

**NE/3**

TOWN AND COUNTRY PLANNING ACT 1990  
Town and Country Planning (Inquiries Procedure) (England) Rules 2000

**APPEAL BY  
KENT INTERNATIONAL GATEWAY LTD**

**AGAINST MAIDSTONE BOROUGH COUNCIL'S FAILURE TO DETERMINE A  
PLANNING APPLICATION RELATING TO**

**THE KENT INTERNATIONAL GATEWAY**

**RAIL / FREIGHT INTERCHANGE, WAREHOUSING AND OTHER WORKS**

**LAND TO THE NORTH AND SOUTH OF THE ASHFORD TO MAIDSTONE EAST  
RAILWAY LINE, AND BETWEEN THE M20 AND A20, BEARSTED, MAIDSTONE,  
KENT**

## **SUMMARY**

**PROOF OF EVIDENCE OF**

**DAVID TYLDESLEY DipTP (Dist), DipLD, MIEEM, FRTPI, FRSA**

**FOR**



**THE KENT DOWNS AONB AND  
THE NORTH DOWNS WAY**

PINS reference APP/U2235/A/09/2096565/NWF  
Maidstone BC reference MA/07/2092  
DTA ref: 1727 Landscape Final Summary 14 Sept 09



## **Introduction**

1. I am David Tyldesley. I am a specialist environmental planning consultant retained by Natural England. I have advised Governments and statutory agencies, National Park Authorities, AONB Units, and local authorities on landscape planning issues and protected landscapes in England, Scotland and Wales over many years. I am instructed by Natural England to present its case to this Inquiry in respect of its objection to the potential impacts of the Kent International Gateway on the enjoyment of the Kent Downs AONB, its setting and the North Downs Way.

## **The importance of landscape, countryside access and recreation**

2. Landscapes provide the physical settings of everyday life and are an important expression of the relationship between people and place. Landscapes contribute to our sense of place and are a vital component of local distinctiveness.
3. Natural England supports and delivers the European Landscape Convention through a number of policies relating to landscape and protected areas. Whilst change is a fundamental characteristic of landscapes, our future landscapes should emerge as a result of planned interventions, set within the context of a long term vision and managed through a landscape character approach.
4. Access to a high quality natural environment delivers a wide range of benefits. While recreation is not an objective of AONB designation, the demand for recreation should be met so far as this is consistent with the conservation of natural beauty. Country Parks and open access land are important places which contribute significantly to England's accessible greenspace.

## **Origins and designation of AONB and statutory duties relating to them**

5. AONBs and National Parks were established in 1949, since when their original purpose has been upheld and strengthened.
6. AONBs comprise some of England's most iconic and intrinsically valued countryside. They are lived-in, working landscapes that provide diverse opportunities for tourism, outdoor recreation, enjoyment and public health benefits.

7. The Kent Downs AONB is a significant economic asset which underpins a great deal of economic activity. It attracts many visitors and tourists. It provides a scenic background for many recreational and some sporting activities.
8. The role of AONBs in helping to attract and retain business and its key people is important but less well recognised.
9. In exercising or performing any functions in relation to, or so as to affect, land in an AONB, all public bodies have a duty to have regard to the statutory purpose of AONBs, which is to conserve and enhance the natural beauty of the area.

### **Policy context for AONB**

10. Government policy affords the highest level of protection for National Parks and AONB equally. Whilst the appeal site lies just outside the AONB, we should endeavor to avoid development that may harm the landscape and scenic beauty of our most important landscapes, including designated AONBs. PPS7 refers to the scenery enjoyed from within an AONB. In practice, that includes the enjoyment of scenery both within and often outside the designated area, especially where outward views form an important quality towards the edge of an AONB.
11. Natural England considers that the appeal proposals:
  - a) would not be consistent with principles (iv) and (vi) of PPS7;
  - b) would detract from the scenic beauty of the AONB (para 21 PPS7);
  - c) would not be in accordance with policies C3 and C4 of the South East Plan and ENV34 of the Local Plan.

