse at the outset” claimed (paragraph 6.8.48). Overall I consider that the visual impact of the development on the popular North Downs Way National Trail would be sufficiently detrimental for the appeal to be refused on this ground.

Conclusion on landscape

- 3.55 Taking the landscape issues as a whole, it is clear to anyone who visits the North Downs scarp in the vicinity of the appeal site that the impressive and at times breath-taking views out are a vital component of this special place. The views are expansive and over a fine rural landscape largely undamaged by urbanisation. People thoroughly appreciate and enjoy views from the scarp like this, which are some of the best which South East England has to offer. The Kent International Gateway development would be positioned in the forefront of this setting, extensively overlooked from higher ground. This would be a remarkably massive intrusion, largely replacing countryside with metal, vehicles, industrial activity and dominant straight lines. Avoidance or mitigation of damage to the landscape and to views is to a very large degree impractical.

3.56 Planning policy supports the protection of the setting of the AONB, regionally and locally, and this should be afforded great weight in the decision. The AONB was established not only because of the outstanding quality of its countryside but because of the opportunities it offers to appreciate the views out beyond its boundaries. This setting has been further protected by local landscape protection policies aimed specifically at protecting the setting of this outstanding nationally important landscape. These local policies were established shortly after the AONB was designated and have been held upheld ever since. There is no case for squandering now the achievements of those policies over the years. I recommend that the appeal be refused on landscape grounds.

4 **LIGHT POLLUTION**

- 4.1 Light pollution at night in the Kent Downs AONB and its setting is a ground on which Maidstone Borough Council would have refused permission for the KIG development had there not been an earlier appeal against non-determination. The Kent Downs AONB Executive welcomes that decision and supports the case made by the Council. I wish to contribute to this inquiry by:
- drawing attention to some additional relevant policy;
 - commenting on some of the scheme's impacts specific to the AONB; and
 - indicating some of the ways in which light pollution would affect those seeking enjoyment in the AONB.
- 4.2 The White Paper *Our countryside: the future*, November 2000, (Appendix 10) states in paragraph 9.4.4 that "Light pollution' of the night sky is an increasing intrusion into the countryside at night, and it is an issue that we want all rural local authorities to take into account in their planning and other decisions. Local planning authorities have powers, for instance, to control many external lighting installations." White Papers are the highest level of Government policy and should accordingly be afforded appropriate weight.
- 4.3 The applicants' *Planning Issues Report* (September 2007) comments briefly on the handling of lighting the 24-hour activities on the appeal site. As a result of the efforts to keep noisy activities away from residential properties and therefore towards the AONB, the clear implication is that a similar consequence will arise from lighting: "The arrangement of buildings equally assists in keeping the main lit areas away from existing housing" (paragraph 7.41). In essence, exterior lighting is needed for the noisy activities in open air.
- 4.4 A chapter in the Environmental Statement from June 2007 addresses Lighting. This describes the proposals which include 517 high pressure sodium lamps. 30 of these lamps will be mounted 30 metres above the ground on the 5 gantry cranes in the Inter-Modal area (Table 7.6). It is these gantry lights which will have easily the worst impact, having the highest average luminance level, averaging 69.7 lux and a maximum of 171 lux (Table 7.7): these are substantially greater than the lighting levels in the car parks, loading areas and along the major roads.
- 4.5 Attention has been given to a Lighting Strategy, but unfortunately this appears to have neglected the AONB until the last moment, judging first by the 'track-changes' in the final text (paragraph 5.7.33), and second by the fact that none of the Night-time Viewpoints for baseline comparative purposes is from within the AONB. This is despite the importance of the Institute of Lighting Engineers' *Standards for Limiting Obtrusive Light* (2005) being acknowledged as classing AONBs in the most stringent of

four Environmental Zones for the purposes of assessing lighting impacts (ES paragraph 7.2.8).

