



Kent Downs National Landscape

HEATHLANDS GARDEN SETTLEMENT

Draft Supplementary Planning Document

Response from the Kent Downs National Landscape team

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Thank you for your consultation on the draft Supplementary Planning Document (SPD) for the Heathlands Garden Settlement. The following comments are from the Kent Downs National Landscape team and as such are at an officer level and do not necessarily represent the comments of the whole Kent Downs National Landscape partnership.

The requirement for an SPD for the garden settlement is set out in the Maidstone Local Plan Review, where the site is allocated under policy LPRSP4(A). In the background text to this policy it is identified (at 6.81) that the SPD should be detailed; as an initial point we have concerns that the draft SPD provides insufficient clarity and certainty on the development. It is considered that it would be beneficial for the SPD to include a master plan for the proposed new settlement along with Design Codes. We are concerned that the absence of these does not provide sufficient certainty over how the development should come forward and while we note that it is identified by MBC that design codes will be required along side planning applications (1.4.4), we consider it would be more appropriate for these to be led by the Borough Council rather than future developers and be used to inform future planning applications, rather than being provided at the same stage.

As a further general point, we have concerns that the sensitivities acknowledged in policy LPRSP4 (A) in respect of the site's relationship with the KDNL is not adequately reflected in the draft SPD. The importance of this relationship is highlighted with its inclusion in the very first background paragraph to the policy where it stated (at 6.69) that *"..... Its location at the foot of the North Kent Downs will provide a very attractive setting for the new residents, but care must be taken to ensure that the potential impact on views from the Kent Downs are minimised and mitigated"*. The policy wording then includes several criterion (in Section 3) that seek to ensure impacts to the Kent Downs National Landscape are avoided or minimised, many of which were added at the request of the Local Plan Inspector, regarded as necessary to ensure the soundness of the Plan. We are concerned that the draft SPD fails to ensure delivery/compliance of these policy requirements.

We have concerns that the SPD fails to include any reference to lighting. The site's position at the base of and immediately adjacent to the escarpment of the Kent Downs, the scale of the development and current lack of any significant lighting source with thin the site means that lighting could result in significant effects on the dark night skies of the adjacent KDNL, one of its recognised special qualities. It is therefore considered that expectations for lighting that seeks

to minimise such impacts is set out in the SPD, along with requirements for any lighting to comply with the standards set out in IPL Guidance Note 01/21¹ for environmental zone E2 (majority of site) and E3 (District centre).

Since the site was allocated in the Local Plan, there has been a change in legislation introduced through the Levelling Up and Regeneration Act 2023 relating to Areas of Outstanding Natural Beauty. The Act amends the Countryside and Rights of Way Act, which is the primary legislation relating to AONBs and replaces the previous Duty of Regard to AONBs set out at S85 with a new, strengthened requirement that:

'In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty in England, a relevant authority other than a devolved Welsh authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty'. (Part 12 - Miscellaneous; Section 245. Protected Landscapes; paras (5) - (10).

This clearly places a much stronger duty on relevant authorities, which includes local authorities, to ensure that their actions and decisions seek to conserve and enhance AONBs, marking a significant change to the legal context of AONB policy. Maidstone Borough Council will need to ensure adherence to this statutory duty in the drafting of the SPD as well as in consideration of future planning applications.

Please find below more detailed comments on specific content of the SPD.

SECTION A

3.2.2 The topography of the site means it is reasonably well contained visually, with two natural bowls to the east and west of the site area, though there are points of higher ground visible from beyond the site's boundary.

The KDNL strongly disagrees with this statement, given that large parts of the site are visible from the elevated land to the north. Furthermore, such a statement wholly conflicts with the findings of the Landscape Strategy which identifies that the majority of land north of the railway line has visual connectivity with the adjacent KDNL while much of land to the south of the railway line also does (Landscape Strategy, page 35).

3.2.4. The Kent Downs National Landscape, a designated National Landscape lies to the north and east of the site.

I would suggest this is amended to *'The Kent Downs National Landscape, a designated **Area of Outstanding Natural Beauty**, lies to the north and east of the site'*. This is to ensure the correct terminology is used, as National Landscapes are still designated Areas of Outstanding Natural Beauty in legislation.

