

NE/6

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

**NOTES USED IN EVIDENCE IN CHIEF
FOR**



PINS reference APP/U2235/A/09/2096565/NWF
Maidstone BC reference MA/07/2092
DTA ref: 1727 EVIDENCE IN CHIEF.doc

Submitted at the request of the Inspector 23rd October 2009

EVIDENCE IN CHIEF ECOLOGY

Towards the end of Mr Litton's cross examination of Mr Andrews, he put a question that appeared to assume that there was a difference between the position of Maidstone BC and NE over the mitigation of effects on GCN, namely that NE had not required the delivery of the landscaped habitat south of Unit D at the earliest stages of construction in order for NE to withdraw its objection.

I would make two points. Firstly, of course, NE has not yet withdrawn its objection in respect of ecology, and will not do so until the mitigation required has been secured through a S106 obligation. Secondly, the assumption on which Mr Litton put the question is a misunderstanding. Referring to my opening statement (NE/5) it will be seen that I said:

"It is now considered that Natural England's concerns can be met by the full package of mitigation measures now offered, subject to some further discussions about the timing of construction mitigation and securing all of the measures in a legally enforceable obligation."

The reference to further discussions about the timing of construction mitigation was specifically a reference to the need to secure that the mitigation landscaping south of Unit D went in at the earliest stage. Indeed, as Mr Andrews acknowledged, it was NE's suggestion that this would be a valuable mitigation measure. There is therefore, no difference between the MBC and NE positions over the European Protected Species.

Natural England's position remains as set out in my opening statement so I will say no more about Ecology.

THE AONB AND NDW

Areas of Public Access

During the cross examination of Mr Lovell, the Inspectors asked that he and Mr Rech got together to agree common ground as to the areas from which the appeal development would be visible. It was agreed that emphasis should be given to the National Trail and areas which were open to the public for access. I accept that the map, when it is produced, will need to focus on areas currently accessible by the public.

The point I would wish to make is that these areas are not set in stone and change over time. As part of agri-environment funding, environmental stewardship projects in the Higher Level Scheme agreements can, and often do, include provision of new areas of public access. It is likely that more land on the scarp slope above the appeal site will become open access land, by agreement with landowners in the foreseeable future, but I cannot at this time define those areas or the extent.

Aylesford Print Works

Mr Rech's rebuttal proof (KIG 6.4) at 2.7 refers to the impact of existing urban development on views from the AONB and NDW. During the cross examination of Mr Lovell, questions were put to him by Mr Katkowski, relating to the existence of modern commercial development visible from the AONB. Both in the rebuttal proof and the discussions the Aylesford Print Works were cited as an example of a large scale and conspicuous development, visible from the scarp.

The Aylesford Print Works are visible from the scarp slopes of the Downs, particularly from the viewpoint at Blue Bell Hill, just west of the A229. There are some similarities with the appeal site, including location beside the motorway, astride a railway, and occupying a site area of similar (but smaller) scale, (92ha [not 100 acres as cited by Mr Rech] compared to the appeal site's 112ha). The movement of the plume draws attention to the print works, in a similar way that movement on the appeal development would draw the eye.

However, I would make three points.

Firstly, the presence of one area of industrial development that may be regarded as conspicuous and a negative impact from the North Downs Way, or the scarp of the AONB, is no justification for adding another. Quite the reverse, we should be vigilant to avoid spreading such impacts into rural areas where such impacts do not occur. Such intrusions are certainly not characteristic of views from the scarp slope or NDW. They are the exception.

Secondly, the print works was located in an historically industrialised urban landscape, between gravel pits and urban development, on the flat valley floor of the River Medway. It was built at about 5m AOD and did not require major engineering works to level the site. The main print works buildings are located

about 3.7km from, and

180m below, Blue Bell Hill (*about 185m AOD*), and

about 2.4km from the AONB boundary to the east (which is also the Pilgrim's way) at the foot of the scarp.

The AONB and NDW also lie to the west of the print works.

The boundary of the AONB to the west is about 1.5km away but at about the same elevation (5m).

To the west, the NDW is located about 4.6km, at the nearest point from the print works, at about 115m AOD.

By contrast, the KIG development would be located in a sensitive rural landscape, on rolling topography at about 55m AOD, requires major engineering works to accommodate it into the land form.

Its main buildings would be only 1.8km from, and 115m below, Thurnham Castle (170m AOD),

about 2km from, and 150m below White Horse Country Park and

less than 300m from the AONB boundary.

Thirdly, although the print works site probably has a higher ratio of building footprint to site area than KIG would have, the individual buildings on the Print Works site are much smaller in area than the buildings would be on the appeal site. The largest buildings on the appeal site would be approximately three times larger than the largest buildings on the print works site. The largest print works buildings is 34,450sqm

Whatever the impact on the AONB or the NDW, and however conspicuous the print works and similar commercial development in the Medway valley is considered to be, in comparable views, at similar elevations from the scarp, the KIG development would be significantly larger in mass and closer in distance.

In my opinion, it would be more conspicuous and intrusive in its rural context. It is the contrast in settings, the effects of the urban areas, and the settlement pattern that are important in comparing the two.