- 4.6 I nonetheless welcome that the baseline assessment (Table 7.4) noted in passing that from the Thurnham Lane area (to the west of the site) “the AONB to the north was noted to be very dark with no light sources visible”. Likewise, from Water Lane in the centre-west of the site, “The AONB to the north was also noted to be very dark”. Even from Junction 8 on the M20, “The AONB to the north was noted to be very dark.” As a result, the ES accepts that “the North Downs AONB [sic] was noted to be an intrinsically dark landscape indicative of an E1 Environmental Zone with very few visible light sources observed” (paragraph 7.4.5), and the change to paragraph 7.5.33 properly notes that the AONB is “intrinsically dark and increases in sky glow as viewed from the AONB may impact on the setting of the AONB”. The area to the south east was also noted to be exceptionally dark with few sources of artificial light noted. These findings indicate one important difference between the noise and lighting impacts of the existing M20/CTRL: those major arteries are noisy but they are not lit at night. There is some night-time lighting damage in the area arising from service station and motorway junction, though these developments are largely screened from the AONB by landform. The proposed development would clearly be by far the major contributor to damaging light pollution in the AONB.
- 4.7 So far as the effect of lighting is concerned, the ES distinguishes sky glow, light spill, glare and light trespass. Light spill and light trespass affect neighbours more than distant views, so the main concerns in the AONB are impacts on sky glow and glare. These can to some extent be ameliorated by careful design, and the ES explains the proposals. The impact of glare is considered only in respect of residential receptors in close proximity to the site, neglecting the AONB. Sky glow is accepted to increase and to affect the setting of the AONB (paragraph 7.5.33). Despite the proposed mitigation measures, the ES concludes on sky glow that “Although a stringent lighting design is proposed to minimise the effects of installed lighting, given the current unlit nature of the application site, it will not be possible to prevent a residual increase in fugitive upward light loss contributing to sky glow (which will be most noticeable during low cloud conditions and will be evident when viewed from the AONB at night) and it is considered that there will be a residual effect of minor to moderate negative significance, considering that the site is currently unlit and classified in large areas as an E1/E2 Environmental Zone” (paragraph 7.7.26). This level of impact is defined in the ES (inter alia) as “resulting in a noticeable effect on baseline conditions moderately in excess of the recommended ILE guidance levels” (Table 7.3).
- 4.8 The ES in effect accepts the inevitability of adverse effects of this major development on the perception of the area from the AONB at night. Unfortunately, apart from its limited attention to AONB interests, the ES hints tries to excuse the damage in respect of lighting, arguing that “there are certain exemptions from artificial light nuisance, including light emitted

from light sources which are used for transport purposes and other premises where high levels of light are required for safety and security reasons. Lighting from the operational use of the railway elements of the site will fall within the 'railway premises' exemption, but other areas of the application site (e.g. warehousing and car parking areas) will not" (paragraph 7.5.10). The attention to the operational aspects of the development concentrates heavily on the non-railway aspects of the scheme, even though extensive open parts of the site are railway land and the Inter-Modal areas have easily the most intrusive lighting impacts.

- 4.9 The applicants have furnished visual impressions of the distribution of lighting requirements around the site. These confirm the concentration of lighting impacts from the Inter-Modal area alongside the M20, particularly behind and either side of Longham Wood (when viewed from northerly directions). However, there does not appear to have been any further work to attempt to mitigate the impacts on the AONB.
- 4.10 The lighting assessment work by the applicants is disappointing so far as the AONB is concerned: the most intrusive lighting is adjacent to the AONB, yet this contribution has been subject to less assessment than have impacts elsewhere: the AONB's interest appears to have been treated as an after-thought. In the context of an extensive area unlit at night, the night-time light intrusion would be entirely contrary to the character of the AONB and the rural experience it currently offers. The applicant accepts that the AONB would be damaged and that the proposals will not satisfy ILE guidelines. The adverse impact is confirmed by the advice received from consultants to Maidstone BC, who concluded that the lighting proposed would have an adverse effect on the setting of the AONB. This is contrary to the spirit of the Rural White Paper (paragraphs 9.4.1 and 9.4.4) (and the former policy NR5 of the Kent and Medway Structure Plan [CD 2.6]).
- 4.11 Finally I wish to comment briefly on the impact of lighting on the enjoyment of the AONB. Quantitatively the greatest impact of lighting on the AONB will clearly be in the full dark of night, and those wishing to view the night sky from a dark location would be likely to have their enjoyment impeded by light pollution from KIG. However, the likelihood of lighting interfering with the enjoyment of the greatest number of people is likely to be towards sunset and dusk, especially during the winter months when this is during recreational hours within the AONB.
- 4.12 Taking these points together, I conclude that the significant adverse light intrusion into the AONB at night should be a ground for refusing the appeal.

5 **NOISE**

- 5.1 I do not have quantitative information to bring to this inquiry, but wish to contribute to this aspect of the decision in another way. I address noise not as a public health issue but as an amenity issue relevant to the enjoyment of the Kent Downs AONB. The term 'tranquillity' is often used to describe the condition sought. This does not imply silence – bird song can contribute to the appreciation of the countryside, for example – and tranquillity is not limited to noise issues but has a wider meaning on the theme of well-being.
- 5.2 Parts of the AONB around the scarp above the appeal site can be very tranquil: screened by landform or in a sunken lane it is easy to feel entirely separate from the modern world. However, the generality is less favourable, often with the hum of the M20 as an enduring background sound. Also, at the distance of the scarp and the North Downs Way from the development, as from the transport corridor, there is some mitigating effect of distance.
- 5.3 Against this, the application records that 'a key consideration' has been to lay out the scheme so as to keep noisier activities away from residential areas: the effect of this has been to concentrate these on parts of the site which will have greatest detrimental effect on the enjoyment of the AONB. Paragraph 7.41 of the *Planning Issues Report* (September 2007) states: "the service yards and vehicle manoeuvring areas are turned northwards from the residential properties towards the motorway, so that distance is maximised and the buildings themselves act as a noise shield. The same principle applies to the intermodal area, where there is considerable activity in the open". The volume of additional noise in the vicinity of the scarp is nonetheless unlikely to be significantly higher than currently experiences due to existing intrusions.
- 5.4 However, the likelihood, it seems to me, is that the qualities of the noise intrusion will be different and will be perceived as intrusive. For example there are likely to be:
- seven years of earthmoving and construction sounds, akin to a quarry.
 - more percussive sounds associated with moving containers;
 - reversing warning sounds on lorries;
 - the acute whine of wagons tackling tight bends on railways;
 - sounds associated with moving gantries; and
 - the general hubbub of a major industrial site.
- These would all be different from the sounds currently experienced in the area and would add to the sense of intrusion into the AONB. Given that the AONB already experiences noise intrusion in this area, my central concern is to avoid new noise-generating development adding to it.