3.3.2 Figure 9 - Key elements to be considered as part of the approach to delivering Heathlands Garden Settlement:

- *Ensuring that a 'landscape led' approach is taken, considering the proximity to the National Landscape, existing topography, and current landscape and green infrastructure to reinforce the site's landscape character and promote biodiversity.*

¹ ILP Guidance Note 01/21 THE REDUCTION OF OBTRUSIVE LIGHT [\[link\]](#)

We are concerned that this does not go far enough. The Local Plan policy is clear that the site's relationship to the KDNL is a constraint on development. This is illustrated with the reference to the KDNL in the first paragraph of the explanatory text to Policy LPRSP4 (A) and the inclusion of specific requirements within the policy such as development should be "*designed to avoid or minimise adverse impacts on the Kent Downs National Landscape*" (3a) and "*The development will be sensitively located and designed taking into account: the orientation of buildings, building heights, site layout, design materials, colour and lighting to avoid or minimise adverse impacts on the National Landscape*" (3d). These requirements do not currently come across sufficiently in the SPD and we consider the first bullet point in Figure 9 of the draft SPD should be strengthened to reference the need to ensure impacts to the KDNL are avoided or minimised.

SECTION B - Vision, Objectives & Spatial Framework

5.2.4. Within the northern part of the site, development will need to respect the topography of the land, the proximity to the Kent Downs National Landscape and areas of ecological significance. The northern most part of this area is identified to be protected from inappropriate built development, providing a 350m offset to the National Landscape.

We have concerns that it is not clear what 'respecting the topography of the land' means and consider that this should be clarified and further detail provided. Of further concern is that it is not just within the northern part of the site where this should be set out as a requirement. As identified within the Landscape Strategy, large parts of the site south of the railway are also intervisible with the KDNL and development in this part of the site also needs to ensure impacts to the KDNL are avoided or minimised.

5.2.5 New native planting and existing woodlands will create landscape buffers and provide a soft transition to surrounding areas. This will be particularly important in the northern parts of the site to aligned with the off-setting of built development from the Kent Downs National Landscape.

There would appear to be typos in this paragraph as it currently doesn't fully make sense. It would be helpful to provide reference here to the need for the landscape buffers being provided to help mitigate impacts on views from the KDNL.

In view of the proposed provision of sports facilities on land in the most northern part of the site that is required to remain undeveloped, it is considered critical that new structural tree planting is also indicated as a requirement along the boundary of the site with the A20, set back if required for sight line purposes.

Figures 10/11

Both these figure include reference to the Pilgrims Way National Trail in their key; we would request this is amended to give the National Trail it's correct title - the *North Downs Way National Trail*.

5.4. Land Use Framework/Figure 13

This identifies land in the northern most part of the site that is required to remain undeveloped as sports provision. This part of the site lies closest (immediately abutting) to the KDNL boundary and sports provision may not be able to be delivered in a way that conserves and enhances the KDNL, depending on the nature of this. Any flood lighting in this location would be wholly inappropriate. As set out above, in view of the proposed provision of sports facilities

on land in the most northern part of the site that is required to remain undeveloped, it is considered critical that new structural tree planting is also indicated as a requirement along the boundary of the site with the A20, set back if required for sight line purposes.

Two employment areas are identified on land immediately north of the railway line, while a further (larger) area is identified on land south of the railway, towards the south-western corner of the site. All these indicative areas are located on land that has the highest topography within the site and is identified within the Landscape Strategy to have the most visual relationship with the KDNL. Given that employment buildings are particularly difficult to mitigate in views from the KDNL, because of the requirement for larger footprint buildings, wide span roof, this is a significant area of concern for the KDNL team. We consider employment provision is more likely to be able to delivered while complying with requirements to avoid or minimise impacts to the KDNL by being delivered on parts of the site that are less visible from the KDNL.

5.5 Placemaking Framework/Figure 14

We have concerns that references to densities in this section could conflict with policy requirements to minimise or avoid impacts to the KDNL. In particular, Figure 14 identifies the Principal movement corridor as an indicative opportunity for higher densities. However, the indicated location of the principal movement corridor is identified some distance away from the indicated structural landscaping belts. As a result, development in this location would be unlikely to benefit from screening from the landscaping associated with the structural belt and as such is likely to be visible from the KDNL and such would be unlikely to meet the policy requirements to minimise impacts to the KDNL.

