

| RELEVANT PLANNING HISTORY | | | |
|----------------------------------|---|-------------------------------|-------------|
| App No | Proposal | Decision | Date |
| 22/505465 | EIA Screening Opinion - Proposal: Up to 130,000 sq ft Gross Internal Area (GIA) B8 floorspace in a single-sided distribution warehouse unit with 12 dock level loading doors and 2 level access loading doors; 7,600 sq ft offices; HGV (38), car (103) and motorcycle (12) parking spaces; Secure yard with 300 sq ft gatehouse; Landscaping to create a physical and visual buffer. | EIA NOT REQUIRED | 06/12/22 |
| 07/2092 | Outline planning permission for the construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new railway sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity substation, realignment of public rights of way and watercourses, drainage works and landscaping with access to be considered at this stage and all other matters reserved for future consideration. | DISMISSED AT APPEAL | 05/08/10 |
| 82/0888 | Change of use to recreational land | REFUSED & DISMISSED AT APPEAL | 07/09/83 |
| 72/0569 | Outline application for garden centre | REFUSED | 04/05/73 |

Site Visit: 04/05/23

DESCRIPTION OF SITE

The application relates to a roughly triangular parcel of land to the north of the A20, Ashford Road and flyover; to the west of the A20/M20 junction 8 link road; and to the south/southeast of the dwelling 'White Heath' and a commercial development under construction on Local Plan allocated site 'Woodcut Farm' – policy EMP1(4) of the Local Plan 2017.

The site is 2.88ha in area, is an arable field, and generally slopes gently down from east to west. There are no trees or hedges within the site but there are some along parts of the boundaries on adjacent land.

The site falls within the countryside for Local Plan purposes. It lies just outside the Len Valley Landscape of Local Value (LLV) which runs along the south side of the A20 and the North Downs AONB is approximately 0.5km to the north. The site is considered to fall within the setting of the AONB.

There are a number of listed buildings in the local area the nearest being 'Old England Cottage' (GII) around 280m to the southeast and Woodcut Farmhouse around 560m northwest. Leeds Castle (GI) is around 1.9km to the southeast and

the edge of its GII* listed grounds around 0.8km. The Eyhorne Street Conservation Area is around 0.7km to the east. There are five protected trees (3 oaks and 2 pines) just north of the site.

PROPOSAL

The application seeks outline permission for a storage and distribution (Class B8 use) building with a floorspace up to 10,788sqm, ancillary offices, car and HGV parking, landscaping and infrastructure with all matters reserved except for access.

The access would be in the western corner of the site with works proposed on the A20 to create a right turn lane from the east. Whilst in outline, an illustrative master plan has been provided showing a single building on the east part of the site with loading bays and parking areas in front on the west part.

The planning statement states the development will comprise the following:

- Warehouse building to have a maximum external height of 15 metres
- Maximum of 100 employee and visitor car parking spaces (6 disabled spaces)
- 58 cycle spaces and 10 motorcycle spaces
- HGV parking for a maximum of 40 vehicles (24 parking spaces and 16 docking bays)

POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP17, SP18, SP21, SP23, EMP1, ID1, DM1, DM2, DM3, DM4, DM6, DM8, DM21, DM30
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020): CSM5, DM7
- Kent Downs AONB Management Plan (2021-2026): SD8, SD11
- MBC Air Quality Guidance
- Maidstone Local Plan Review (Regulation 22): LPRSP9, LPRSP11, LPRSP11(B), LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP14(C), LPRSP15, LPRTRA1, LPRTRA2, LPRTRA4, LPRENV1, LPRQ&D1, LPRQ&D2, LPRQ&D4

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. However, this weight is limited as although Stage 1 and 2 Hearings have recently concluded, the Plan is still in Examination.

LOCAL REPRESENTATIONS

Hollingbourne Parish Council: Request that the application is refused for the following reasons:

"The Hollingbourne Parish Council is very concerned that the application will be over development of the site. The site area is not within the current Local Plan. It is further, unnecessary industrialisation near the AONB."