### **The impact of KIG on the character and enjoyment of the AONB and views from it**

12. I consider that the appeal proposals would have an important adverse impact on the character and enjoyment of the AONB and its setting.
13. In considering the appeal proposals it is necessary to consider the sensitivity of the landscape resource and viewpoints to a very large scale, strategic rail freight interchange, which includes about 29 ha of mainly uniform, industrial / warehouse buildings.

14. Whatever way the 'setting' of the AONB here may be defined, and however extensive it may be, the appeal site is obviously in it. The appeal site is characteristic of its landscape type. The fact that it also forms the foreground setting of a dramatic and continuous chalk scarp, designated as an AONB, makes the appeal site of extraordinary sensitivity for such a large scale development.
15. The scarp includes many rights of way and a country park as well as open access land and land open to the public under Countryside Stewardship, it is frequently visited by people who specifically come here to enjoy the views and the exhilaration and inspiration of the downland and its scarp. The viewpoints along the scarp in the AONB are the epitome of what protected landscapes and countryside access provision should be about. The enjoyment of this exceptional feature, in a nationally designated landscape, should be regarded as a matter of national importance and given great weight in a planning decision.
16. Views are important to people. Viewpoints are irresistible and provide us with pleasure, inspiration, spiritual enrichment, exhilaration and fascination. They are evocative and uplifting. They add to our quality of life and to our sense of well-being. They make us study and appreciate the landscape. The views from the AONB are of the highest order of sensitivity and fundamental to the enjoyment of this part of the AONB.
17. Given the necessary engineering works and the scale of the buildings and infrastructure works, they are bound to be highly conspicuous from the AONB.
18. Nothing can mitigate the scale of the engineering works, even in the long term. The depletion of the vegetation pattern across the site would increase the conspicuousness of the development. Because the development would be overlooked from higher land, especially in the AONB, screening is not feasible.
19. The site is not appropriate to large scale levelling. The flatness, horizontal mass, line and scale of the buildings would be incongruous and out of proportion to the mature landscape of the appeal site which contrasts with the dramatic sweep of the scarp slope, to form a distinctive edge to the designated area.

20. The development would be imposed on the landscape not a part of it. The construction impacts on landscape and visual amenity would not be dissimilar to a phased quarrying operation.

### **The impact on views of the AONB**

21. Views of the AONB are also important. AONBs are enjoyed from outside their boundaries, by many people. This is especially the case when the AONB forms the 'backdrop' to daily life.

### **The origins, purpose and importance of National Trails**

22. The vision of long distance routes now called National Trails was established in 1949. Natural England contributes substantially to the funding of National Trails, along with local highway authorities and other vital funding partners.

23. The importance of National Trails for regional and local economies, as well as their value for recreation, health and well-being is widely recognised. Natural England promotes high quality trails to inspire outdoor adventure for local people, visitors and tourists.

24. Policy C6 of the South East Plan seeks to maintain, enhance and promote the Public Rights of Way system explicitly referring to longer distance routes.

### **The impact of KIG on the enjoyment of the North Downs Way**

25. I consider that the appeal proposals would have an important adverse impact on views from this highly sensitive Trail and the effects have not been properly assessed by the appellants.

26. The appeal proposals would represent a serious, inescapable intrusion at almost every point on the Trail from where panoramic and glimpsed views of the landscape below the scarp can be obtained. Overall a length of about 6km is potentially affected, continuously or intermittently, from Detling to Hollingbourne. This would represent a serious negative impact on the amenity value of the National Trail.

## **Conclusions**

27. The nature and scale of the KIG development would be inappropriate in this location. It would be an anathema to modern landscape planning. The sheer scale of ground engineering and landscape manipulation required in order to shoe-horn the buildings and infrastructure into this sensitive landscape should have demonstrated that the site is inappropriate.
28. So too should its close proximity to a nationally designated landscape, from which the visual impact would be a strikingly incongruous, obvious and harmful intrusion into spectacular and cherished views, including those from a National Trail, a Country Park and open access land, where people specifically come to enjoy the views.
29. Substantial reductions in scale have been conceded, but are not enough. No amount of landscaping or other mitigation can screen or significantly diminish the impacts.
30. The Secretary of State should dismiss this appeal.