5.5 In this light the policy base for considering the proposals is instructive. Policy on noise in the Regional Spatial Strategy (CD 2.1) is set out in Policy NRM10 *Noise*. This addresses the reduction of noise pollution and the handling of noise-sensitive development. The principal interest in noise in the AONB, however, is the level of background noise intrusion into the enjoyment of a tranquil environment. On this matter, the table after paragraph 9.2 identifies ‘maintaining tranquil areas’ as one of ‘the key environmental challenges’ in the South East region. Paragraph 11.2 identifies rural tranquillity as one of the contributing features to quality of life in the region:

“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.”

5.6 While the protection of tranquillity in the RSS is therefore a matter for supporting text rather than policy, it remains a clear intention. Government planning policy on tranquillity and on noise in rural areas is more emphatic. This is set out primarily in PPG24: *Planning and Noise* (September 1994):

“Special consideration should also be given to development which would affect the quiet enjoyment of the National Parks, the Broads, Areas of Outstanding Natural Beauty or Heritage Coasts” (paragraph 20);

“Authorities should also take into account the fact that the background noise level in some parts of suburban and rural areas is very low, and the introduction of noisy activities into such areas may be especially disruptive” (paragraph 18);

[encouragement is given to] “... local planning authorities to adopt policies to avoid potentially noisy developments in areas which have remained relatively undisturbed by noise nuisance and are prized for their recreational and amenity value for this reason” (paragraph 5).

5.7 In the Rural White Paper *Our countryside: the future*, November 2000 (Appendix 10), paragraph 1.7 laments that “increasing road and air traffic growth bring more noise and intrusion into tranquil areas each year. As a recreational resource the countryside is highly valued by most rural

residents and visitors.” It refers frequently to tranquillity and devotes section 9.4 to ‘Promoting tranquillity’. Its relevant policy statements are:

“11.1.1 The countryside is an enormous recreational asset, with its high quality landscapes, fresh air, open space and tranquillity. Recreation can improve the mental and physical health of participants and the revenue from millions of visitors to the countryside every year is an important component of the economy of rural England....”

“11.3.9 Many people go to the countryside to admire the scenery, listen to the sounds of nature and generally feel that they are ‘away from it all’....”

“9.4.1 It is not just its physical features which gives the countryside its unique character; there are also less tangible features such as tranquillity and lack of noise and visual intrusion, dark skies and remoteness from the visible impact of civilisation.”

“9.4.2 ... protecting the countryside from further intrusion of noise is not a luxury. It is about preserving and promoting a feature that is genuinely valued by residents and visitors alike.”

- 5.8 As a result, the Government intends that “Increased measures will be taken to promote tranquillity” (page 103). These are set out in paragraphs 9.4.2-3 and 9.5.2.
- 5.9 The additional noise intrusion into the AONB around the scarp will be perceived more because of its qualities than its volume. It can be expected to affect people’s enjoyment of the outstanding landscape. This is contrary to the objectives of national and regional policy for the enjoyment of the countryside. This contributory issue in the AONB should be taken into consideration in the decision.

6 TRAFFIC AND ACCESS

- 6.1 I draw attention briefly to one of the likely consequential effects if the KIG development was to proceed
- 6.2 There is some likelihood of an increase in pressure on certain lanes in the AONB arising from the major employment generated at the site (around 2,900 in all, including 500 in office jobs in the business area at the eastern end of the site). Businesses servicing the Kent International Gateway (but not directly employed there) could also be expected to cause an increase in numbers of vehicles.
- 6.3 One foreseeable effect of this will be to increase congestion on the roads, an effect of which is to encourage rat-running by cars. The roads in the AONB most likely to be affected are the minor road through Hollingbourne, which serves villages to the east of Maidstone north of the M20, and the Pilgrims Way, which links Detling and Hollingbourne parallel to the M20. These lanes could serve to attract drivers from Sittingbourne and the rural area to the east of the A249. Some drivers, already frustrated by congestion at the A249/M20 junction in the morning peak might take to these lanes. However, many other lanes within the AONB are wholly unsuited to an increase in traffic flows, and I would not expect them to be affected detectably.
- 6.4 I have no predictions for traffic volumes in these circumstances, but draw attention to the likelihood of the AONB not being immune to the effects of increase traffic volumes resulting from the proposed development.