(Neighbouring) Thurnham Parish Council: Strongly objects and supports the views of Kent Downs and Hollingbourne Parish Council. The site area is not within the current Local Plan; is unnecessary industrialisation near to the AONB; and would wish to see application refused.

Local Residents: Three representations received raising the following (summarised) points:

- Significant increase in traffic including HGVs.
- Access close to fly over is hazardous.
- Sight lines poor on some roads on the A20 near the site.
- Purely speculative application.
- HGVs would impact surrounding country lanes when attempting alternative routes.
- Proposal is a significant build and larger than buildings on Woodcut Farm.
- The base land is higher than Woodcut Farm and it would be visible from the North Downs Way in the AONB.

Ward Councillor Garten: Requests the application is called to Planning Committee if minded to approve for the following reasons:

"The proposed site is a speculative application on greenfield land which is not designated for development in the current local plan.

Councillors took the decision to preserve this parcel as a buffer between the new Woodcut Farm Industrial complex and its eastern boundary. It was not an accident that this zone was excluded from the local plan as a development zone.

Due to its topographical elevation, any further industrial development in that direction would be an eyesore, as the applicant's submitted photomontages clearly show.

We went through a long process with the developers of the allocated Woodcut Farm site to mitigate environmental effects, particularly effects on the neighbouring AONB. While those mitigations were quite successful, it is clear from the applicant's own photomontages that this new proposal will run horse and cart through our hard work."

CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Natural England: No objections.

Environment Agency: No comments to make.

Historic England: Not offering advice.

National Highways: No objections subject to conditions.

KCC Highways: No objections subject to conditions/s106.

KCC Minerals: No objections.

KCC Ecology: Advise there is lack of sufficient information relating to the off-site compensation land for biodiversity net gain to be able to conclude it is a viable option, and concerns re. the potential impact of lighting.

KCC LLFA: No objections subject to conditions.

KCC Archaeology: No objections subject to condition.

MBC Conservation Officer: No objections.

MBC Landscape Officer: Advise the landscaping scheme should be more native.

MBC Economic Development: Development is broadly supported and supports some of the aims of the Economic Development Strategy priorities and the Corporate Plans Embracing Growth and Enabling Infrastructure' and 'A Thriving Place' priorities.

Environmental Health: No objections subject to conditions.

Kent Downs AONB Unit: Strongly objects based on harm to the setting of the AONB.

LPA LVIA Consultant: See report

Health and Safety Executive: Do not advise against the granting of permission.

Kent Police: Provide advice re. crime prevention measures.

Southern Water: Can facilitate foul sewerage.

APPRAISAL

The key issues are considered to be the following:

- Policy Context/Principle
- Impact on the character and appearance of the area/setting of Kent Downs AONB
- Impact on heritage assets
- Need for development
- Transport Impacts
- Biodiversity
- Other Matters including Consultees, Best and Most Versatile Agricultural Land, and Representations

Policy Context/Principle

The site is an unallocated parcel of land and falls within the countryside for Local Plan purposes. Policy SS1 of the Local Plan sets out the Borough's spatial strategy for 2011-2031 including floorspace requirements for warehousing (49,911m² with net 7,965m²) and this is more than adequately catered for in the employment allocations in the Local Plan (EMP1-4) which allocate approximately 75,800m² of floorspace.

Policy SS1 seeks to focus development towards an expanded Maidstone urban area, with a secondary focus for (housing) development in rural service centres, and some further limited (housing) development at named larger villages. In regard of employment it refers to the Woodcut Farm allocation at Junction 8 and that small scale employment opportunities will be permitted at appropriate locations to support the rural economy. In other locations it states that protection will be given to the rural character of the borough avoiding coalescence between settlements. It also states the Kent Downs AONB and its setting will be conserved and enhanced.