Employment development can be a particularly harmful form of development in views from the KDNL, due to associated larger footprints and wider span roofscapes. As set out in the preceding section, all of the employment provision is indicatively proposed on land that has a high visual connectivity within the Kent Downs which is of significant concern to the KDNL team.

SECTION C: Placemaking and Design Guidelines

6.1.1 It is considered essential for reference to the need to comply with the Landscape Strategy to also be included here.

6.2.2 The referred to Landscape Strategy is not provided in the Consultation as an Annex to comment on. While it is available to view on the Council's website, it is not easy to find and it is disappointing that this was not made more readily accessible for others to comment on. Our comments on the Landscape Strategy are provided below, however as a fundamental point, we consider that the Landscape Strategy should be better integrated into the main SPD document and as a minimum, the specifications at Section 7.4 of the Strategy be incorporated into Section 6 of the SPD.

6.2.3 Insufficient explanation of what a sensitive transition between the new settlement and the KDNL is provided here, with a lack of reference as to how ensuring development is designed to avoid or minimise impacts on views from the KDNL might be achieved. This should be provided in both the background text and specifically referenced as a key principle/guidance.

Key principles/Guidance

We have concerns over the use of the word '*understanding*' in principle 'k', as this is not the requirement of the policy wording and we consider should be strengthened. It would be helpful

to include reference to the need for LVIA's being included here. Key principle (m) states the Landscape Strategy provides 'further guidance to inform the preparation' of future applications. It is considered essential that this is amended to state that there is a requirement for adherence to the principles set out in Section 7.4 of this document, otherwise, they may be disregarded. This would align better with the requirements of LPRSP4 (3)(d) which requires that "*The development will be sensitively located and designed taking into account: the orientation of buildings, building heights, site layout, design materials, colour and lighting to avoid or minimise adverse impacts on the National Landscape. This will be developed and secured via the Landscape Strategy and SPD*".

6.6. Placemaking, Density and Character

6.6.5. Densities – For clarity, would wish to see the word 'visual' inserted in front of relationship.

6.6.8 – We welcome this requirement however in order to comply with the policy, consider it should be amended to state '*avoid or minimise*', rather than '*reduce*'.

6.6.10 – We are very concerned that this fails to go far enough in respect of expectations/requirements. Section 7.4 of the Landscape Strategy already sets out some important parameters for building materials and it is considered crucial for development proposals to be requirement to comply with these; this should be referenced here. We also consider it essential for it to be set out that pale coloured materials should be avoided where visible from the KDNL; this will be a key part of ensuring impacts to the KDNL are mitigated.

Key Principles/Guidance – we would like to see principle (e) be more specific about heights in relation to views from the KDNL. There should also be reference to the requirements for design to comply with LPRSP4 (3)(d) (*The development will be sensitively located and designed taking into account: the orientation of buildings, building heights, site layout, design materials, colour and lighting to avoid or minimise adverse impacts on the National Landscape*).

THE LANDSCAPE STRATEGY

The draft Landscape Strategy has been prepared in consultation with the KDNL and we generally welcome and support this document. As set out above, it is not provided in the Consultation as an Annex to comment on. While it is available to view on the Council's website, it is not easy to find and it is disappointing that this was not made more readily accessible for others to comment on. As a fundamental point, we consider that the Landscape Strategy should be better integrated into the main SPD document and as a minimum, the principles set out at Section 7.4 of the Strategy be incorporated into Section 6 of the SPD.

At 7.4 it is identified that the high-level landscape codes utilise 'must' or 'should' terminology.

In respect of "*Colour and materiality - Pale colours on north facing elevations and roofs should be avoided in prominent locations.*" We consider it essential for this to be changed to a MUST.

We note that the Kent Downs AONB Guidance on the selection and use of colour in the Kent Downs SURVEY is reproduced as an Annex to the Landscape Strategy. It would be more helpful to reproduce the GUIDANCE however as this provides specific guidance on development in the setting.

I hope you find these comments useful and would welcome the opportunity to explore the issues raised further with you.



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