

MAIDSTONE BOROUGH LOCAL PLAN EXAMINATION
WRITTEN SUBMISSION by DR. FELICITY SIMPSON Ph.D. No. R19192.

Session 4 Tuesday 11 October ENVIRONMENTAL CONSTRAINTS
Landscape, Greenfield and Agricultural Land

Most of my comments that relate to Landscape, Greenfield and Agricultural Land have been made in my submission to the Maidstone Borough Question 6 “In your opinion is the Local Plan consistent with national policy” with specific reference to Policy EMP1(5) and including comments on Policy SP17 The Countryside in paras. 14 - 22.

However having regard to the questions posed by the Planning Inspector I comment as follows:

Q.4.3 What if any development would Policy SP17 permit in the countryside which the previous Local Plan would not?

The main difference is the inclusion of the words “*where appropriate*” in Policy SP17 whereby

Section 5 states “*the distinctive character of the Kent Downs Area of Outstanding Natural Beauty and its setting ---will be rigorously conserved, maintained and enhanced where appropriate*” whereas Policy ENV33 of the Maidstone Borough-wide Local Plan 2000 states as its basic premise

“*WITHIN THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY THE CONSERVATION OF THE NATURAL BEAUTY OF THE LANDSCAPE WILL BE GIVEN PRIORITY OVER OTHER PLANNING CONSIDERATIONS*”. No qualifications and indeed no mention of the other qualifying words “*maintained and enhanced*” just the conservation of the landscape. The inclusion of “*where appropriate*” would seem to give the Maidstone Planning Authority complete freedom to decide on the appropriateness of any proposed development according to the MPA’s own criteria and not the protection measures mentioned in Policy SP17.

Similarly whereas Policy SP 17 states in section 1 “*Provided proposals do not harm the character and appearance of an area (in the countryside my addition), the following types of development will be permitted*”, Policy ENV28 of the Maidstone Borough-wide Local Plan 2000 states “*IN THE COUNTRYSIDE PLANNING PERMISSION WILL NOT BE GIVEN FOR DEVELOPMENT WHICH HARMS THE CHARACTER AND APPEARANCE OF THE AREA*” and significantly adds “*OR THE AMENITIES OF SURROUNDING OCCUPIERS AND DEVELOPMENT WILL BE CONFINED TO---*”. Despite the NPPF specifically stating that sustainable development has a social dimension as well as economic and environmental dimensions, Maidstone Borough has removed that social element from Policy SP17 the main Policy for protecting the greatly appreciated countryside and the people who are living in that countryside within the Borough.

Q.4.8 Does Policy SP17 (5) seek to provide exactly the same policy to the setting of the AONB as to the designated AONB and is that justified?

The wording of the policy might seem to provide the same level of protection to the setting as to the designated AONB and the words “*where appropriate*” which can reduce to zero any protection, apply to both, were it not for the accompanying text which in para. 5.81 states “*However proposals which would affect the setting of the AONB are not subject to the same level of constraint as those that would affect the AONB itself*”. This despite also stating in para. 5.81 “*The foreground of the AONB and the wider setting is taken to include the land which sits at and beyond the foot of the scarp slope of the North Downs and the wider views thereof --- Conservation and enhancement of this area is also part of the council’s statutory duty and is covered under the guidance set out in the NPPF and the NPPG*”. Furthermore although also stating within para. 5.81 that “*the foreground is a countryside sensitive to change with a range of diverse habitats and*

landscape features” there is the “*but through which major transport corridors pass*”. Maidstone Borough has sought elsewhere to downgrade the landscape that is the setting of the scarp slope Kent Downs AONB by referring to the transport routes, yet Inspector Phillipson in his summary decision to refuse the Kent International Gateway development stated that the eyes passed over the transport routes easily to the Kent Downs scarp face, because there was otherwise open countryside on either side of those transport routes.

So Policy SP17(5) does not provide, and so cannot be said to “*seek to provide*” exactly the same policy to the setting of the AONB as to the designated AONB . As the setting of the Kent Downs AONB, that is the ability to view the scarp face of the escarpment in its entirety, is very significant to an appreciation of the AONB, **the downgrading of the protection offered to the setting of the AONB is not justified.**

Q. 4.9. How would the setting of the AONB be defined?

The definition proffered by the Kent Downs AONB Unit and quoted in Para. 5.80 is supported. However it is only now with the ending of the saved policies of the Maidstone Borough-wide Local Plan 2000 that it has become necessary to define the setting of the Kent Downs AONB. That is because all of that setting was included in the Special Landscape Area which had protection under Policy ENV34 “IN THE NORTH DOWNS --- SPECIAL LANDSCAPE AREAS PARTICULAR ATTENTION WILL BE GIVEN TO THE PROTECTION AND CONSERVATION OF THE SCENIC QUALITY AND DISTINCTIVE CHARACTER OF THE AREA AND PRIORITY WILL BE GIVEN TO THE LANDSCAPE OVER OTHER LANNING CONSIDERATIONS”. SLAs were devised by the KCC to offer special protection to particular parts of the countryside, had been included in a succession of Kent Structure Plans and incorporated into Maidstone Local Plans. But Maidstone Borough Council has made no attempt to retain such an important landscape definition, hence the need for others to emphasize the significance of the setting of the Kent Downs escarpment in Maidstone.

Q.4.12. Are the landscape criteria for the countryside in Policy SP17 inconsistent with the landscape criteria of Policy DM3 which apply within the borough and would that undermine the effectiveness of the policies?

The main point is that Development Management Policy DM3, as the nomenclature suggests, emphasizes development, and so section 1 states “*To enable Maidstone borough to retain a high quality of living an ---developers will ensure that new development protects and enhances the historic and natural environment*” protection further weakened by the words “*where appropriate*”. There is no mention that development should not be permitted in order to properly protect the landscape character of an area of countryside. This at least gets some reference in Policy SP17 where permitted development is supposedly confined to specified types. However overall the protection of the countryside around the built-up areas of Maidstone borough is very weak, particularly by the inclusion in both Policies SP17 and DM3 of the all-embracing words “*where appropriate*”. Therefore the policies in terms of protecting valued countryside character and appearance, the environmental element of the sustainable development of the NPPF, are not effective, regardless of whether they are expressed in Policy SP17 or Policy DM3. The words “*where appropriate*” or the counterpart “*where possible*” should be removed from both policies, and no such qualifying words restricting protection should be included.

Interestingly, the accompanying text at para. 17.29, while seemingly stressing the importance of all the landscapes of the borough, actually is devaluing the designated ones such as the Kent Downs AONB and its setting.

Note: Policy DM3 makes reference to the Green and Blue Infrastructure Strategy, but that is not mentioned in Policy SP17.

Felicity Simpson September 14th 2016 email:

glimber@btinternet.com