Policy SP21 (Economic Development) sets out how the Local Plan will support and improve the economy of the Borough and provide for the needs of business through retention, intensification, and regeneration of designated economic development areas, and the same within the urban area and rural service centres. The site does not fall within any of these. SP21 also supports the suitable expansion of existing business premises in the countryside but this is not applicable to the application as there is no existing business at the site.

On this basis, there are no Local Plan policies that permit major employment development outside of designated economic development areas, the site allocations, or upon undeveloped greenfield land falling within the 'countryside'. The proposals are therefore contrary to policy SS1 of the Local Plan in terms of the location of major employment development.

Impact on the character and appearance of the area/setting of Kent Downs AONB

Character and Appearance of the Local Area/Landscape

Policy SP17 of the Local Plan relates to development within the countryside which is defined as areas outside settlement boundaries. It states development proposals in the countryside will not be permitted unless they accord with other policies in the plan, (which the proposals do not for the reasons above), and they will not result in harm to the character and appearance of the area.

The site is also considered to fall within the setting of the Kent Downs AONB due to its proximity and because the site can be seen in the context of the scarp slope of the AONB, a key characteristic, when viewed from the south. Policy SP17 states proposals should not have a significant adverse impact upon the setting of the AONB and the NPPF states development within the setting should be sensitively located and designed to avoid or minimise adverse impacts (paragraph 176).

The application site is an open arable field with some hedging along part of the north boundary and some trees and hedging along the east with the M20/A20 link road and gently drops by 6m generally from east to west. It has no internal hedges or trees and is therefore significantly open. The A20 and M20 are urbanising features in the local area as is the 'Woodcut Farm' development under construction to the north, although the M20 is not highly visible from the A20 near the site and vice versa. South of the A20 near the site is open undulating pasture land which forms part of the Len Valley LLVA. The character of the landscape to the south is rural and at the application site, the countryside around the A20 is generally undeveloped and open on both sides.

Further west along the A20 on the north side is the dwelling 'White Heath' set well back from the road, and then at a distance of 128m from the application site is the new access to the 'Woodcut Farm' development (now known as LOC8)

and where there is permission for buildings extending another 260m further westwards from the access. These buildings will be set back from the road by 25-40m with landscaping in front but it is inevitable that LOC8 will change the character of this part of the A20. The largest buildings that have been constructed north of the application site are highly visible from the A20. This impact will reduce in time once landscaping at the site matures but will take a number of years. On the south side of the A20 288m to the west of the application site are also recently built commercial buildings. Beyond this to the west, existing development is much more sporadic with trees lining either side of the A20.

Eastward of the site, apart from the A20 itself including roundabouts, there is limited low scale sporadic development. The exception is the 'Great Danes Hotel' but this is set well back from the A20.

Within the Council's Landscape Character Assessment (2013 update) the site falls within the 'Leeds Castle Parklands' Landscape Character Area (LCA) and specifically the 'White Heath Farmlands' (WHF). The description of the WHF LCA refers to large fields used for a mixture of arable and pasture; little woodland; heavy influence of the M20/HS1 corridor and the A20 in fragmenting the landscape; little development; and a slightly sub-urban character. It summarises the condition of the WHF LCA to be poor and its landscape sensitivity to be moderate but is a sensitive location for the setting of the AONB. The overall guideline is to 'Restore and Improve' the WHF LCA.

Clearly the area has and will continue to change since this assessment, with the allocation and construction of the Woodcut Farm site for up to 45,295m² of commercial development. This has resulted in a reduction of the large arable fields referred to in the WHF LCA and more urbanisation of the local landscape. However, the Woodcut Farm development will have significant landscaping to mitigate its impact and whilst it will never be fully hidden, harm to character and appearance of the countryside will be mitigated by landscaping and tree planting. In my view, the impact of the LOC8 business park means the contribution the application site makes to the WHF LCA is even greater and more important.

The site is typical of the character area being a large open arable field with little hedging and no woodland and forms the last remaining field on the north side of the A20 in the character area. In my view, the site is seen as relating more to the open pasture land on the south side of the A20 particularly when approached from the west where the fields can be seen together with little built development visible apart from the A20. Although the condition of the character area is described as "poor" in the Landscape Character Assessment (2013 update), it is considered that the application site makes a positive contribution to the overall character of the WHF LCA.

The development would introduce a large footprint building up to 15m high as stated in the Planning Statement. Whilst siting is not being considered, the illustrative plan shows that a 10,788m² building will extend close to the site boundaries and the associated parking would cover much of the remainder of the site. The illustrative plan correctly shows that development will inevitably cover the majority of the site. The positive contribution the open and undeveloped site makes to the local landscape would therefore be lost entirely.

There are commercial buildings at the Woodcut Farm site so it could be said the proposal is not entirely out of character. However, those buildings and any parking areas are set back 25-40m from the A20 with landscaping and tree

planting between and the largest warehouse buildings are set back by around 135m. The size of the application site and scale of the proposals mean that similar buffers and robust planting are not possible and in this respect the proposals would be out of character with approved/under construction development in the vicinity, if such a comparison is made.

In addition, it was accepted by both the LPA and the 2017 Local Plan Inspector that the then proposed allocation for the Woodcut Farm development would cause harm to the character and appearance of the local area including the setting of the Kent Downs AONB. However, in the Examination, the site was carefully examined, issues were balanced, and the conclusion was that the site should be allocated through the Local Plan.

The Local Plan Inspector's 'Report on the Examination of the Maidstone Borough Local Plan' (July 2017) in relation to the Woodcut Farm allocation states at paragraph 283 on landscape impact,

"283. As mitigation would be unlikely to negate all of the adverse impact the development would still have adverse landscape impacts. That residual impact needs to be accorded substantial weight when weighed with the economic benefits of the scheme."

At paragraph 296 in concluding the Inspector states,

"296. I conclude that the public economic benefits merit considerable weight and that they outweigh the residual harm after mitigation to the landscape (including the setting of the Kent Downs AONB) and visual amenity..."

The presence of harmful development carefully allowed through a Local Plan process with significant mitigation is not grounds to allow further harmful development in the vicinity.

The applicant has submitted an LVIA and Addendum which has been assessed by the Council's LVIA consultant (Peter Radmall Associates). In respect of the WHF LCA the LVIA and Addendum conclude the development would have a 'moderate adverse' impact. The Council's consultant considers this to be a reasonable conclusion so the applicant accepts there will be an adverse effect on the local landscape. The LVIA considers the impact will be less once landscaping has established and this will be discussed below.

Overall, it is considered the development would cause harm to the character of the local area and landscape as it would result in the loss of the last open and undeveloped field on the north side of the A20 in the WHF LCA. The site is appreciated more in the context of the open pasture land to the south of the A20 and would result in significant urbanisation of the local landscape. This is contrary to policy SP17 of the Local Plan.

Visual Impact

The applicant's original LVIA carried out an assessment of visual impacts using 16 viewpoints and photomontages of the development from these points. The Council's consultants reviewed this and originally advised the visual assessment cannot be relied upon. This was due to deficiencies in the zone of theoretical visibility (ZTV) which may have under-represented the potential visibility of the development; a selective and limited choice of viewpoints; and concerns

regarding the reliability of the montages in terms of their technical basis and accuracy. The Council's consultants advised they should be treated as little more than artist's impressions rather than accurate representations to make judgements upon.

The applicant responded with an LVIA Addendum with their view that the ZTV is robust; that the applicant sought to agree viewpoints with the LPA; and acknowledgment of an error with one viewpoint which has been updated along with two others. The Council's consultants have assessed this information and still advise these are poor visualisations with little technical basis. In terms of agreeing viewpoints with the LPA, the officer the applicant said was contacted in April 2023 actually left the Council 3 months before.

I have carried out my own assessment of visual impact through a site visit including from all the viewpoints in the LVIA where the site can potentially be seen and have come to my own conclusions.

In terms of localised views, the development will be highly visible and prominent in close proximity from the A20, the flyover which rises above the site, and from Old Mill Road within 400m of the site to the south/southwest. The development will have a significant visual impact from these viewpoints. The potential landscaping shown on the 'landscape masterplan' shows limited space for planting and only space for a single line of trees along the west and south boundaries which would not sufficiently mitigate the visual impact seen from the A20 and flyover.

Setting of Kent Downs AONB

From Old Mill Road and PROW KH180 to the south/southwest, the development including the infrastructure and building would be seen in the context of, and with the backdrop of the scarp slope of the AONB. As was judged for the Woodcut Farm development, it would have a significant harmful impact on the setting of the AONB when viewed from here. The proposals would now consolidate and extend development further east of the allocation within the setting. Again the potential landscaping shown on the 'landscape masterplan' shows only space for a single line of trees along the south boundary which would not sufficiently mitigate the visual impact on the setting of the AONB.

In more distant viewpoints from the south (viewpoints 10 and 11 from the LVIA) the site is not visible. From the Kent Downs AONB itself, the development would be partly visible from viewpoints 12 and 13 on the North Downs Way PROW as is the Woodcut Farm development. However, at distances of around 2.6km it would not be prominent or overly intrusive as was similarly concluded for the Woodcut Farm development.

Conclusions

The proposed development would have a significant visual impact from the A20 outside and to the west of the site, from the A20 flyover which rises above the site, and from Old Mill Road within 400m of the site to the south/southwest. This would not be meaningfully or sufficiently mitigated by the limited landscaping feasible based on the illustrative details for the quantum of development proposed relative to the size of the application site.

The proposed development would cause significant harm to the character and appearance of the countryside and landscape within the local area through its scale, further consolidation of development and urbanisation, and prominence in

local views. It would also have a significant adverse impact on the setting of the Kent Downs AONB in views towards the scarp slope from Old Mill Road to the south. This would be contrary to policies SP17(1) and (4) and DM20(ii) of the Local Plan, policy SD8 of the Kent Downs AONB Management Plan and paragraphs 174(a) and (b) and 176 of the NPPF.

Economic Benefits

The applicant estimates the development will generate up to approximately 130 direct FTE jobs, equating to an annual GVA of approximately £4.7million, and approximately 80 indirect jobs. The Council's Economic Development Section have advised that these estimates are credible.

The Council's Economic Development Section also advise the development could help to meet three of the five priorities (1, 2, and 4) of the Council's Economic Development Strategy (2021), and also strategic priorities for the Council set out in the adopted Strategic Plan 2019-2045 'Embracing Growth and Enabling Infrastructure' and 'A Thriving Place' (2023).

Paragraph 81 of the NPPF states that planning decisions should help create conditions in which business can invest, expand and adapt and significant weight should be placed on the need to support economic growth and productivity.

The proposals will clearly result in economic benefits and there is no reason to dispute the applicant's estimation of these. They would also meet some of the priorities of the Council's Economic Development Strategy but this also refers to the emerging Local Plan Review in the strategic context. Whilst this has limited weight, the site is not allocated in the emerging LPR.

Achieving some aims of the Strategic Plan is tempered by the fact that the Plan also refers to 'growth' outcomes being achieved through the delivery of 'key employment sites' (not greenfield sites); refers to development of the Local Plan (it is contrary to it); and a priority being 'Safe, Clean and Green' which includes protecting and where possible enhancing the environment.

These economic benefits and compliance with parts of the Economic Development Strategy attract weight but do not outweigh the significant harm to the landscape nor are they a sufficiently strong material consideration to outweigh the conflict with the Development Plan.

Need for Development

The Local Plan identifies a gross requirement for 49,911m² of warehousing floorspace between 2016 and 2031 and a net requirement for 7,965m². This is met through the four employment policy allocations EMP1(1-4) which provide for a total of 75,800m² mixed commercial floorspace (offices, light and general industry, and warehousing).

On the allocated sites, outline permission has been approved for up to 45,295m² of B1 (offices or light industry now E(g)(i/ii)) or B8 uses at Woodcut Farm (EMP1(4)). Reserved matters have subsequently been approved for 22,884m² of light industry or warehousing (Phase 1), and 7,916m² (Phase 2). An application was submitted in early June for 8,597m² of B8 uses (Phase 3) which is under consideration. A separate expansion of the site has been approved for 1,425m² of light industry or warehousing. Of note is that 16,479m² of B8 floorspace (taken from the LOC8 website) is nearing completion on the Woodcut Farm site and 7,800m² will be occupied shortly according to the agent (Savills) for that

site. Together with the pending Phase 3 application this totals 25,076m² of warehousing. In addition outline permission has been approved for up to 46,447m² of B1(c), B2 or B8 uses at the Former Syngenta Works site allocation (RMX1(4)).

As such, the Local Plan 2017 net B8 floorspace requirement has been met and far exceeded through the Woodcut Farm development alone with the potential for further B8 floorspace on other sites. There is no overriding need for more B8 development at the application site based on the Local Plan 2017.

The applicant's need case for the development is concluded as follows in their needs assessment (summarised):

- The site occupies a critically important location for the existing and future economy of Maidstone and the wider region in the future.
- There is an under provision of large-scale, modern distribution units within the local market and if provided, it will ease vacancy rates, allow for healthy levels of churn, and help attract and retain logistics occupiers.
- There is considered to be a requirement for 12ha of additional employment land in Maidstone, and 79ha in the wider sub-region between 2022 and 2041. The logistics sector is likely to see significant growth in demand over and above these forecasts.
- The type of space being delivered in most instances is not suitable for distribution activity of the nature proposed at the site. In Maidstone, there is just one development coming forward of the scale required to attract blue-chip occupiers.
- Expanding the analysis to the wider M20 corridor, this increases to just 4 further units with 'true availability.' These levels of delivery will not meet the depth of demand currently in the market for logistics space.
- The failure to deliver large scale stock along the M20 corridor is acting as a constraint for growth for Maidstone, and for the wider region.

The assessment refers to the Council's evidence base supporting the Local Plan Review (LPR). This is the Economic Development Needs Study (EDNS) (2019-2021) and the 2021 Addendum. This is obviously the most up to date evidence base and the conclusions are that 101,555m² of employment floorspace (of which 40,990m² for warehousing) is required (2022-37) which is not in addition to the Local Plan 2017 requirements.

The draft LPR sets out on page 128 the employment floorspace that will be provided to 2037 which totals 132,439m² (office, industrial and warehousing) which exceeds the requirement. As stated above, at least 25,076m² is coming forward on Woodcut Farm and more is expected to come forward on the Syngenta site. There would also be employment from the two proposed Garden Settlements, which could include warehousing.

There is no current need for the development under the Local Plan 2017. The issue of future need is subject to Examination of the LPR with the final Stage 2 hearings recently concluded in early June. This will be resolved in the near future and the LPA is satisfied the LPR will adequately meet employment needs including warehousing.

Transport Impacts

KCC Highways initially raised concerns regarding the safety of the proposed access in terms of a lack of information to demonstrate acceptable separation distance from the A20 slip road; or to demonstrate the proposed visibility splays are acceptable; or to demonstrate sufficient visibility from the proposed pedestrian refuges on the A20; the committed developments assessed; and assessment of the A20/Willington Street junction.

Following the submission of a further 'Traffic Impact Addendum' and response to KCC Highways including clarification of speed surveys and a Stage 1 Road Safety Audit, KCC have raised no objection to the proposed access/visibility or pedestrian visibility. KCC queried the need for a secondary emergency access but the applicant does not consider this is necessary and the lack of this is not considered grounds to refuse permission. In terms of traffic impact KCC are satisfied with the committed developments assessed and accept the development would not have a level of impact on the A20/Willington Street junction to warrant capacity modelling. They also raise no objections to the impact at the A20/M20 link road roundabout.

National Highways (NH) requested further information and following a number of additional submissions they are raising no objections in terms of the impact upon Junction 8 of the M20 subject to conditions.

Impact on Heritage Assets

The development is not considered to fall within the setting of any nearby listed buildings due to the distances involved and intervening landform and development nor would it affect any conservation areas for the same reasons. It is also noted that Historic England have not made any comments when considering Leeds Castle and its grounds. For these reasons, it is considered the proposals would not result in any impact or harm to any nearby heritage assets.

Biodiversity

Protected/Notable Species

The development would result in the permanent loss of arable land which was found to be being used for breeding by one pair of skylarks. No mitigation is proposed for this but vegetation clearance would be undertaken outside of the nesting bird season or after inspection by a qualified ecologist. A number of trees have the potential to support roosting bats but they would be retained and sensitive lighting is suggested. It is likely that dormice are present within the boundary hedgerow and scrub habitats but these would be retained and strengthened and the applicant states sensitive lighting is proposed. Great Crested Newts may disperse to the site via hedgerows but these would be retained and strengthened. Evidence of badgers using the site for foraging has been found and updated surveys would be completed no more than 3 months before development commenced to confirm their presence/absence and any necessary mitigation.

KCC Ecology have been consulted and have raised no issues with the applicant's ecological information and assessments of impact. However, they advise that no dormouse or bat activity surveys have been conducted around the boundaries of the site as the applicant's ecologists state the boundaries will experience no additional lighting. The ecologists conclude no surveys are needed to assess the baseline as there would be no impacts. KCC Ecology consider this would be a

reasonable approach to take but the lighting reports indicate an increase in lighting at the boundaries. This is an outline application so the position of lighting is not set but I'm mindful of the illustrative plan which shows development close to or abutting the boundaries and the lighting report. I have therefore asked the applicant to clarify that the development and lighting can be designed and positioned so as not to result in increased light levels on the boundaries and they have advised this will be possible through the detailed design. Therefore on balance I consider this is not grounds to refuse permission.

Biodiversity Net Gain

The applicant states that off-site habitat creation is required to deliver a 'habitat' net gain as required by the NPPF because existing habitats (the arable field) would be completely lost. There would be some on-site habitat creation (green walls and roofs, native planting, scrub, and grassland) but the overall impact would still be -39% and so off-site measures are proposed. There would be a 12% gain in hedgerows on the site.

KCC Ecology originally advised that the location of the off-site land, or the habitats to be created/enhanced had not been provided for review. The applicant responded with an update report (May 2023) stating that the offsite option is still in progress and provided information as to how it is developing. An area of land has been identified around 4.8km southeast of the site on land at the junction of Water Lane and Fairbourne Lane south of Harrietsham. The report outlines ideas for achieving a habitat net gain of 12% by creating lowland meadow habitat. It states that should this habitat be viable a draft habitat management plan will be drawn up.

KCC Ecology advise the site looks promising but the information provided is incomplete. For example, existing constraints on the proposed compensation site (e.g. protected species/soil type) that may affect the targeted habitats do not appear to have been fully addressed. This information would be needed to ensure that the proposed compensation site is a viable option.

Therefore as matters stand, the off-site habitat net gain has not been adequately demonstrated in terms of the site being suitable for the potential habitat creation nor has any certainty has been provided that the applicant could actually deliver on this parcel of land as it is referred to as an option 'still in progress'. The proposals therefore fail to demonstrate a habitat net gain for biodiversity in accordance with paragraph 174(d) of the NPPF and the forthcoming requirements to provide 10% net gain under the Environmental Act (2021).

Other Matters

No objections have been raised by consultees in terms of surface water and foul drainage, minerals, archaeology, noise, air quality, or contamination subject to conditions on most issues.

Best and Most Versatile Agricultural Land

Paragraph 174(b) of the NPPF states that decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land (BMV). There is no specific policy in the Local Plan relating to this but there is a monitoring indicator (M35) which targets no overall loss of BMV as a result of consented development on non-allocated site for major applications.

The BMV is defined as Grades 1, 2 and 3a in the NPPF. Agricultural Land Classification mapping shows the site as Grade 3 (it does not distinguish between 3a and 3b) but these maps are not sufficiently accurate for the assessment of individual fields. The applicant has submitted a desktop based 'Agricultural Land Quality' report which suggests at paragraph 3.15 the site "is more likely to be of Subgrade 3a or Grade 2" but then at paragraph 4.3 that "much of the site will include Subgrade 3a and 3b quality land, potentially with some Grade 2 particularly in the north".

Whichever the conclusion, the applicant has not taken soil samples and is suggesting the site does include some BMV and has not provided evidence to the contrary or that the site is unsuitable for agricultural use. However, there is no Development Plan policy protecting BMV, only a monitoring indicator target, and the NPPF simply says that decisions should protect soils and recognise the economic and other benefits of BMV. Whilst this weighs against the proposals, on balance, it is not considered the possible loss of some BMV at the site is grounds for refusal.

Representations

Representations relate to transport or landscape impacts which have been assessed in the report.

EIA Screening

A screening opinion was submitted in late 2022 under reference 22/505465 for a similar scale of development (12,000m²) and the same warehouse use where it was decided an EIA was not required and there are no reasons to now reach a different conclusion.

CONCLUSION

There are no Local Plan policies that can allow for major employment development outside of designated economic development areas, site allocations, or upon undeveloped greenfield land falling within the 'countryside'. The proposals on an unallocated site are therefore contrary to the Spatial Strategy (Policy SS1) of the Local Plan and policy SP21 for the location of economic development. There is no current need for the development under the Local Plan 2017 to override this conflict and the issue of future need is subject to Examination of the LPR. The LPA is satisfied the LPR will suitably provide for employment needs including warehousing.

The development will have a significant visual impact from the A20 outside and to the west of the site, from the A20 flyover which rises above the site, and from Old Mill Road within 400m of the site to the south/southwest. This would not be meaningfully or sufficiently reduced by the limited landscaping possible.

The development would cause significant harm to the character and appearance of the countryside and landscape within the local area through its scale, further consolidation of development and urbanisation, and prominence in local views. It would also have a significant adverse impact on the setting of the Kent Downs AONB in views towards the scarp slope from Old Mill Road to the south. This would be contrary to policies SP17(1) and (4) and DM20(ii) of the Local Plan, policy SD8 of the Kent Downs AONB Management Plan and paragraphs 174(a) and (b) and 176 of the NPPF.

The off-site habitat biodiversity net gain proposed by the applicant has not been demonstrated due to a lack of sufficient information to show it is suitable for the potential habitat creation proposed nor has any certainty has been provided that the applicant could actually deliver on this parcel of land as it is referred to as an option 'still in progress'. The proposals therefore fail to provide a habitat net gain for biodiversity required by paragraph 174(d) of the NPPF and the forthcoming requirements to provide 10% net gain under the Environmental Act (2021).

The proposals will provide economic benefits from jobs, and GVA which have been quantified by the applicant. They would also meet some of the priorities of the Council's Economic Development Strategy and Strategic Plan but also conflict with other priorities in the latter. Paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity.

The proposals are contrary to a number of policies of the Local Plan and parts of the NPPF. The economic benefits of the proposals are a material consideration but they are not considered to outweigh the conflict with Development Plan and the significant harm caused to the character and appearance of the local area and the setting of the Kent Downs AONB.

The application is therefore recommended for refusal for the following reasons.

Report checked by Marion Geary

Date: 26.06.23